

ANTONIO LABRADOR AND FELIPA CANONIZADO, PLAINTIFFS AND APPELLANTS, VS. EMILIANO DE LOS SANTOS ET AL., DEFENDANTS AND APPELLEES.

G.R. No. 44947. November 26, 1938

Ponente: VILLA-REAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-44947/>

VILLA-REAL, J.:

This is an appeal taken by the plaintiffs, Antonio Labrador and Felipa Canonizado, from the decision of the Court of First Instance of Tarlac dismissing the complaint with the costs to the plaintiffs.

In support of their appeal the appellants assign the following errors allegedly committed by the trial court in the said decision, to wit:

"1. The lower court erred in not ordering the defendants to return to the plaintiffs the amount of P1,000 which the latter had paid for the land in question.

"2. The lower court erred in dismissing the complaint in question with the costs to the plaintiffs and in denying the motion for new trial."

The facts found proven by the lower court, which are all that we can consider in deciding the legal questions raised in this appeal, are the following:

"The plaintiffs in this case, Antonio Labrador and Felipa Canonizado, sometime in April, 1928, acquired from one Santiago de los Santos, father of the defendants Emiliano de los Santos and Nicolas de los Santos, for the price of one thousand pesos, a land which Santiago de los Santos, in turn, had acquired by way of homestead and over which he had obtained the corresponding original certificate of title on January 15, 1927, after submitting his final proof of the homestead as required by law, on April 3, 1922. Upon the death of De los Santos, his children, the aforesaid defendants, executed on November 7, 1932, a deed of extrajudicial partition of the said land, and upon motion dated October 31, 1933 which they filed with this Court of First Instance, they succeeded in cancelling original certificate of title No. 724 in the name of their father Santiago de los Santos and in having issued, in lieu thereof, Transfer Certificate of Title No. 8296, in the name of the same defendants. * * *

"According to the evidence of the plaintiffs, some days before the defendant executed the deed of absolute sale Exhibit A, Santiago de los Santos sold the land to them, receiving from them the amount of P1,000, and delivering to them, in turn, the title and plan of the land, Exhibits B and B-1. Thereafter, that is on the 2d or 8th of April 1928, they came to this capital to entrust the drawing up of the deed to the attorney-at-law and notary public Teotimo Duque, who, after examining the title, told the plaintiffs and Santiago de los Santos, who came with the defendant Emiliano de los Santos, that Santiago de los Santos could not sell the property due to the non-expiration of the five years provided by law, that is, section 116 of Act No. 2874. Felipa Canonizado then required of Santiago de los Santos the return of the P1,000, but Santiago de los Santos said that it was impossible to return the same because he had paid his debts With said money; and in view of the insistence of the parties and of their promise not to bring any suit, the notary public Duque drafted the deed Exhibit A,

which was executed by Santiago de los Santos in the presence of Emiliano de los Santos."

The first question to be resolved in the present appeal is that raised in the first assignment of alleged error, which is whether or not the trial court erred in not ordering the defendants to return to the plaintiffs the amount of P1,000 which the latter had paid for the land in question.

According to the above-narrated facts, as found proven by the lower court, the land in suit was the property of the deceased Santiago de los Santos, who had applied for and acquired it as a homestead, having obtained original certificate of title No. 724, and homestead patent No. 10140 therefor on January 15, 1927, after having submitted, on April 3, 1922, his final proof of occupancy and labor as required by law. On April 2, 1928, that is, one year, two months and seven days after the issuance of the aforesaid original certificate of title No. 724 and homestead patent No. 10140, Santiago de los Santos sold the aforesaid land to the herein plaintiffs Antonio Labrador, and Felipa Canonizado (Exhibit A). Upon the death of the said Santiago de los Santos, his children, the herein defendants and appellees, executed a deed of extrajudicial partition of said land, and on motion dated October 31, 1933 (Exhibit X), they obtained the cancellation of original certificate of title No. 724, issued in the name of their deceased father, Santiago de los Santos, and the issuance of transfer certificate of title No. 3296 in their name.

The alienation by Santiago de los Santos of his land in favor of the plaintiffs Antonio Labrador and Felipa Canonizado was made in violation of the provision of section 116 of Act No. 2874, as amended by section 23 of Act No. 3517, which prohibits the encumbering or alienation of a land acquired as a homestead within five years from the issuance of the homestead patent, wherefore, it is illegal and void. As the declaration of nullity of a contract void ab initio operates to restore things in the state and condition in which they were found before the execution thereof, the land in question was returned to the ownership of Santiago de los Santos, in his lifetime, and that of his children, after his death, with the obligation on the part of said Santiago de los Santos to return to the purchasers, the plaintiffs, the price of the sale, with interest (art. 1303, Civil Code). Santiago de los Santos being the vendor, had the declaration of nullity taken place while he was living, he would have to return said price to the purchasers; but having died before the declaration of nullity, the plaintiffs should have presented their claim for the return of the price in the testate or intestate proceedings of the deceased, and they cannot go against the children of the latter inasmuch as the said children inherit with the benefit of inventory and only that remaining of the inheritance after paying the indebtedness of the testate or intestate. While it is true that the defendants inherited the land in question, the price of the sale cannot be charged thereon, because the said section 116 of Act No. 2874, as amended by section 23 of Act No. 3517, prohibits the subjection of such land to the payment of said obligation which was contracted within five years from the issuance of the homestead patent, as above stated. In any event, the plaintiffs may institute the intestate proceedings of Santiago de los Santos and file their claim before the committee on claims and appraisal to be named therein.

For the foregoing considerations, we are of the opinion and so hold, that upon the death of a person who has obtained land by way of homestead and who has sold it within the five years from the issuance of the homestead patent or title, because the said sale is void, the purchasers can only recover the price which they have paid by filing their claim with the committee on claims and appraisal to be named in the intestate proceedings which may be instituted.

Wherefore, with the sole modification that there be reserved, as there is hereby reserved, the right of the plaintiffs-appellants to institute the intestate proceedings of Santiago de los Santos and to file their claim with the committee on claims and appraisal to be named therein, the appealed judgment is affirmed in all other respects, without special pronouncement as to the costs. So ordered.

Avanceña, C. J., Imperial, Diaz, Laurel, and Concepcion, 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.