

BENIGNO ABAC, PLAINTIFF AND APPELLANT, VS. AURELIO ACEDERA AND VICENTA ADORA, DEFENDANTS AND APPELLEES.*G.R. No. 6348. January 15, 1912*

Ponente: ARELLANO, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-6348/>**ARELLANO, C.J.:**

Vicente Abad, who claims to be the owner by inheritance of a parcel of land 60 cavanese in area in the place and with the boundaries set forth, alleges that in March, 1908, the defendants illegally took possession of a parcel some 23 cavanese in area on the east side, adjoining their land, and prays that he be declared the owner of the 23 cavanese and that the defendants be sentenced to restore the same to him, with damages and costs.

The defendants not only deny the facts in the complaint but they further allege an agreement and a decision in opposition to the plaintiff's claim. The agreement consisted in submitting their contentions to the municipal court of the township of which they are residents, Calapan, Province of Mindoro, on August 18, 1909; and the decision was rendered by the president and members of the township court of Calapan, Mindoro, on the same date, whereby the complaint of Benigno Abac against the defendant Aurelio Acedera was dismissed. (B. of E., 5 and 6.)

Such an agreement and decision appear to be legally authorized by Act No. 1397 of the Philippine Commission, which by section 18, subsection (g), creates township courts, composed of the president, two councilors, and a secretary, which shall hear and adjudge alleged violations of public ordinances. Subsection (h) provides:

"This court shall have no jurisdiction in civil cases, except on the application of interested parties and upon their making an agreement in writing to accept the award of the court, when it may hear and adjudge any case not involving property exceeding in value the sum of two hundred pesos Philippine currency. The judgment shall be awarded by a majority vote of the members of the court and shall be recorded by the secretary, and shall be final."

On page 5 of the bill of exceptions is recorded an agreement to submit this question about a parcel of land, some 20 cavanese in extent, between Benigno Abac, plaintiff, and Vicenta Adora and Aurelio Acedera, defendants—land which the parties appraised at not more than P200. On page 6 appears the decision, the purport whereof in favor of the defendants has already been set forth; wherefore the latter in their cross-complaint pray the Court of First Instance of Mindoro, to which the complaint referred to before was submitted, to sentence the plaintiff to fulfill said agreement, with the costs thereof. (B. of E., 4.) Said Court of First Instance rendered judgment in favor of the defendants, with the costs against the plaintiff.

On page 14 of the bill of exceptions it appears that the plaintiff asked for a new hearing and, when this was denied, appealed by taking exception, this contrary to what the counsel for the appellees avers in his brief.

Accordingly, the plaintiff appealed and has the right to have the evidence reviewed. The appeal is based solely upon the findings of fact in the lower court, but the findings contain no error of fact or of law.

The trial court held to be a symbol of ownership, or at least of quiet and peaceful possession, the existence on the land of a house in which the defendants, according to their witnesses and their neighbors, have lived for twentyfive years.

"Nobody in the whole case—says the learned judge—speaks of the plaintiff as having lived on the lands until he, in rebuttal, went on the stand at the last moment. In his first testimony he did not say a word about having lived on these lands; it only occurred to him to do so after he had heard the defendants establish the fact that they were living thereon * * *. Now I do not for a moment believe the statement of this plaintiff, that he left these lands simply because the defendant had built a house in the southeast corner. It does not stand to reason that he would have given up this large tract of land, in the middle of which he claims that he was living, when somebody had usurped just a small corner in the southeast part of it, in order to avoid trouble. I feel sure that these defendants have been in possession of this land for a number of years * * *. These defendants have been in possession, and, so far as this plaintiff is concerned, he has not attempted to dispossess them. He just moved off the lands and came to town and went to work as a carpenter, he says, to learn the trade; but I suspect the truth is that he was a carpenter and had not been on these lands for many years until after his father died, when he attempted to get possession of them. I do not believe under the testimony, which is nearly all hearsay and guess and a part of it given by witnesses who had not been on the land for five years or more, that this plaintiff has any claim to this land whatsoever."

This is what the judge saw, heard, and decided; and against his decision so reached nothing has been alleged that can destroy the force of the evidence adduced and duly weighed.

The judgment appealed from is affirmed, and the complaint against the defendants dismissed, with the costs against the appellant.

It is further ordered, in accordance with the resolution of this court of January 14, 1911, upon written protest of the counsel for the appellant, that the counsel for the appellees strike out and efface on page 4 of his brief the following sentence: "Se necesita tener un entendimiento demasiado obtuso para decir tantos disparates." The clerk will so enter in the record.

Carson, Johnson, 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.