

NICOLASA ARINGO, PLAINTIFF AND APPELLEE, VS. URBANA ARENA, DEFENDANT AND APPELLANT.

G.R. No. 4009. October 11, 1909

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-4009/>

JOHNSON, J.:

From the record it appears that upon the 2d day of August, 1906, the "plaintiff commenced an action against the defendant in the Court of First Instance of the Province of Albay to recover the possession of a certain tract or parcel of land situated in Malobago of the district of Tipian of the municipality of Manito in the Province of Albay, bounded on the north by the sea, on the east by the lands of Pantaleon Avarientos and Gregorio Avarientos, on the south by the lands of the State, and on the west by the lands of Miguel Lana and Aniceta Pineda.

The plaintiff alleged that on or about the month of January or February, 1900, the defendant obtained permission from the plaintiff and her husband to build a house upon the north part of the land above described, which permission was granted; and that the defendant now claims to be the owner of said land and refuses to deliver the possession to the plaintiff. The plaintiff prays that she be declared to be owner of the property; that the defendant be ordered to remove her house from said property, and that judgment be rendered against the defendant and in favor of the plaintiff in the sum of P200 for the use and occupation of said property. To this petition the defendant demurred, which demurrer was overruled, and later, on the 1st day of October, 1906, the defendant filed an answer to said complaint consisting of a general denial, together with an allegation that the plaintiff could not maintain the said action.

After hearing the evidence adduced during the trial of the cause, the lower court found that the plaintiff was entitled to the possession of the property in question and ordered the defendant to return the possession to the plaintiff, and rendered a judgment for the sum of P120 for the use and occupation of said land in favor of the plaintiff, with costs. From this judgment the defendant appealed, after having made a motion in the lower court asking said court to specify in his sentence the facts upon which he based his conclusions. This motion was denied by the lower court. In this court the defendant made the following assignments of error:

"First. The court below erred in overruling the motion of the defendant requesting a specification in the judgment appealed from of the facts that are considered proven, that is to say, the conclusions of fact of the trial court.

"Second. The court below erred in resolving that the court does not now decide-nor is it necessary to determine at this time-that the plaintiff is the owner of the land in question.

"Third. The court below erred in determining that she [the plaintiff] is entitled to the possession of the land for the benefit of the estate of her late husband; because the land belongs to the estate of the late Pedro Avarientos,' and, in consequence thereof, in rendering 'judgment in favor of the plaintiff and against the defendant-ordering the latter to return the possession of the land to the plaintiff.'

"Fourth. The court below erred likewise in resolving that 'she [the defendant] must account to the plaintiff for the products of the land since the 1st of January, 1901, to the present time, at the rate of twenty pesos per annum, that is, for a total sum of one hundred and twenty (120) pesos and in ordering 'her [the defendant] to pay [the plaintiff] an indemnity of one hundred and twenty pesos Conant.'

"Fifth. The court below erroneously resolved to grant the defendant the term of thirty days in order to remove the house from the land in question,'

"Sixth. Finally, the court below erred in ordering that in the event of not doing so [the defendant to remove the house from the land in question within thirty days] the house would become the property of the estate of Pedro Avarientos."

With reference to the first assignment of error, to wit, that the court committed an error in deying the motion of the defendant to specify in the sentence the facts which he considered as proved: under section 133 of the Code of Procedure in Civil Actions, the rule is well established that the judge of the Court of First Instance must make a finding of the facts upon which he bases his conclusions. (Braga vs. Millora, 3 Phil. Rep., 458; Enriquez et al. vs. Enriquez et al, 3 Phil. Rep., 746; Gavieres vs. Robinson et al., No. 4992, 7 Off. Gaz., 687.[1]) This rule, however, does not require the lower court to make a finding upon all of the evidence adduced during the trial of the case. If his findings of fact are within the issue presented and sufficient to justify his conclusions, then the requirement of the law is complied with. If the court has omitted any fact or facts within the issue presented by the pleadings adduced during the trial which in law would overcome the facts found by the lower court, then the defeated party may by a proper appeal have this error corrected. It is the duty of the lower court to make a finding of all of the facts presented by the pleadings and supported by the proof. By reference to the decision of the lower court it will be found that he made the following finding of fact:

"That the defendant took possession of the land in question by permission of the plaintiff and her husband and occupied the land under this permission."

If this finding of fact is true, and in accordance with the evidence adduced, and the defendant does not deny its truthfulness, it is sufficient, in the absence of other facts, to justify the conclusion of the lower court that the plaintiff was entitled to the possession of the property. If it is true, and the fact is not denied, that the defendant went into possession of said property with the express permission of the plaintiff and her husband, then she can not deny that the plaintiff is entitled to the possession of said property, or, in other words, the defendant is estopped from denying that the land in question belongs to the plaintiff. Paragraph 2 of section 333 of the Code of Procedure in Civil Actions provides that the tenant is not permitted to deny the title of his landlord at the time of the commencement of the relation of landlord and tenant between them. This is given as one of the conclusive presumptions and no rule is better established than the doctrine contained in the above provision of the Code of Procedure. (See also Pascual vs. Angeles, 4 Phil. Rep., 604; judgment of the supreme court of Spain of December 6, 1882; judgment of the supreme court of Spain of October 12, 1889; Barlin vs. Ramirez, 7 Phil. Rep., 41.)

