

GUTIERREZ HERMANOS, PLAINTIFF AND APPELLANT, VS. ISABEL RAMIREZ, DEFENDANT AND APPELLEE.

G.R. No. 7909. March 24, 1914

Ponente: CARSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-7909/>

CARSON, J.:

This is an action to establish ownership and to recover possession of a parcel of land described in the complaint.

The pertinent and material facts are practically undisputed.

The land in question was formerly the property of Tomas Perez, deceased, who duly registered his title thereto in the year 1892. Perez sold the land to Gregorio Patrocinio, deceased, the husband of the defendant, in the year 1894, for P100, and gave possession to the purchaser forthwith. Patrocinio continued in possession until he died, and from that time down to the date of the institution of this action in December, 1910, it was in the possession of the defendant, his widow. The sale to Patrocinio does not appear to have been executed in writing, though the fact that it did in fact take place is evidenced by a written receipt for the purchase price.

The vendor Perez died in 1897 heavily indebted to the plaintiff, and his widow, in her capacity as administratrix of his estate, and acting under authority of an order of the court, executed in the year 1906 a deed of sale of a number of parcels of land, said to be the property of the estate of Perez, to the plaintiff company. Among the parcels of land mentioned in the deed is the land in question, and this deed was duly registered in the office of the register of deeds in the year 1906.

It will be seen that upon these facts the principal question for determination is whether the unrecorded sale in 1894 of a duly registered parcel of land to Patrocinio, followed by possession under claim of ownership by himself and his successor in interest for twelve years, can prevail against the recorded deed to plaintiff company, which now seeks possession.

We think that the mere statement of the case, read together with the pertinent provisions of the Civil Code, is conclusive of the disposition which must be made of it.

Article 1473 of that code is as follows:

"If the same thing should have been sold to different vendees, the ownership shall be transferred to the person who may have first taken possession thereof in good faith, if it should be personal property.

"Should it be real property, it shall belong to the person acquiring it who first recorded it in the registry.

"Should there be no entry, the property shall belong to the person who first took possession of it in good faith, and, in the absence thereof, to the person who presents the oldest title, provided there is good faith."

The property in question being registered real estate, it necessarily results that the right of the plaintiff company, which has had its title duly registered, must be held to prevail against the claim of the defendant, who, although she and her husband were in possession long prior to the sale to the plaintiff company, has never had her title

registered.

The trial judge was of opinion that: "The wife of the deceased Tomas R. Perez had no right to sell this land, and if she did so, she could not transfer to the purchaser any title of ownership of the said land, which had already been sold by her deceased husband."

It is not quite clear whether this holding was based on the ground that the land had been sold already by her deceased husband, or upon the ground that as such administratrix she had no authority to sell the real property of the estate.

What has been said already sufficiently disposes of the first ground. It may be admitted that the land having been sold already, the widow should not have attempted to make it the subject of a second sale. But it appearing that the land in question was duly registered in the name of her deceased husband, and that she did in fact execute a deed of sale of this land in favor of the plaintiff company, the rights therein of the respective purchasers must be determined by the above cited provisions of the code—if as administratrix of his estate, she was vested with authority to execute a valid deed of sale of real estate belonging to her husband.

We are of opinion also, that in so far as the rulings of the lower court are based upon the supposed lack of power in the administratrix to sell real estate belonging to the estate of the deceased, the conclusions of the trial court cannot be sustained. Under the provisions of section 722 of Act No. 190, courts having jurisdiction of the real estate of deceased persons may grant licenses to administrators to sell such real estate in cases provided by law, and under the provisions of section 723 of that Act:

"The deed of an executor or administrator of the real estate of deceased persons, having such certificate or copy of an order of sale from the probate court, shall be as valid to convey the estate authorized to be sold as if the deed had been executed by the deceased in his lifetime."

The deed of sale executed by the administratrix to the plaintiff company expressly declares that it was executed by authority of the court wherein the estate was in course of administration, and contains a copy of the order of that court expressly authorizing the sale of the property of the deceased. In the absence of any proof tending to put in doubt the genuineness and legality of the order of sale by virtue of which the administratrix avowedly undertook to execute the deed of sale, we do not think that we would be justified in holding that the deed thus executed is invalid.

Let judgment be entered reversing the judgment entered in the court below, without costs in this instance, and directing that the record be returned to the trial court, where judgment will be entered in accordance herewith, and securing the rights of the defendant as an occupant in good faith.

Arellano, C. J., Trent, and Araullo, JJ., concur.

Moreland, J., dissents.

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.