

LEON ORACION, PETITIONER, VS. PACITA JUANILLO AND FRANCISCO, PRINCIPE, RESPONDENTS.

G.R. No. 48676. April 26, 1949

Ponente: PERFECTO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-48676/>

PERFECTO, J.:

This certiorari proceeding was initiated in this Court before the last war on October 23, 1941. It was finally submitted for our decision in March, 1947. The facts as found both by the trial court and by the Court of Appeals are as follows:

Cecilio Juanillo, married to Maria Perolina, was the owner of the land in question since before 1924. In 1928, it was assessed in his name.

Francisco Principe lived and grew up with the spouses who had no children.

On December 31, 1923, the land was donated to Francisco Principe, this donation having been perfected with the latter's acceptance.

In 1934, upon Maria Perolina's death, Cecilio Juanillo married Barbara Juanillo.

Pacita Juanillo was born unto this marriage on October 27, 1934.

Cecilio Juanillo died on May 30, 1938.

Leon Oracion obtained judgment from the Justice of the Peace Court of Cavinti, ordering Cecilio Juanillo to deliver four cows and their calves or to pay P300 and, in virtue of a writ of execution issued the previous day, the sheriff attached the land on January 25, 1936, and announced its auction on February 19, 1936.

Principe filed a third party claim but the sale took place upon the filing by Leon Oracion of an indemnity bond.

On March 1, 1936, Principe filed a statement of withdrawal of claim to the property upon the filing by Oracion of a statement that he was giving Principe the right to repurchase the property within the period of one year.

On February 20, 1937, final deed of sale was executed by the sheriff in favor of Oracion as no redemption or repurchase had been effected either by Principe or by Cecilio Juanillo.

Oracion secured a writ for the possession of the land, but Principe refused to deliver it on the strength of the deed of donation of December 31, 1923, and on his contention that the indebtedness upon which Oracion secured judgment in Cavinti had already been paid.

Pacita Juanillo claims that the Cavinti judgment was secured through fraud and collusion between Oracion and Principe and that the property is a private property of her father.

The Cavinti proceedings appear, however, to be regular.

The present case is a three-cornered legal controversy between Pacita Juanillo, as heir, Principe, as donee, and Oracion, as auction purchaser in virtue of the Cavinti judgment.

Pacita Juanillo contended that, with her birth, the donation in favor of Principe was ipso facto, revoked, and upon her father's death in 1938, she inherited the property, while her father's obligation to Oracion had been extinguished by payment.

Principe's contention is that the land was a conjugal property of Cecilio Juanillo with his first wife Maria Perolina; that the donation was only partially revoked by reason of the birth of Pacita Juanillo; that the donation was not revoked as to the one-half of the property which belonged to the deceased's first wife, Maria Perolina, and that his signature in the waiver of his claim was obtained by Oracion through fraud and deceit.

Oracion bases his claim on his auction purchase.

The Court of Appeals found, in concurrence with the trial court, that the land in question was an exclusive property of Cecilio Juanillo, who inherited it from his father Salvador Juanillo, and that fact is expressly stated in the deed of donation.

With the usufruct reserved to the donors, the property had belonged to Principe since the date of the donation, December 31, 1923, and Principe's possession had been peaceful until it was disturbed on January 23, 1936, when the sheriff attached it under the Cavinti judgment. The land continued to be listed in the name of Cecilio Juanillo for tax purposes and Principe and his donors had been contributing in the payment of taxes.

The land mentioned was more than thirty one hectares, was assessed at P950 and had a market value of P3,000.

The Court of Appeals found that Principe does not know how to read and was duped by Oracion into signing the waiver Exhibit A-14 which reads as follows:

"Yo, Francisco Principe, esposo de Ambrosia gonde, mayor de edad, vecino y natural del barrio de Balaungan, Cavinti, Laguna, por la presente escritura hago presente y manifiesto al Sheriff Provincial de Laguna, los siguientes.

"Primero Soy el niisrno Francisco Principe; que en 18 de este mes de Febrero pasado, 1936, fue sido requerido por el abogado Sr. Maximo T. Grifal en presencia del liotario Publico Sr. Victor Mesina, en Cavinti, Laguna, en un supuesto escrito de tercera al embargo que se estaba haciendo el Sheriff Provincial el terreno de mi padre, Cecilio Juanillo, al inencionado embargo, para, segun ellos, que yo reclamo dicho terreno embargado de acuerdo, segun ellos, con una supuesta donacion de dicho terreno a mi favor en una escritura de fecha 5" de Enero, 192, que lo hemos firmado ante el Sr. Glicerio Perena, Reg. No. 2, Pagina 77 Serie 192. La tercera es Reg. 24, pagina 31, Libro IV de 1936 del Notario Victor Mesina.