When it is once proven that the defendant obtained his possession from the plaintiff, in an action to recover possession of land, it then becomes unnecessary for the plaintiff to prove ownership for the reason that ownership in the plaintiff as against the defendant is presumed, and the defendant is estopped from denying the fact. Therefore the plaintiff in the lower court proved sufficient facts to obtain the possession of the property in question when she had proved that the defendant had obtained possession of the land from the plaintiff and by the plaintiff's permission, and it is not necessary for her to prove in addition to these facts that she was the owner. That fact was presumed and the defendant was estopped from denying it. This argument, we believe, answers the first, second, and third assignments of error made by the appellant.

With reference to the fourth assignment of error, the plaintiff alleges that the defendant went into possession of

the property by permission of herself and husband. There is nothing to show under what conditions the defendant took possession of the property. There is nothing in the record which shows that there was even the remotest intention on the part of the plaintiff to charge the defendant rent for the use and occupation of the property; it may have been a pure matter of charity, so far as the record shows. The record contains nothing upon which a judgment for rent prior to the commencement of the present action can be based. (*Philippine Sugar Estates Development Company vs. Rosario*, 2 Phil. Rep., 651.) The record does show, however, that the property in question had a rental value of P20 per year, and the lower court accepted this proof as to the value of the use and occupation of said property. The defendant makes no effort to show that P20 per year is not a reasonable value for the use of the property occupied by her. She has brought no proof to this court for the purpose of showing that said amount is not a reasonable amount. In the absence of proof to the contrary, therefore, we must adhere to this conclusion of the lower court.

The evidence did not justify the finding of the lower court that the plaintiff was entitled to recover P20 per annum for the use and occupation of said property from the month of February, 1900, to the date of the judgment (1907). In this respect the judgment of the lower court must be modified. The plaintiff is only entitled to recover rent for the use and occupation of the property from the time of the demand made for the possession, or from the 9th of June, 1906, the proof not being sufficient to show that the plaintiff was entitled to rent for the property proceeding the demand for the possession thereof.

With reference to the fifth and sixth assignments of error, we are of the opinion and so hold, that the lower court committed an error in deciding that the defendant should remove the house which she erected upon the property within thirty days and return the possession of the land to the plaintiff, or, in default of which, the house should become the property of the plaintiff.

The proof clearly shows that the defendant went into possession of the land in question and erected her house thereon by and with the permission of the plaintiff, and therefore in good faith. The improvements thus made by the defendant, with the knowledge and consent of the plaintiff, can not become the property of the plaintiff except upon paying a due consideration to the defendant. (*Arts. 361 and 364, Civil Code; Municipality of Oas vs. Roa*, 7 Phil. Rep., 20; *Valencia vs. Jimenez*, 11 Phil. Rep., 492; *Merchant vs. City of Manila*, 11 Phil. Rep., 116.)

A possessor in good faith is entitled, upon eviction, to recover for improvements made by him during his possession, which add value to the property. (*George vs. Delaney*, 111 La. Reports, 759; *Miller vs. Shumaker*, 42 La. Annual, 398; *Pearce vs. Frantum*, 16 La. Reports, 414.)

Under the provisions of said article 361 in, its relation with articles 453 and 454 of the Civil Code, the plaintiff herein, under the facts in the present case, has the option of buying the improvements made by the defendant or of selling to the defendant the land upon which such improvements are located. (*Merchant vs. City of Manila*, 11 Phil. Rep., 116; *Miller vs. Shumaker*, 42 La. Annual, 393.)

Therefore the lower court committed an error in deciding that the plaintiff was entitled to become the owner of the house in question, if the defendant should fail or refuse to remove the same from the land in question, within a period of thirty days from the date of notice of said decision, and that part of the decision of the lower court is hereby revoked.

After a full consideration of the facts presented by the record in this cause, we are of the opinion and so hold,

- (a) That the plaintiff is entitled to recover the possession of the property in question;
- (b) To recover the sum of P20 per annum from the 9th day of June, 1906, the date of the demand for possession, until the defendant delivers possession of said property to the plaintiff;

(c) That the plaintiff has a right to elect to purchase the house in question from the defendant or to sell to the defendant the land upon which the house is located; and the cause is hereby remanded to the lower court with direction that the plaintiff be required to make this election within a period of thirty days after she receives notice of this decision.

It is hereby further directed that after the plaintiff has made her election, either to buy the house in question or to sell the land upon which the same is located, that then the Court of First Instance shall take such steps as may be necessary for the purpose of ascertaining the value of the house, in case the plaintiff elects to buy the same, and the value of the land, in case the plaintiff elects to sell it.

It is further directed that after the plaintiff has made her election and the price of the property in question is fixed by proper proceedings in the lower court, that then the lower court is hereby directed to render a judgment for the amount of the value of the property in favor of and against the proper parties.

Without any findings as to costs, it is so ordered.

Arellano, C. J., Torres, Carson, and Moreland, JJ., concur.

[1] 13 Phil. Rep., 449

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.