

CRISPULO SIDECO, PLAINTIFF AND APPELLEE, VS. FRANCISCO PASCUA, DEFENDANT AND APPELLANT.*G.R. No. 4937. March 27, 1909*

Ponente: CARSON, J.

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This is an action to recover possession of a caraballa and two calves. Sometime in the year 1900 a caraballa above 5 years old disappeared from plaintiff's hacienda. The animal was branded with the letters "S. P.," that being the brand used by the plaintiff on his stock for some thirty years past and duly registered by him as such in the municipality of San Isidro on the 4th day of May, 1904. In the month of July, 1907, a caraballa branded with the letters "S. P.," and in addition thereto, the number 23, was found in the possession of the defendant, together with two of her calves some 2 or 3 years old. Plaintiff claims that this caraballa is the animal which disappeared from his hacienda in the year 1900; and in the month of August, 1907, he instituted these proceedings, wherein he prays for possession of the caraballa, together with her calves.

The evidence of the identity of the caraballa lost by the plaintiff with the caraballa found in the possession of the defendant is not wholly satisfactory, but it is not necessary for us to go into that question, because we are of opinion that the evidence of record conclusively establishes defendant's title to the animal by prescription, under the provisions of article 1955 of the Civil Code, which provide that the title to personal property prescribes by uninterrupted possession for three years in good faith (*con buena fe*).

Defendant proved by unimpeached documentary and oral evidence that he purchased the animal in question for the sum of P110 from one Guillermo Zamora on March 9, 1903; that Zamora purchased the animal for the sum of P110 from one Salvador Pangangban on February 27, 1903; and that Pangangban was the duly registered owner of the animal on March 30, 1901. Each of these transfers of ownership and the title of the various owners is evidenced by the necessary certificates of property and transfer-all apparently executed in accordance with the provisions of law in such cases.

It will be seen that more than the three years' prescriptive period had elapsed from the date when defendant purchased the animal, on March 9, 1903, until the date when plaintiff discovered her in the possession of defendant, and instituted these proceedings looking to her recovery (July-August, 1907).

The trial court was of opinion that proof of this uninterrupted possession by the defendant was not sufficient to establish his title by prescription, under the provisions of the above-cited article 1955 of the Civil Code, because in the opinion of the trial court, he failed to establish affirmatively that he had acquired, and held possession of the animal in good faith (*con buena fe*), as required by the provisions of that article. Under the provisions of article 434 of the Civil Code, however, "good faith (*la buena fe*) is always presumed, and the burden of proof is upon the party alleging the bad faith of the possessor," and plaintiff offered no evidence whatever which tends to impeach the *bona fides* of defendant's alleged purchase of the animal or of his uninterrupted possession thereof from the date of the purchase until the date when this action was instituted; and we may add that in the total absence of

proof to the contrary, defendant's documentary and oral evidence affirmatively established the bona fides of his purchase and possession.

The trial court appears also to have been of opinion that, in any event, the period for prescription provided in article 1955 did not begin to run as to the caraballa in question until the month of July, 1907, when plaintiff discovered for the first time the whereabouts of the animal which he claims to have lost in 1900. It is quite clear, however, from the provisions of article 1955, that the running of the period by virtue of which title of prescription may be acquired is coincident with the, period during which the thing has been in possession of him who claims ownership thereof by prescription, without regard to the time when a former owner may have lost possession or discovered the whereabouts of the thing lost; and in this connection, it is worthy of observation, that the provisions of article 1962, touching the prescription of actions for the recovery of possession of personal property, declare in express terms that the prescriptive period for such actions begins to run from the moment when the owner loses possession.

Counsel for plaintiff and appellee relies on appeal, more especially on the provisions of article 1956, which deny the right to acquire ownership of stolen property by prescription to the thief and his accomplices and accessories in the commission of the crime before and after the fact. But there is not a particle of evidence in the record which tends to prove that this defendant was either a principal or an accomplice in the alleged theft of the animal from the plaintiff in 1900; the evidence upon which counsel for plaintiff relies, as to the alleged theft of the animal in question from the hacienda of the plaintiff in the year 1900, is not satisfactory, and there is no evidence whatever to connect this defendant or his predecessors in interest, as they appear from the certificates of registry, with the alleged theft, if it actually occurred. Counsel for plaintiff, relying upon various decisions of this court wherein we have held that the unexplained possession of stolen property a short time after the commission of the crime raises a presumption of guilt of the crime of theft against him who has the stolen property in his possession, contends that there is a presumption of guilt of the theft of the caraballa from the plaintiff, against Pangangban, arising out of his possession of the caraballa on March 30, 1901; but while it may be admitted that, if the proof established the identity of the animal in question with the animal which disappeared from plaintiff's hacienda in 1900, the discovery of the animal in Pangangban's possession early in 1901 might be sufficient to give ground for a suspicion as to his guilt, it would be wholly insufficient to sustain a finding of his guilt until and unless he had an opportunity to explain how he came into possession of the animal, and to prove, if he could, that he was guiltless of any crime in acquiring such possession. So far as the record in this case discloses, Pangangban never had any such opportunity extended to him, and there is no ground, therefore, upon which to base a finding that he had any part in the alleged theft of the caraballa; and, in any event, proof that Pangangban had stolen the animal, would not, in itself be sufficient to sustain a finding that one who bought from him, for a valuable consideration, nearly two years after the first date at which it appears he was in possession, was also a thief or had any part in the commission of the crime.

The evidence of record, which discloses that plaintiff's animal was lost in 1910, and that defendant and his predecessors in interest had been in uninterrupted possession of the animal in question more than six years prior to the date when this action was instituted, would appear to be sufficient to sustain a finding that defendant had acquired title thereto by prescription, under the provisions of article 1955 of the Civil Code, which declare that title by prescription may be acquired in personal property, by virtue of the uninterrupted possession for six years, without the necessity of any other condition; and to sustain a further finding that plaintiff's action to recover possession had prescribed, before the institution of this action, by virtue of the provisions of article 1962 of the Civil Code, as well as by the provisions of subsection 3 of section 43 of the Code of Civil Procedure. But defendant being entitled to judgment in his favor under the provisions of article 1955 hereinbefore discussed and on which he relied, there is no need for a specific ruling on these possible defenses.

We do not deem it necessary to discuss at length the ruling of the trial court and the contention of counsel, that the provisions of the Civil Code and of the Code of Civil Procedure, thus construed and made applicable to the facts in this case, are in conflict with the provisions of section 5 of the Philippine Bill, which forbid the enactment of any law in these Islands "which shall deprive any person of life, liberty, or property, without due process of law, or deny to any person therein the equal protection of the laws."

Prescriptive rights have been recognized and protected by the laws of all nations, and indeed, in the language of Burke, the "solid rock of prescription" is "the soundest, the most general, the most recognized title between man and man that is known in municipal, as in public jurisprudence." (Vol. IX, p. 449.)

The judgment of the trial court is reversed without costs in this instance, and twenty days from the date of this decision let judgment, be entered in accordance herewith, and ten days thereafter let the record be returned to the trial court where judgment will be entered in favor of the defendant for the costs in first instance. So ordered.

Arellano, C. J., Torres, Mapa, and Johnson, JJ., concur.

Willard, J., concurs in the result.

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