"Segundo. Compareci de nuevo ante otro Notario aqui en Pagsanjan, Laguna, hoy fecha porque quiero hacer constar que declaro nulo y de ningun valor la mencionada tercera que hizo el abogado Sr. Maximo T. Grifal supuestamente jurado por mi en presencia del Notario Victor Mesina porque no es verdad que el terreno o los terrenos mencionados en la escritura que hemos firmado ante el Notario Glicerio Perefia en el ailo 192 y mencionado en el parrafo precedente nan sido donados y entregados a mi favor porqiae aparte de que no se me ha entregado algun documento al efecto, sobre dicha donacion, y yo no he aceptado o no recuerdo haberla aceptado dicha donacion, no estoy ademas en posesion deccualquiera de los referidos terrenos, "ni "tengo hoja declarat ami liarainiento que se me haya traspasado, y la verdad es que mi referido semi padre el Sr. Cecilio Juanillo es el completa y absolutamente duefio y poseedor de todas las propiedades descritas en dicha donacion desde entonces de su rauerte, y yo y mi esposa no tenemos ninguna intervencion o interes en los mencionados predica o su cualquiera de ellos."

The Court of Appeals found the instrument vitiated with fraud and declared it, accordingly, ineffective.

The Court of Appeals declared ineffective the purchase auction of Oracion on the ground that, at the time the auction took place, the property belonged to Principe who was not a party to the Cavinti judgment, but declared, finally, in virtue of the provisions of Article 664 of the Civil Code, that the land belongs to Pacita Juanillo to whom it was adjudicated.

Oracion and Principe filed motions for reconsideration. The Court of Appeals denied the motion of Oracion, but granted that of Principe and, accordingly, by resolution of September 3, 1941, modified the judgment by ordering Pacita Juanillo to reimburse Principe for the value of his improvements on the land, amounting to P1,000 or, if she so prefers, to exercise the option allowed her under Article 361 of the Civil Code, and declaring Principe to be entitled to one-half of the improvements existing on the first and third parcels described in the deed of donation, which improvements corresponded to Maria Perolina as her share in the conjugal partnership with Cecilio Juanillo.

Both Principe and Pacita Juanillo are agreeable to the decision of the Court of Appeals as amended, but Oracion came to us seeking reversal of the decision and praying that he be declared the absolute owner of the property in question, subject to the modification contained in the resolution of September 3, 1941, that Principe be ordered to pay him damages or, as alternative, that the property in question be declared subject to the Cavinti money judgment, which must be paid by Pacita Juanillo within such period as the Court may fix, failing which the property shall be sold at public auction.

There is no controversy that Principe became the owner of the land in question, composed of three parcels, in virtue of the donation of December 31, 1923.

In virtue of the birth of Pacita Juanillo on October 27, 194, the donation was revoked pursuant to article 644 of the Civil Code, and the property is to be reverted to the donor, according to article 645 of the same Code, but both the revocation and the return of the property to the donor or his heir are not self-operative or self-executory and if the donee should refuse to part with the property, resort to judicial action should be taken under article 646 of the Civil Code, which provides, further, that the action cannot be renounced and shall be transmitted on the death of the donor to his children and to their legitimate descendants.

As Principe did not re-deliver the property to the donor Cecilio Juanillo, the reversion of the property to Pacita Juanillo will only become effective upon the execution of the judgment of the Court of Appeals. Pacita's appearance in this case as intervenor, claiming the property, served the purposes of an action for revocation provided for by article 646 of the Civil Code. When Pacita, as represented by her mother Barbara Juanillo, filed her intervention on February 20, 1939, she was not yet five years old and, therefore, the intervention was filed within the five years provided by article of the Civil Code, or ten years fixed by Chapter III, of Act No. 190.

As a necessary consequence, the attachment of the property and its sale at public auction to Oracion on February 19, 1936, could and cannot produce any legal effect, because the execution was directed against Cecilio Juanillo, while the property executed did not belong yet to Cecilio Juanillo and still belonged to Principe, who has not been and was not a party to the Cavinti judgment.

But Oracion has not lost his right to collect his claim for the sum of P300, credited to him by the Cavinti judgment. His complaint in this case filed on June 11, 1937, to all Legal intents and purposes, after the death of Cecilio Juanillo on May 30, 1938, can be considered as a claim against his estate, and considered as a lien on the property against the heir Pacita Juanillo. The period of sixty days from the date this decision becomes final is a reasonable time within which Pacita Juanillo must pay said indebtedness.

Thus modified, the decision of the Court of Appeals is affirmed.

Moran, C.J., Paras, Feria, Pablo, Bengzon, Briones, and Tuason, 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.