

THE GOVERNMENT OF THE PHILIPPINE ISLANDS, APPLICANT, VS. JUAN ABALOS ET AL., CLAIMANTS. HEIRS OF LORENZO MADRID, FORTUNATA LLAMAS, MAXIMA, MODESTA, AND DOMINGO, ALL SURNAMED MAD...

G. R. No. 41376. September 29, 1936

Ponente: AVANCEÑA, C.J.

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AVANCEÑA, C.J.:

In this cadastral case lots Nos. 4622, 4632, 4633, 4634, 4646, 4648 and 4650 are claimed, on the one hand, by Juliana, Andres, Catalino and Benito surnamed Fernandez, and on the other hand, by Domingo, Maxima and Modesta, surnamed Madrid, Martin Castillo and Fortunata Llamas.

The attorneys for both parties submitted to the court the following stipulation:

"STIPULATION OF PACTS

"The parties in this case, through their respective attorneys, agree on the following facts:

"1st. The identity of the eight lots disputed herein;

"2nd. That all these eight lots are covered by certificate of gratuitous title No. 621, Free Patent No. 3940, in the name of Lorenzo Madrid, issued on April 1, 1916, Exhibit A Madrid, on lots Nos. 4633, 4634, 4636, 4648, 4622, 4632, 4649 and 4650.

"These are the only points agreed upon by the attorney for Juliana Fernandez and co-claimants, and the attorney for the Madrids; and the attorney for Juliana Fernandez proposes to establish, by means of evidence, the following facts:

- That the claimant Juliana Fernandez is a sister of Anacleto Fernandez, now deceased, and her coclaimants are children of said Anacleto Fernandez;

- That, the above-stated lots, in addition to the three lots indicated by the numbers 4631, 4635 and 4653, already adjudicated to the herein claimants, form only one parcel of land situated in the barrio of Bagabag in the municipality of Solano, which parcel formerly was bounded as follows:

"On the North by Gervasio Baliti; on the South by the Bagabag Creek; on the East by the Communal Fence; and on the West by Manuela Aggabao.

- That said parcel of land had been inherited by the claimant Juliana Fernandez and her deceased brother Anacleto Fernandez from their father Esteban Fernandez, also deceased, which parcel was the subject matter of a possessory proceeding instituted by her coheir Anacleto Fernandez in or about the year 1895, duly registered in the registry of property of Nueva Vizcaya, said Anacleto and Juliana Fernandez having been in the peaceful, uninterrupted, open and adverse possession thereof under claim of ownership prior to the institution of the possessory proceeding until the time it was given as security by virtue of a contract of antichresis in favor of Lorenzo Madrid.

- That by virtue of the contract of antichresis entered into by her coheir Anacleto Fernandez and Lorenzo Madrid, also deceased, said parcel of land had been delivered to the latter so that he could enjoy the fruits thereof, by reason of the amount of P80 received from him by the antichretic debtor Anacleto Fernandez;

- That while the land was so encumbered, the antichretic creditor, Lorenzo Madrid, maliciously, in bad faith, with no legitimate right whatsoever, and without the knowledge of the debtor, the true owner thereof, applied for a free patent title thereto, in his own name, free title No. 4270, patent No. 3940, having been issued to him;

- That upon the death of Lorenzo Madrid, his heirs and successors in interest Genaro Madrid (through his widow and son Lucia Tabuena and Pascual Madrid, respectively), Brigida Acierto, Martin Castillo, Juan Reginaldo, Zacarias Madrid (through his widow Fortunata Llamas) and Maxima Madrid, in bad faith and knowing that the parcel of land in Question had never belonged legitimately to their common predecessor in interest Lorenzo Madrid, illegally divided said parcel of land among themselves, in which partition the three lots Nos. 4531, 4535, 4653 (4631, 4635, 4653) were allotted to Genaro Madrid's widow and son; lot No. 4634 to Brigida Acierto, c/o Domingo Madrid; lot No. 4650 to Martin Castillo; lot No. 4636 to Juan Reginaldo; lots Nos. 4622 and 4648 to Fortunata Llamas, widow of Zacarias Madrid; lots Nos. 4632 and 4649 to Maxima Madrid; and lot No. 4633 to Modesta Madrid;

- That said lien is already fully paid by the claimant Juliana Fernandez and the children of Anacleto Fernandez, her coheirs, as will be proven by authentic documents during the hearing on the lots in question;

