

ENGRACIA LAVADIA Y OTROS, DEMANDANTES Y APELADOS, CONTRA ROSARIO COSME DE MENDOZA Y OTKOS, DEMANDADOS Y APELANTES.

G.R. No. 47996. May 09, 1941

Ponente: DIAZ, J.

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DIAZ, J.:

Objeto de litigio entre los demandantes y los demandados en el Juzgado de Primera Instancia de Laguna, fueron la posesion y custodia de ciertas alhajas que unas seis senoras piadosas del municipio de Pagsanjan, Laguna, llamadas Martina, Matea, Isabel, Paula, Pia y Engracia apellidadas todas Lavadia, habian mandado confeccionar en 1880, con dinero propio, para adornar y engalanar con ellas la Imagen de Nuestra Señora de Guadalupe, patrona del mencionado municipio, reteniendo ellas para si, la propiedad de las mismas, no cediendo sino solamente su uso a la referida Imagen, para el indicado fin. Los demandantes y los demandados, con excepcion de Engracia Lavadia que era una de las seis, son descendientes de las otras cinco primitivas dueñas de las alhajas de que se trata. Porque la demandada Rosario Cosine de Mendoza que es una de las descendientes de Paula Lavadia, que tuvo ultimamente la custodia de aquellas, quiso entregar la corona que constituia parte de las mismas, al Obispo Catolico de Lipa, para que la tuviese en su poder pero sujeta al uso de la Imagen de Nuestra Señora de Guadalupe, segun la voluntad de sus dueñas, los descendientes de las tres, (Isabel Lavadia, Matea Lavadia y Martina Lavadia), y Engracia Lavadia que son Jos demandantes, promovieron esta causa en el Juzgado de su procedencia, para reclamar la posesion y custodia de todas las referidas alhajas. fetas no son otras que las descritas en el parrafo 3 de la demanda.

Imperial, Laurel, Moran, y Horrilleno, MM., estan conformes.

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