

IGNACIO DE GUZMAN ET AL., PETITIONERS, VS. TEODORO IBEA ET AL., RESPONDENTS.*G.R. No. 45724. April 27, 1939*

Ponente: AVANCENA, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-45724/>**AVANCENA, C.J.:**

This is a petition for certiorari against the decision rendered by the Court of Appeals.

In this case the plaintiffs claim the six parcels of land described in the complaint, and the defendant, in turn, claims by way of cross-complaint the three parcels also described in his answer. Both the six parcels of land described in the complaint and the three parcels described in the cross-complaint were, on May 3, 1930, donated by Modesta Yangco to Juana Abella. Subsequently, however, that is on February 27, 1932, Modesta Yangco revoked this donation because the donee's husband, Teodoro Ibea, had been speaking ill and discourteously of her. On the very date of the revocation, Modesta Yangco donated the same property to her nephew Ignacio de Guzman.

The question to be answered is whether Modesta Yangco, after having donated the property described in the complaint and in the cross-complaint to Juana Abella, could still revoke this donation. If the donation is *inter vivos*, she could not do so except for causes established by law.

We are of the opinion that the donation is *inter vivos*. The deed, in so far as it touches this question, contains the following clause:

"I, Modesta Yangco, widow and a sexagenarian, residing in the municipality of Sinait, Province of Ilocos Sur, Philippine Islands, state that: from a desire and wish to reciprocate the great patience and esteem with which I have been treated by Juana Abella, now of age and married to Teodoro Ibea, both residents of the town of Sinait, Ilocos Sur, whom I brought up from childhood to the present, and who has stood by me through all my adversities, I hereby donate to my protegee, Juana Abella, so that she may hold the same as her own and always, all the lands belonging to me and described as follows:

* * * * *

"It is my will and desire under this deed that all these properties be administered and held by the said Juana Abella in the concept of owner, although it is provided in this deed that all the rental of these lands should be delivered to me while I am living, for my enjoyment and disposal as I may see fit, but, upon my death, Juana Abella may enjoy all the fruits or harvest of these properties, with the power to adjudicate the same by way of inheritance and dispose thereof as she may deem convenient."

A donation *mortis causa* is that which becomes effective upon the death of the donor. The aforequoted clause clearly shows that the donation became effective immediately, independently of the donor's death. The properties donated were turned over to the donee for her administration and possession always and as owner. As to the naked ownership, the donation is pure, actual. It does not impose any condition, it does not fix any period for its transmission, it does not in any manner condition its effects upon death. The provision in the deed that the income

of the lands be delivered to the donor for her enjoyment until she dies, does not affect the character of the donation, because the law precisely requires (art. 634 of the Civil Code), for the validity of a donation, that there be reserved to the donor, in full ownership or in usufruct, an amount sufficient to support her in a manner appropriate to her station.

Furthermore, the donation being, by its terms, inter vivos in accordance with law, this character is not altered by the fact that the donee styles it mortis causa.

Being inter vivos, the donation may not be revoked except for the causes provided by law (art. 648 of the Civil Code), among which is not included the fact that the husband of the donee has spoken ill of the donor, especially as this is not the act of the donee herself.

The revocation of the donation in favor of Juana Abella being null and void, the second donation of the same lands in favor of the plaintiff Ignacio de Guzman is likewise null and void.

The plaintiff's complaint and his defense against the cross-complaint being predicated upon the donation of the lands made in his favor by Modesta Yangco, and said donation being null and void, and that made in favor of Juana Abella being valid, the decision of the Court of Appeals is correct in dismissing the complaint and in ordering the plaintiff to deliver to the defendant the three parcels of land claimed by the latter in her cross-complaint and to pay her P300 per annum from the year 1932 until the delivery of the lands, with interest thereon at 6 per cent per annum from the filing of the cross-complaint.

As to the resolution of the Court of Appeals declaring that section 113 of the Code of Civil Procedure is not applicable to the petition filed by petitioners for the purpose of hearing the case anew, we find no error therein for the same reasons set out in the resolution.

The petition is denied, with the costs to the petitioner. So ordered.

Villa-Real, 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.