

BRIGIDA PAZ, PETITIONER, VS. MODESTO CASTILLO, JUDGE OF THE COURT OF FIRST INSTANCE OF BATANGAS, SIXTO INANDAN, ET AL., RESPONDENTS.*G.R. No. 49013. October 01, 1943*

Ponente: OZAETA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-49013/>**OZAETA, J.:**

In civil case No. 3661 of the Court of First Instance of Batangas instituted by Sixto Inandan and others against Juan Mendoza, Eduardo Mendoza, and Platon Amada for the partition of two parcels of land, judgment was rendered on March 24, 1941, decreeing the partition as prayed for. The court overruled the defense interposed by the defendant Eduardo Mendoza to the effect that the second parcel of land sought to be partitioned belonged to him exclusively because his deceased mother Juana Inandan had ceded it to him by virtue of an onerous donation evidenced by a private document (exhibit 2). The court declared in effect that no such donation had been made and that exhibit 2, supposed to have been thumbmarked by Juana Inandan, was of doubtful authenticity.

On April 25, 1941, Brigida Paz, the wife of Eduardo Mendoza, filed a petition to set aside the judgment of partition, which petition she amended on October 13, 1941, alleging that the second parcel of land above mentioned "belongs exclusively to the herein petitioner Brigida Paz and her husband by virtue of an onerous donation executed by the deceased Juana Inandan during her lifetime sometime on the 20th day of July, 1925, at Rosario, Batangas," and praying that the commissioner of partition be ordered to refrain from including the undivided portion of said parcel of land in the project of partition to be submitted by him. After due hearing said petition of Brigida Paz was denied by the court, and in due time the project of partition was approved.

Brigida Paz, refusing to recognize the validity of the writ of execution and claiming that she, not being a party defendant in the complaint for partition, was not bound by the judgment, likewise refused to yield the possession of the land and the harvest therefrom, notwithstanding repeated orders of the court threatening her with punishment for contempt.

To annul the writ of execution and the subsequent orders of the respondent court and prevent her impending arrest for contempt, Brigida Paz filed the present petition for certiorari and prohibition, without mentioning in her petition that she is the wife of the defendant Eduardo Mendoza in said civil case No. 3661 and pretending that she is a total stranger in said action.

But upon examining the record of said civil case No. 3661, which we ordered brought up here, we find that her pretensions are entirely baseless and that her conduct is really contumacious. She is relying solely upon the same private instrument of supposed onerous donation (exhibit 2) which had been relied upon by her husband and which the court had rejected. It is patent that the interest she claims in the land in question is conjugal and not paraphernal (see paragraph 2, article 1401, and paragraph 2, article 1396, Civil Code). Therefore, she is bound by the judgment rendered in civil case No. 3661 against her husband, who by law is the manager, with power to dispose, of the conjugal properties.

The petition is denied and the writ of preliminary injunction is dissolved, without any finding as to costs because the petitioner is litigating as a pauper.

Yulo, C. J., Moran, Paras, and Bocobo, 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.