

**ROBUSTIANA MONDEJAR, PLAINTIFF AND APPELLANT, VS.
CRISPINA DAGANI, ADMINISTRATRIX OF THE INTESTATE ESTATE
OF THE DECEASED VALENTINO YU ALBURO, DEFENDANT AND
APPELLEE.**

G. R. No. 38710. April 24, 1934

Ponente: DIAZ, J.

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DIAZ, J.:

The question raised in this case is whether the two parcels of land described in the complaint belong to the plaintiff or, on the contrary, to the intestate estate of the deceased Valentino Yu Alburo.

The plaintiff alleged in her complaint that the parcels of land in question exclusively belong to her; that during the lifetime of the deceased Valentino Yu Alburo, she had placed them under his administration because he was her legitimate son and he had been living with her in her own house; that upon the death of the said deceased, the defendant, as administratrix of his estate began to deny and ignore entirely the said plaintiffs rights as owner and possessor thereof and thenceforth claimed that they belonged to the deceased, for which reason she held them under administration.

In her original as well as in her amended answer, the defendant, in turn, alleged that the said parcels of land belonged to the deceased Valentino Yu Alburo, having been allotted to him as his share in the extra judicial partition of the conjugal partnership property of the plaintiff and her deceased husband Miguel Yu Alburo, and that from the time the said partition was made in 1912, said deceased had been in possession thereof under claim of ownership, peacefully, publicly and exclusively, without any interruption whatsoever until his death which took place on March 4, 1930; that the plaintiff's right of action to recover ownership of the parcels of land in question, if any, had already prescribed many years ago; and that the said deceased acquired ownership thereof by prescription, having been in possession of the same under claim of ownership, peacefully, openly, to the exclusion of others, and without any interruption whatsoever, from 1912 until his death; and by way of counterclaim, she furthermore alleged that the said deceased, through his own labor and with his own money, had introduced improvements on the parcels of land in question; that the said improvements are now valued at about P20,000 and on that account she prays that, in case the said parcels of land are declared to be the plaintiff's property, the latter be ordered to pay her, as administratrix of the estate of the deceased Valentino Yu Alburo, the said sum of 120,000 plus 18,000, to cover expenses for preservation thereof, and 150 as damages.

As may be seen from the pleadings of the parties and the evidence presented by them at the trial, the parcels of land in question originally belonged to the plaintiff at least until 1912. In or about that year the said plaintiff, then a widow, delivered them to her son Valentino Yu Alburo, of whose estate the defendant is the administratrix, as an advancement on his inheritance from her, in the same manner as she delivered other property in the same concept to her other children named Yapburga and Leoncio Presno. It is true that she executed no document that would establish such fact more conclusively, but it is also true that since then Valentino Yu Alburo had possessed,

cleaned and improved the parcels of land in question as the exclusive owner thereof, having spent his own money for that purpose; and under such circumstances the plaintiff, in 1919, caused the deceased to file tax declarations for said parcels of land in his own name, as in fact he did, in order that they would thenceforth be considered as exclusively belonging to him. The deceased's possession of the property in question was, as aforesaid, under claim of ownership, uninterrupted, and furthermore peaceful and open, to the exclusion of all other persons, not excepting the plaintiff herself, not only from the said year 1919 but also from the year 1912 until March, 1930 when, as aforesaid, his death took place. All of which unquestionably shows that the special defense of prescription alleged and proven by the defendant is very well founded, all the more because after the plaintiff had transferred to her son, now deceased, the parcels of land in question as an advancement on his inheritance, which act was ratified by her in 1919 by changing her name appearing in the land tax records to that of her son, thus naturally inducing him to believe that they already belonged to him, she cannot now be permitted to retract nor deny what she formerly affirmed, particularly after the lapse of more than seventeen years. Having arrived at this conclusion, it becomes unnecessary to pass upon the defendant's counterclaim, inasmuch as this court is of the opinion that the judgment appealed from, being in accordance with the law, should be affirmed.

Wherefore, the said judgment is hereby affirmed, with costs against the appellant. So ordered.

Malcolm, Abad Santos, Butte, and Goddard, JJ., concur.

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