

ARCADIO MAXILOM, PLAINTIFF AND APPELLEE, VS. FELIX ESTRELLA ET AL., DEFENDANTS AND APPELLANTS.

G.R. No. 4292. December 04, 1908

Ponente: WILLARD, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-4292/>

WILLARD, J.:

The court below made the following finding of fact among others:

"In the month of March, 1902, the plaintiff and the defendants were residents of the town of Tuburan, Province of Cebu, and each of them had their respective haciendas within the jurisdiction of said town. In the same month, plaintiff was in possession of at least 25 head of carabaos on his hacienda, some of which had been in his possession for about eight or ten years before said month. He had, moreover, some other cattle. In the aforesaid month of March, 1902, the plaintiff, Arcadio Maxilom, left Tuburan, entrusting his wife, Doña Ciriaca Novicio, and his father-in-law, Lope Novicio, with his property, and has not returned to the said town up to the present time. The defendants, after the departure of Maxilom from Tuburan, conspiring with one named Bonifacio Aiburo, the then municipal president of said town, now deceased, and with one named Lieutenant McCarthy, without any legal authority, sent some troops and armed police and by means of force and intimidation took possession of the carabaos then in the hands of the agents of the plaintiff, and drove them to the municipal building of Tuburan."

Judgment was entered in that court against all the defendants in solidum for the value of one carabao taken by the defendant Ouano, one carabao received by the defendant Estrella, one carabao delivered to Severino Mercado, two head of cattle, one carabao marked "B," and one female carabao taken by the defendant Tabotabo. The value of the animals thus taken the court fixed at 775 pesos, and entered judgment for that sum and for 2 pesos a day, the value of the use of the animals from the 23d of August, 1902, to the present time, that is to say, he ordered judgment for more than 3,650 pesos, as the value of the use of the carabaos

After an examination of all the evidence taken at both trials in the court below, we are compelled to say that we find not the slightest proof of any conspiracy such as is mentioned in the decision. There is no evidence that the defendants and the other alleged conspirators ever met together prior to the taking of the carabaos from the hacienda of the plaintiff. There is no evidence that they ever had any communication with each other with reference to that matter. There is no evidence that the defendants Estrella and Micael Tabotabo ever knew that the animals were to be taken from the hacienda. The only evidence in the case showing any joint action on the part of the defendants is found in the testimony of two of the witnesses for the plaintiff, who say that, after the carabaos had been taken to the municipal building (tribunal) in Tuburan they saw the defendants Estrella, Micael and Catalino Tabotabo looking at them. The mere fact that these three persons happened to be looking at the animals at the same time can hardly be considered sufficient evidence to show that they had previously conspired to bring them there, to say nothing of the fact that the witnesses did not mention the presence of the other defendant, Demetrio Ouano.

After the carabaos were brought to the tribunal, the municipal president sent for Micael Tabotabo and Catalino

Tabotabo, asking them to come to the tribunal and see if they were able to identify any of the carabaos as their own. In response to this request they went there and Micael Tabotabo identified four as the property of the partnership whose agent he was. Catalino Tabotabo identified four others as his own private property. Micael Tabotabo commenced an action before the defendant Estrella to recover the possession of the four carabaos identified by him. This action was brought against Felix Abaqueta, the person in possession of the carabaos as the agent of the plaintiff. He duly appeared in the action and by agreement between the parties, Urbano Ceniza was appointed receiver of the property during the pendency of the action. The suit was within the jurisdiction of the justice of the peace and the proceedings therein were entirely regular. Later, when it appeared that Felix Abaqueta was the mere agent of the plaintiff, an amended complaint was filed by Micael Tabotabo making the plaintiff Arcadio Maxilom, the defendant therein, and a citation was ordered to be served upon him. It does not appear that any further proceedings were taken in the case. At the trial it was admitted that at the time thereof these four carabaos were still in the possession of the receiver.

There is nothing in this case brought by Micael Tabotabo which in any way indicates a conspiracy even between him and the justice of the peace, the defendant Estrellat, and certainly nothing to implicate the other defendants Catalino Tabotabo and Demetrio Ouano therein.

