

UY ALOC ET AL., PLAINTIFFS AND APPELLEES, VS. CHO JAN LING ET AL., DEFENDANTS AND APPELLANTS.*G.R. No. 5333. March 25, 1911*

Ponente: CARSON, J.

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After a careful examination of the evidence of record in this case we are satisfied that the material findings of fact by the trial court are fully sustained thereby, and that upon the facts as proven that court properly granted the relief afforded by the decree from which this appeal was taken.

From the facts proven at the trial it appears that a number of Chinese merchants raised a fund by voluntary subscription with which they purchased a valuable tract of land and erected a large building to be used as a sort of club house for the mutual benefit of the subscribers to the fund. The subscribers organized themselves into an irregular association, which had no regular articles of association, and was not incorporated or registered in the commercial registry or elsewhere. The association not having any existence as a legal entity, it was agreed to have the title to the property placed in the name of one of the members, the defendant, Cho Jan Ling, who on his part accepted the trust, and agreed to hold the property as the agent of the members of the association. After the club building was completed with the funds of the members of the association, Cho Jan Ling collected some ₱25,000 in rents for which he failed and refused to account, and upon proceedings being instituted to compel him to do so, he set up title in himself to the club property as well as to the rents accruing therefrom, falsely alleging that he had bought the real estate and constructed the building with his own funds, and denying the claims of the members of the association that it was their funds which had been used for that purpose.

The decree of the trial court provides for the conveyance of the club house and the land on which it stands from the defendant, Cho Jan Ling, in whose name it is registered, to the members of the association, and further makes provision for an accounting by him for rents had and received,

Accepting the truth of the above-set-out summary of the facts proven at the trial, we think appellants' assignments of error are entitled to but scant consideration, in so far as they are based on alleged abuses of discretion by the trial court in improvidently appointing a receiver pending these proceedings, and in permitting amendments to the original complaint, chiefly for the purpose of bringing in the proper parties to this action. Even if it be admitted that the court erred in appointing a receiver at the institution of these proceedings and in retaining him after he had been appointed, this alleged error in no wise affected the real merits of the case; and in the light of the facts set out above it will hardly be contended that the appellants have suffered any damage for which they should have redress, merely because, during the pendency of this action and without awaiting the final decree compelling them to disgorge, the court took under its own guardian care certain funds and property which they unjustly sought to retain, although its retention by them involved a flagrant breach of trust on their part. So, too, even if we were to admit, which we do not, that the trial judge was too liberal in his allowance of amendments to the complaint filed in this proceeding, we are nevertheless unable to see that any real or substantial right of the appellants was prejudiced thereby. Due, doubtless, to the inherent difficulties which must be anticipated in the conduct of a case

wherein a large number of the parties are Chinese persons, unable to speak any tongue but their own, some formal or technical irregularities seem to have crept into the proceedings in the court below and an unusually large number of amendments of the pleadings appear to have been necessary for the proper development of the facts and in order to bring: in all the parties interested, but none of these irregularities or amendments in any wise prejudiced the defense set up by the appellants in the court below, and assignments of error based thereon can not be sustained under section 503 of the Code of Civil Procedure, which provides that "No judgment shall be reversed on formal or technical grounds, or for such error as has not prejudiced the real rights of the excepting party."

Accepting, as we do, the truth and accuracy of the facts found by the trial court there can be no shadow of doubt that the plaintiffs are entitled to the relief furnished them by the decree. The attempt on the part of the appellants to escape the logical and manifestly just consequences of the conclusions of facts set out in the opinion of the trial judge by pointing this court to the doctrine laid down in its decisions in the case of *Martinez vs. Martinez* (1 Phil. Rep., 647) and the case of *Compañia General de Tabacos vs. Topino* (4 Phil. Rep. 33), can not and should not succeed. It is at most an attempt to substitute for the plain dictates of reason and equity certain technical propositions of law laid down in those cases which have no proper application to the facts proven in this case. The *Martinez* case turned on the lack of proof of the existence of the relationship of principal and agent or of trustee and cestui que trust between the parties, in addition to proof that the funds with which the property was purchased had been furnished by another than him who secured its registry in his own name. In the case at bar we think that the evidence clearly discloses not only that the funds with which the property in question was purchased were furnished by the members of the association, but that Cho Jan Ling, in whose name it was registered, received and holds the property as the agent and trustee of the association; that on at least one occasion he admitted the beneficial ownership to be in the association; and that while the legal registered title is in his name the beneficial ownership is in the association. Nor has the doctrine laid down in the *Topiño* case any direct bearing upon the facts proven and the relief sought and granted in this case. The *Topiño* case turned on the determination of the question of the legal title of the grantor of the conveyance inscribed in the land registry, and the further question of the right of the holder of a duly registered title to be secured in his right of possession as against third persons who do not claim through him, until and unless the inscription of his title has been judicially canceled. In the case at bar the legal title of the holder of the registered title is not questioned; it is admitted that the members of the association voluntarily obtained the inscription in the name of Cho Jan Ling and that they have no right to have that inscription canceled; they do not seek such cancellation, and on the contrary they allege and prove that the duly registered legal title to the property is in Cho Jan Ling, but they maintain, and we think that they rightly maintain, that he holds it under an obligation, both express and implied, to deal with it exclusively for the benefit of the members of the association and subject to their will.

Without prejudice to the filing of a more extended opinion hereafter by any of the members of the court, if it be deemed advisable or necessary so to do, the decree entered by the court below should be affirmed with the costs of this instance against the appellants. It is so ordered.

Arellano, C. J., Mapa, Moreland, and Trent, JJ., concur.

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