

**MANUEL AND PEDHO TAGUINOT, PLAINTIFFS AND APPELLANTS, VS.
THE MUNICIPALITY OF TANAY, DEFENDANT AND APPELLEE.***G.R. No. 4061. December 20, 1907*

Ponente: ARELLANO, C.J.

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The result upon the hearing of this appeal is—

That the plaintiffs herein, as the lawful heirs of Juan Taguinot, their late father, who died in March, 1890, instituted proceedings for the recovery from the defendant of a tract of land with an area of 92 hectares 83 ares and 13 centares in the places named Tulay, Batlag, Balidbiran, Inalisan, Maytambo, and Manilas, within the jurisdiction of the municipality of Tanay, basing the same on the fact that their father had acquired it as vacant Crown land, and that the aforesaid municipality has held the property for more than one year before the date of the complaint, 24th of February, 1904, depriving them of the possession thereof.

That the defendant, when answering the complaint, denied the ownership and possession claimed by the Taguinot family, and stated that the land had been acquired with the money of the residents of the town, Juan Taguinot having acted when acquiring the same as agent thereof.

That the plaintiffs by merely presenting a copy of the instrument made for the sale by the Government of said tract of vacant land in favor of Juan Taguinot, and a plain copy of the title issued by the state in his favor, considered their case proven; the allegation that the defendant had retained the land for more than one year prior to the date of the complaint was not proven.

That as documentary evidence the defendant offered the original title issued by the Government on the 8th of February, 1887, in favor of Juan Taguinot, the same having been registered in several departments of the Government, including the provincial government of Morong, to which Tanay belonged; this title, however, upon being forwarded to said town in order that the grantee might take possession of the land, was retained by Crispulo Tanjuatco, then the gobernadorcillo of the pueblo, who issued to Taguinot a copy thereof, which is the one now offered by the plaintiffs, stating in said copy that he retained the original "for such purposes as might be expedient;" and in addition to the above, the defendant has offered as evidence a document signed by Juan Taguinot on the 10th of May, 1887, by which he relinquished the dominion and title in favor of the people of Tanay, at whose expense and by whose order he acquired the land, and engaging to execute a public instrument deeding and conveying the property to the town; the said instrument was made in duplicate, one copy of the same being written in Tagalog and drawn up on stamped paper, and the other copy in Spanish, on plain paper, is offered as evidence herein; and, finally, the defendant has brought a great number of witnesses who have testified regarding the acquisition made by Juan Taguinot on behalf and at the expense of the town of Tanay, for which he acted merely as agent for the possession and management of the land for the municipality, which was the only authority granting concessions to the residents for the utilization of forest products within the limits thereof; and, as to the preservation¹ of the title filed with the office of the municipality, the gobernadorcillos and municipal

capitanes who succeeded each other in the government took charge of the same as a thing which belonged to the town.

That the court dismissed the complaint without any special ruling as to costs, from which decision the plaintiffs appealed and filed the present bill of exceptions, in which the following errors are charged, that—

"I.

"The court erred when holding that both Juan Taguinot, the principal of the plaintiffs, as well as the latter, had never had the possession and management of the land which is the subject of the complaint, but that, on the contrary, it was the defendant who, from the time when title was issued to the present day, was in possession thereof.

"II.

"The court erred when admitting the authenticity and validity of the private document, Exhibit B, of the defendant, which is said to have been executed and signed by Juan Taguinot as a confession that the ownership of the land in question, in reality, did not appertain to him but to the defendant.

"III.

"The court erred when considering that there exists an express mandatory obligation or contract for the purchase of the hacienda in question between the community of the residents of Tanay as principal, and the principal of the plaintiffs, Juan Taguinot, as agent.

"IV.

"The court erred when not considering the estoppel which existed in favor of the plaintiffs as against the defendant entity, in that at no time can it deny the right of ownership which Juan Taguinot and now his heirs, the present plaintiffs, have to the land in question.

"V.

"The court erred by dismissing the complaint when the defendant had not recommended nor asked in the form of a counterclaim or cross complaint the cancellation of the title of ownership to the hacienda in question made out in the name of Juan Taguinot, without an express declaration having been previously made by the court in regard to the cancellation of said title.

"VI.

"Finally the court erred by not entering judgment in favor of the plaintiffs as prayed for by them in the complaint."

The court below has not committed the first alleged error because the record contains neither proof nor an offer of proof in support of the allegation of actual possession by Juan Taguinot or by his sons, the present plaintiffs, beyond the right inherent in the title and the proceedings for obtaining possession instituted on the 9th of May, 1887, immediately followed by the relinquishment and transmission of the same and of the title by virtue of which the possession had been given him on behalf of the municipality of Tanay, which ever since, according to the uniform testimony of a large number of witnesses, has quietly and peacefully enjoyed the possession and usufruct of the land without any proof having been offered or attempted, that this possession, resulting from the disturbance of some other possession, dated more than a year prior to the presentation of the complaint.

Neither has the court erred in the second and third assignment, because the private document referred to in the suit has been accepted and the signature appearing therein allowed, no objection having been offered thereto on the

ground of its falsity.

The bases of the judgment appealed from are in every way in accordance with the law and the merits of the case:

"(1) It is a settled rule of the supreme court of Spain that private documents not impugned as false, and attested by eyewitnesses, are admissible in evidence even though the same may not have been ratified by the obligor, owing to his death. (Decisions of Mar. 2, 1868, and May 31, 1873.)

"(2) Although private documents legally acknowledged can not, as a general rule, prejudice a third party who has not taken a part in the execution thereof, it is not the same, however, with regard to those who signed them and their legal representatives who are bound thereby (art. 1225, Civil Code), because according to a decision of the supreme court dated February 17, 1875, obligations contracted by the parents are transmitted to and binding on the children.

"(3) Section 282 of the Code of Procedure in Civil Actions reads: 'The declaration, act, or omission of a deceased person, having sufficient knowledge of the subject, against his pecuniary interest, is admissible as evidence to that extent against his successor in interest.'

"(4) The declaration of Juan Taguinot, in a private document duly authenticated by the person who drew it up and by those who witnessed its execution, constitutes a valid proof that, in this question, Juan Taguinot acted simply as an agent of the community of residents of the town of Tanay, and in such case the ownership of the hacienda of Tulay pertained to the said community. (JB. of E., 7 and 8.)"

Nor has the court committed an error with respect to the fourth assignment of error, because the municipality of Tanay did not repudiate its own action, in a preliminary report concerning the granting of title to Taguinot, by stating that the examination and survey of the places designated by the latter had been performed. All of such facts are not inconsistent with the fact that the designation and petition made by Taguinot were not for himself but on behalf of the municipality which he served as a directorcillo, according to the testimony of witnesses offered by the plaintiffs themselves.

As to what is termed the fifth error, it would rather be error to permit the dismissal of the complaint to depend upon the necessity of previously canceling the title which appears in the name of Taguinot, and upon the necessity of requesting such cancellation under the form of a counterclaim, because under the law neither necessity exists, and the dismissal was based upon the complete absence of actual dominion, and, further, because of the lack of possession and of evidence of acts of dominion and possession to confirm the title; hence no error has been committed by not entering judgment in favor of the plaintiffs.

In view of the foregoing, the judgment appealed from is hereby affirmed, with the costs of this instance against the appellants, and it is so ordered.

Torres, Mapa, Johnson, Carson, Willard, and Tracey, JJ., concur.

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