As to the four carabaos identified by Catalino Tabotabo, there is evidence that he commenced proceedings also before the same justice of the peace, the defendant Estrella. The record of those proceedings was not produced in the court below, but it appears that the same person was appointed receiver of these four carabaos recognized by the defendant Catalino and it was admitted at the trial that three of them were at the time thereof still in the possession of the receiver. The fourth was the female carabao (caraballa) which Catalino Tabotabo admitted that he had in his possession with its offspring, and for which, as has been above stated, the court entered judgment.

There is nothing in this proceeding by Catalino Tabotabo which furnishes any evidence of a conspiracy between the four defendants to deprive the plaintiff of his property. But a complete answer to the claim of conspiracy, so far as seven of the carabaos are concerned, is found in the fact that the court below entered no judgment against the defendants for these seven animals. The testimony strongly preponderates in favor of the claim of Micael and Catalino Tabotabo that these seven animals were their private property, and the court must have so found. No conspiracy between the defendants having been proved, it follows that each one is responsible for his own acts only, and we now proceed to a discussion of the evidence relating to each animal for the value of which the court below entered judgment.

1. The carabao taken by Demetrio Ouano.

Basilio Piala testified that in the year 1890, he had in his possession a carabao belonging to the plaintiff and that, in 1903, he saw this carabao in the possession of the defendant Demetrio. This is all the evidence that there is in the case upon which to base the finding of the court below in regard to this carabao. The defendant Demetrio testified that this statement of Piala was not true; that he had never had in his possession the carabao belonging to Maxilom; that Piala had at one time been his, Demetrio's, tenant, and that he had given to Piala a carabao of his own, which he had afterwards taken back from Piala. The testimony is entirely insufficient to support a judgment against this defendant for the value of this carabao.

2. The carabao received by Felix Estrella.

The only testimony in the case to support the decision of the court below in regard to this animal is found in the testimony of Felix Abaqueta. His testimony was entirely hearsay, and was to the effect that the municipal president had told him that a certain carabao, which the witness did not even testify belonged to the plaintiff, was the property of the justice of the peace. The witness did not wish to receive this carabao and he says that the

president sent to the justice of the peace for another one; that the witness met a policeman in the road with this other carabao, and that the policeman told him that it belonged to the justice of the peace. This testimony is insufficient to support the decision of the court below.

3. The carabao delivered to Severino Mereado.

The only evidence in the case relating to this carabao is found in the testimony of Severino Mereado. He testified that he was a tenant of the family of Micael Tabotabo; that the municipal president delivered to him a carabao to take to the hacienda; that after a few days the carabao became sick and he went to notify the president, whom he could not find; that afterwards he asked the defendant Micael what he should do with it, and that Micael told him that, as long as the carabao was dead, he had better bury it. This evidence is insufficient to support the finding of the court below.

4. The two head of cattle.

The only proof in reference to these animals is the testimony of Julio Villarin. He stated that, as he was passing in the street one day, he met Pantaleon Oliva leading, among other animals, two cows; that he waited for Pantaleon while the latter tied the cows in the yard of the family of Tabotabo, and then the two went away together, and that Pantaleon told him that the cattle came from the plaintiff's estate. It appears that Micael Tabotabo was not in the house at the time but apparently was in Cebu. This evidence is insufficient to support the decision relating to these animals.

5. The carabao marked "B."

Catalino Tabotabo testified that this carabao was not his but belonged to Vicenta Brasa, the wife of Andres Bantay, and that it was not one of the four taken by him from the tribunal. Severino Mercado testified that the mark of the family of Tabotabo was "B." That is all the evidence in the case to support the finding of the court below, and is insufficient.

6. The female carabao with its offspring.

Catalino Tabotabo admitted that this was one of the carabaos identified by him in the tribunal and that it was not deposited with the receiver, because the latter did not wish to receive it, and that he had it in his possession. He testified positively that it was his, and produced witnesses who testified to the same effect. We are satisfied from the evidence that it was his carabao and he therefore can not be made to pay for it.

The judgment of the court below is reversed and the defendants are acquitted of the complaint, with the costs of the first instance against the plaintiff. No costs will be allowed to either party in this court. So ordered.

Arellano, C. J., Torres, Mapa, Johnson, Carson, and Tracey, JJ., concur.

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.