

MAXIMA DY YUCO, PLAINTIFF AND APPELLEE, VS. JUAN GONZALES, DEFENDANT AND APPELLANT.

G. R. No. 39529. April 26, 1934

Ponente: BUTTE, J.

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BUTTE, J.:

This is an appeal from a judgment of the Court of First Instance of Bulacan in an action of reivindicacion.

The plaintiff, Maxima Dy Yuco, claims the ownership and right of possession of the two parcels described in the second paragraph of her petition by virtue of a purchase from Andrea Gonzales in whose favor original certificate of title No. 15990 was duly issued. The defendant refused to surrender possession claiming to be the owner by virtue of a deed of gift of the said Andrea Gonzales which antedated the Torrens title in favor of Andrea.

It appears from the evidence that Juan Gonzales, as administrator of the estate of Florencio Gonzales and Florencia Cruz, the parents of Juan and Andrea Gonzales, on October 15, 1924, applied for a Torrens title to said lands. On October 29, 1924, while this application was pending, the heirs of the said deceased made a partition of the estate and the two parcels in question were adjudicated to Andrea Gonzales. About five months later, on March 13, 1925, she executed and delivered a deed of gift of said lands to her brother, the said Juan Gonzales, under certain conditions which made the same a donacion onerosa. On December 29, 1926, Andrea revoked said donation and recorded the said revocation on August 16, 1926. Juan Gonzales recorded his deed of gift on July 7, 1927. About three years later, on November 18, 1929, while the original land registration proceeding was still pending, Andrea, assuming that the donation was at an end, presented an amended application praying that the said two parcels of land should be registered in her name. On November 29, 1929, after hearing the evidence and without objection from Juan Gonzales or any request on his part that his rights under said deed of donation should be noted, the court decreed and registered the said parcels in the name of Andrea Gonzales. No motion for reconsideration or revision of the said decree was presented by Juan Gonzales within the period of one year in accordance with section 38 of the Land Registration Act (Act No. 496). On January 5, 1931, Andrea obtained the original certificate of title No. 15990 free of any lien and without any notation of adverse claims.

On January 9, 1931, she sold the land to the plaintiff for P14,000 and the plaintiff obtained the proper certificate of transfer, No. 6222, Exhibit C. We have examined the evidence and conclude that it is sufficiently established that Maxima Dy Yuca is an innocent purchaser for value. Therefore, the allegations of Juan Gonzales that Andrea Gonzales committed a fraud in obtaining the Torrens title thereby defeating her deed of donation to him, even if proven, would not in any event defeat the title of the plaintiff.

The defendant Juan Gonzales filed a counter-demand praying that the transfer of Andrea Gonzales to the plaintiff be declared null and void and that the defendants in the counter-demand, Andrea Gonzales and Maxima Dy Yuco, be required "to respect the deed of gift" above referred to. The decision upon the principal cause of action likewise disposes of the relief sought for in the counter-demand. The trial court reserved to Juan Gonzales the right to bring an action against his sister Andrea Gonzales for damages for the alleged fraud committed by her

which resulted in the defeat of the deed of donation. This reservation seems to us unnecessary and improper and should be eliminated from the judgment.

The judgment of the court below is in all other respects affirmed with costs against the appellant.

Villa-Real, Abad Santos, Hull, and Diaz, JJ., concur.

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