- That the copartners Lucia Tabuena and her son Pascual Madrid, Fortunata Llamas, Martin Castillo and Juan Reginaldo, moved undoubtedly by the cries of their conscience, frankly and formally acknowledged the one time right of ownership of the herein claimants Juliana Fernandez and her said three nephews of the above-described property, although Fortunata Llamas, Martin Castillo and Juan Reginaldo, later changing their minds, joined cause with their copartners Brigida Acierto and Maxima Madrid and persisted in their illegal claim, contrary to that of the claimants surnamed Fernandez, but Lucia Tabuena and her son not only acknowledged the ownership of the claimants Fernandez of the portions allotted to them in the partition (lots Nos. 4631, 4635 and 4653) but they also voluntarily and spontaneously surrendered possession thereof to the herein claimants, for which reason they were adjudicated to the Fernandez by the cadastral court constituted in Solano in or about the year 1928;

- That the above-stated adverse claimants, knowing full well that said parcel of land had never belonged to their common predecessor in interest, Lorenzo Madrid, maliciously, in bad faith and claiming to have rights of ownership adverse to that of the petitioners herein, claim the above-stated lots in this cadastral court to the prejudice of the legitimate rights of the herein petitioners;

- That the free patent title to the above-described parcel of land has been maliciously and fraudulently obtained by Lorenzo Madrid, predecessor in interest of the adverse claimants.

"That the attorney for the Madrids impugns the claim of the attorney for the Fernandez claimants to present evidence because they are of the opinion that all said evidence is neither material nor conclusive to attack the efficacy of the certificate of title issued in favor of their predecessor in interest, Lorenzo Madrid.

"That they deny each and every one of the facts which the attorney for the Fernandez claimants attempt to prove.

"Wherefore, the attorneys for both parties respectfully submit this stipulation of facts and of the points raised by both parties to this Honorable Court for its decision."

In view only of this stipulation and without giving Juliana Fernandez the opportunity to prove the facts which she announces to establish in the foregoing stipulation, the court decided the case in favor of the heirs of Lorenzo Madrid, overruling the claim of the Fernandez claimants, Castillo and Llamas. The Fernandez claimants, Castillo

and Llamas appealed from this decision.

The court, in so deciding the case, has based its opinion upon the assumption that even admitting the facts which Juliana Fernandez attempts to prove, and taking into consideration only the fact that these lots were granted to Lorenzo Madrid by means of a free patent, the contention of the appellants is of no merit. This court believes that such opinion is erroneous.

The most salient facts that the attorney for Juliana Fernandez attempts to prove are: That these lots were inherited by Juliana Fernandez and her brother Anacleto Fernandez from their deceased father Esteban Fernandez; that prior to the year 1895, Esteban Fernandez, Juliana and Anacleto Fernandez were in the open and uninterrupted possession of these lots under claim of ownership; that in 1895 Anacleto Fernandez instituted and obtained possessory information of these lots, which title was duly registered in the registry of property of Nueva Vizcaya; that said Anacleto and Juliana Fernandez thereafter continued in this uninterrupted possession until it was ceded to Lorenzo Madrid by virtue of a contract of antichresis; that while Lorenzo Madrid, had said lots in his possession under this concept, he maliciously and in bad faith applied for and obtained free patent title thereto; that the contract of antichresis, by virtue of which Lorenzo Madrid had said lots in his possession, is already terminated, the lien having been paid; that some of Lorenzo Madrid's heirs have acknowledged the rights of the appellants to whom they have turned over the possession of some portions of these lots.

If these facts were proven, they would fully establish the appellants' ownership. The granting of the free patent title to Lorenzo Madrid under the above-stated circumstances cannot affect this ownership of the appellants. (De los Reyes vs. Razon, 38 Phil, 480; Susi vs. Razon and Director of Lands, 48 Phil, 424; and National Bank vs. Ortiz Luis, 53 Phil., 649.)

Wherefore, reversing the appealed judgment, this case is ordered remanded to the court of origin so that it may give Juliana Fernandez the opportunity to prove the facts which she announces to establish in the stipulation and the case be prosecuted through its ulterior proceedings, without special pronouncement as to costs. So ordered.

Villa-Real, Abad Santos, Imperial, Diaz, and Laurel, JJ., concur.

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