

NARCISO MARIGSA, PLAINTIFF AND APPELLEE, VS. ILDEFONSA MACABUNTOC ET AL., DEFENDANTS AND APPELLANTS.

G.R. No. 4883. September 27, 1910

Ponente: ARELLANO, C.J.

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ARELLANO, C.J.:

Narciso Marigsa, as the administrator of the intestate estate of Esteban Marigsa, demands from Ildefonsa Macabuntoc, the widow of the said Esteban Marigsa, certain property for administration, on the ground that it belonged exclusively to the deceased.

The property specified in the complaint consists of six carabaos, which, on the death of Esteban Marigsa, were sold by his widow - two, to Anatalia Isidro, for P120 each; one, to Agapito Mercado, for P150; one, to Agustin Deliso, also for P150; one, to Sabas Doro, for the same price; and the other, to Gaspar Umipig, for P120.

The plaintiff endeavored to prove the alleged exclusive ownership of Esteban Marigsa, by means of the certificates of transfer issued in the municipality of Cuyapo, Province of Nueva Ecija, which read:

"Record of transfer of large cattle. - Province of Nueva Ecija. - Municipality of Cuyapo. - July 12, 1906. - This record certifies that Mr. Esteban Marigsa (deceased), represented by his wife, Ildefonsa Macabuntoc, a resident * * * as owner, transferred by sale to X., a resident * * * as purchaser, for the sum of one hundred and twenty pesos (P120), one carabao cow, the description of which, * * *."

The defendants attempted to prove that the carabaos belonged exclusively to the widow as paraphernal property brought on her second marriage to her husband, Esteban Marigsa, whom she married thirty years before, and that the husband brought nothing to the conjugal partnership. These facts were averred by the widow and two other witnesses. The widow moreover testified that there was no issue by her marriage with Marigsa, and that she no longer had any ascendants, nor knew of any collateral relative of her deceased husband; that the plaintiff himself was named Marigsa only as a nickname, his father's family name being Magcauyan, and that the carabaos had been registered in the name of Esteban Marigsa because the latter was her husband.

The Court of First Instance of Nueva Ecija, in accordance with the petition appearing in the complaint, declared that the six animals specified therein belonged exclusively to the intestate estate of Esteban Marigsa and were subject to the plaintiff's administration, and ordered the defendants to return them to Narciso Marigsa as such administrator. The court also declared rescinded and invalid the sales made by the defendant, Ildefonsa Macabuntoc, to her codefendants, with one-sixth of the costs of the trial against each of the defendants. The latter appealed from the said judgment and alleged the following assignments of error:

First. That the court found that the plaintiff had fully proved the allegations of his complaint by means of the certificates of ownership issued by the municipality of Cuyapo.

Second. That the court found that the carabaos sued for belonged exclusively to the intestate Esteban Marigsa, formed a part of his estate under administration, and adjudged their return to the defendants; and

Third. That the court declared the sales made by the defendant, Ildefonsa Macabuntoc, to her codefendants to be rescinded and invalid.

This court has already decided that the initiation of intestate proceedings must not disturb the possession, either of the surviving spouse, or of the legitimate heirs, much less that of a third party.

In the registration of animals belonging to husband and wife, the record thereof is often made out only in the name of the husband, on account of his being the administrator of the conjugal partnership; so that the registration herein concerned is not conclusive evidence of the exclusive ownership of the husband. Other kind of proof is necessary to destroy the presumption implied by article 1407 of the Civil Code, which provides;

"All the property of the marriage shall be considered as partnership property until it is proven that it belongs exclusively to the husband or to the wife."

Although the property appears as registered in the name of the husband, if it was acquired for a valuable consideration during the marriage it has the inherent character of partnership property, whether the acquisition is made for the partnership or for one of the spouses only. (Art. 1401, par. 1, Civil Code.)

The marriage of Marigsa with Macabuntoc having lasted for more than thirty years, according to the testimony, and some of the carabaos being the offspring of others which were purchased, as stated by the defendant, during the marriage, such animals are not paraphernal property of the widow, as she claims, for even such offspring is considered as community property, according to paragraph 3 of the said article 1401; nor were they the private property of the deceased husband.

The community property of the marriage, at the dissolution of this bond by the death of one of the spouses, ceases to belong to the legal partnership and becomes the property of a community, by operation of law, between the surviving spouse and the heirs of the deceased spouse, or the exclusive property of the widower or the widow if he or she be the heir of the deceased spouse. In the present suit, no proof was adduced to show what right the plaintiff has to call himself coowner with the defendant widow, the only action which could appertain to him in order that he might interfere with the acts of a person who, in the exercise of her rights with respect to property of which she is a coowner, or perhaps an absolute owner, disposed of such property by transferring the same, without the need therefor of any authorization whatever. Although it were upon no other basis than that of coownership, which coownership is irrefutably shown to have existed by the evidence in this case, the surviving widow acted perfectly within her rights in transferring the property in question. Whenever it shall be shown that there is another coowner as the heir of the deceased husband, then there will be occasion to prosecute an action for the annulment of the sale with respect to one-half of the said property; in order that it may be inventoried as belonging to the testate or intestate succession of the predecessor in interest.

"ART. 399. Every coowner shall have full ownership of his part and in the fruits and benefits derived therefrom, and he therefore may alienate, assign, or mortgage it, and even substitute another person in its enjoyment, unless personal rights are in question. But the effect of the alienation or mortgage, with regard to the coowners, shall be limited to the share which may be awarded him in the division on the dissolution of the community." (Civil Code.)

"SEC. 685. Community Property. - One-half the community property, as determined by the law in force in the Philippine Islands before the thirteenth day of August, eighteen hundred and ninety-eight, belonging to a husband and wife, shall be deemed to belong to the deceased husband or wife, and shall be inventoried and accounted for, and distributed as a part of the estate, in the same manner as all other property belonging to the estate." (Code of Civil Procedure.)

From the preceding premises it is concluded:

First. That sufficient grounds have not been shown in this suit to adjudge that the property in question was the private property of the deceased spouse, as against the legal presumption that it was the community property of both spouses; and, consequently, the first part of the first finding of the judgment appealed from, declaring it to be such, is improper and should be reversed.

Second. That the second finding of the said judgment is premature, in so far as it declares the sales made by the defendant, Ildefonsa Macabuntoc, to be rescinded and invalid, as this could be done only after it had been proven, in a proper action, that there is another coowner as heir of the deceased husband of the vendor; and, consequently, this finding also should be reversed.

Third. That the second part of the first finding, in so far as it declares all the animals claimed to be subject to the intestate estate of Esteban Marigsa, is likewise improper, inasmuch as, by virtue of the legal presumption that has until now prevailed, only a one-half interest that might have pertained to the deceased husband in the said property, presumptively the community property of the dissolved marriage, can, in principle, be considered as subject thereto, until proof to the contrary be adduced. Consequently, this finding must also be disapproved.

The judgment appealed from is reversed, without special finding as to costs.

Torres, Johnson, Carson, and Moreland, JJ., concur.

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