

DOMINGO FLORENTINO, PLAINTIFF AND APPELLANT, VS. JOSE CORTES ET AL., DEFENDANTS AND APPELLEES.

G.R. No. 6058. January 11, 1911

Ponente: ARELLANO, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-6058/>

ARELLANO, C.J.:

Domingo Florentino brought the present action for the recovery of ownership of a parcel of land eight hundred meters long by four hundred meters wide, situated in the pueblo of Camalamingan, Cagayan de Luzon. The plaintiff alleged that when he desired to enter into the possession of the said property in the month of August, 1907, after purchasing the same, he could not do so because he was prevented by Jose Cortes and Felipe Tuzon who were holding the land; and in his brief he requested the Court of First Instance to sentence the defendants to deliver to him the land he claimed, to pay him P1,000 for loss and damages, and the costs.

To prove his ownership, the plaintiff presented a private instrument executed, as it appears, on July 1, 1907, wherein record is made of a sale to him, by Josef a de Guzman, of a parcel of land described in the said instrument. Oral testimony was adduced by both sides, and the court concluded its judgment as follows:

"Neither does it appear from the evidence, to the satisfaction of the court, that the negrita (the said Josef a de Guzman) occupied the land for a period of ten years prior to July 26, 1904, with all the requisites prescribed by the Public Land Act, and inasmuch as, in an action for the recovery of possession, the plaintiff must base his claim on the legality of his own right rather than on the deficiency of the defendant's title, the court is of the opinion that the plaintiff has not demonstrated, by a preponderance of evidence, that he possesses a better right than the defendant to the land in controversy.

"The plaintiff in this case, Domingo Florentino, can not have a better right to the land in question than that which the negrita, Josefa de Guzman, could have transmitted to him. * * *

"Moreover, the court has carefully observed the conduct of the plaintiff's witnesses * * * and is of the opinion that their statements should be received with the greatest caution; and, therefore, notwithstanding the fact that the witnesses for the plaintiff were more numerous than those for the defendants, the weight and quality of the oral evidence is in favor of the said defendants.

"Therefore, the court renders judgment for the defendants, Jose Cortes and Felipe Tuzon, and against the plaintiff, Domingo Florentino, and sentences the said plaintiff to the payment of the costs."

The plaintiff appealed and, in the bill of exceptions forwarded to this court, alleged three assignments of error:

- Because the defendants were not declared to be in default;
- Because it was not held that Josefa de Guzman was the owner of the land purchased from her;
- Because that part of the land illegally occupied by the defendants, and a reasonable sum as an indemnity for losses and damages, were not awarded to the plaintiff.

With regard to the first assignment, the trial court exercised its discretion and did not err.

With respect to the second and third assignments, the Supreme Court can not, without reason, make any findings contrary to those set forth in the judgment of the lower court and the weight of the evidence considered by it.

There is one thing which must be clearly laid down by this court:

The rejection of the claim of ownership for lack of title, and of that of possession for lack of proof, in the judgment of the lower court, of the claim that such possession was held ten years prior to July 26, 1904, by the grantor, Josefa Guzman, are held by this court to be in accordance with law.

The doctrine set up in the judgment of the lower court, that an action for the recovery of possession must be founded on positive titles on the part of the plaintiff and not merely on negative ones, or the lack or insufficiency of title on the part of the defendant, is correct and in accord with the principles of law. Such an action prosecuted between two persons can not operate to the prejudice of the real owner who is not a party, whether he be some other private person, or the State, or the Insular Government, as is apparently the case in the present suit.

In affirming the judgment appealed from, properly disallowing the plaintiff's claim, it is not the sense of this court to concede true and legitimate right of possession on the part of the defendants. Our affirmance is limited to the act of possessing.

The judgment appealed from is affirmed, with the costs against the appellant.

Mapa, Carson, Moreland, and Trent, 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.