

FRANCISCO ROSA HERNANDEZ ET AL., PLAINTIFFS AND APPELLEES, VS. MELECIO PADUA ET AL., DEFENDANTS AND APPELLANTS.

G.R. No. 5262. September 18, 1909

Ponente: ARELLANO, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-5262/>

ARELLANO, C.J.:

Sabino Hernandez, after the death of his lawful wife, Basilia Castro, in consideration of, and as collateral for the sum of 100 pesos which he had received from the spouses Rafael Padua and Dominica de los Santos, pledged to them a fish pond, the identity of which is admitted in the case.

Subsequently Santos, Francisco, and Rosauro Hernandez, the children of Sabino Hernandez and Basilia Castro, received 63 pesos in addition to the 100 pesos;

Of the three children, Francisco alone survives his parents, and he and Regina Panso, the widow of Santos Hernandez, claim the return of the fish pond upon payment of the money owed by them, and have filed a complaint against Melecio and Miguela Padua, the children of Rafael Padua and Dominica de los Santos.

The defendants do not object to the fulfillment of the contract, but they do not recognize the plaintiffs as the legally declared, testate or intestate, heirs of Sabino Hernandez who pledged the fish pond, nor entitled to bring action as such; and in case the fulfillment of the contract should be in accordance with the law, they claim that it is not sufficient to return the money advanced, but that the plaintiffs must also refund the expenses incurred in repairing the fish pond, as agreed to in the contract.

The case came up for trial and evidence being adduced by both parties to the suit, the Court of First Instance of Bulacan found "that the plaintiffs are entitled to redeem the fish pond, ordering the defendants to give the plaintiffs possession thereof upon refund to the latter by the former of the sum of 163 pesos." It overrules the motion to sentence the plaintiffs to pay any determined amount on account of repairs made on the property, and sentences the defendants to pay the costs.

From the above judgment the defendants have appealed to this court requesting a review of the evidence; the appeal having been heard, together with the briefs of the parties herein, it results:

That against the judgment of the court below the appellants have assigned the following errors:

- The overruling of all the foundations of the answer.
- The recognition of the hereditary right, derived from the title of the spouses Hernandez and Castro, under which the plaintiffs have brought the action.
- The recognition of Francisco Hernandez as the only surviving son.
- The holding that a prior judicial declaration of the principal's heirs was not necessary in order to bring the action derived from him.

- The holding that the legal capacity of the children of Hernandez and Castro had been expressly recognized by the parents of the defendants.
- The holding that it is immaterial so far as the efficacy of the action brought by the plaintiffs is concerned, whether or not the property belonged to Sabino Hernandez or to Basilia Castro.
- The holding that it is impossible to establish with certainty the amount of the expenses incurred in repairs to the property.

And, finally, all the findings contained in the judgment.

With regard to the legal capacity of the plaintiffs referred to in the first six assignments of error, it has been fully proven: (1) That defendants' document Exhibit 2 shows Santos, Francisco, and Rosauero, the children of Sabino Hernandez, named as stated above, to have been recognized by the spouses Rafael Padua and Dominica de los Santos as successors to the right of their late father in the pledge of the fish pond, and by virtue thereof they received the additional 63 pesos; (2) that it was fully established at the trial of the case that Francisco is the son of Sabino Hernandez; (3) that it is an erroneous averment in the fourth assignment of error in "that at the present time letters of administration produce the same effects as the old declaration of heirship," which is as much as to say that there must be a previous legal declaration of heirs in the order issuing the letters of administration, in order that the right of action, derived from the right of a deceased principal, may be exercised by the heir; the real doctrine, on the contrary, is that set up by the court a quo, to wit: "It is not necessary that the children of Basilia Castro and her husband Sabino Hernandez be declared their legal heirs in order to efficiently exercise said right." The basis for this doctrine is clearly shown by section 596 of the Code of Civil Procedure.

Neither is there any legal precept, nor established rule of law which requires a legitimate child to furnish any document or written evidence establishing its status as the heir of its intestate parents, or either one of them.

It is of little or no importance in this controversy that the real owner of the fish pond was Sabino Hernandez, and not Basilia Castro, or that Sabino Hernandez pledged it as his own property, or that the plaintiffs derived their right from their father or from their mother. The learned trial judge has rightly said that it is immaterial, "so far as the efficacy of the action brought by the plaintiffs is concerned, whether or not the property belonged to Sabino Hernandez or Basilia Castro," from the moment that it has been proven that the plaintiffs are the actual representatives of the pledgor, and the legitimate heirs of either one of their parents.

Therefore, in so far as the contract of pledge is concerned, the judgment is in accordance with the law. The defendants in their written exception thereto state that "it made no difference to them whether they (the plaintiffs) or anybody else acquired the property, so long as they were paid for the value of the same, that is, the sums advanced to the pledgor, and such subsequent sums as they had paid for its upkeep." (B. of E., 16.)

With regard to the seventh and eight assignments of error relative to the dismissal of the claim for payment of the expenses said to have been made on the property, the court below was unable to ascertain anything from the confused and uncertain data offered in the case.

Upon this assertion being impugned we find: (1) That the defendants in their amended answer "allege a counter-claim consisting of their right to recover from the pledgors of the said fish pond the sum of 163 pesos, for which it was given as security, plus the expenses entailed in repairing the same for the period of time during which it was held as security under the stipulations of the document, dated, January, 1880, pledging the said fish pond to wit; the sum of 405 pesos, being at the rate of 15 pesos per annum during the twenty-seven years of possession of the said fish pond claimed by the defendants, which added to the said 163 pesos make a total of P568, Philippine currency, which the plaintiffs have to pay to the defendants in the event that the lower court

should acknowledge the right of the plaintiffs to redeem the fish pond in question. (B. of E., 7 and 8.)

In the complaint the expenses for repairs are claimed by way of interest at something less than 10 per cent per annum, but an attempt was afterwards made to prove at the trial that damages were repaired in 1882 and 1889, but the only witness speaking of this says that they amounted to 431 pesos and 50 centavos, something which does not appear from the document which he himself signed; and the only thing that another witness states is that in 1882 what Rafael Padua did was, "to destroy one of the embankments and with it fill in another embankment," and that "in 1889 the embankment that had been filled in was also destroyed." With these data it is not possible to hold that the lower court erred in dismissing the counterclaim for the cost of repairs.

In view of the foregoing the judgment appealed from is hereby affirmed with the costs of this instance.

Torres, Johnson, Carson, and Moreland, 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.