

VICTORIANO SANTOS AND ANDREA ESPINOSA, PLAINTIFFS AND APPELLEES, VS. ELIAS ESTEJADA ET AL., DEFENDANTS AND APPELLANTS.*G.R. No. 8574. December 27, 1913*

Ponente: TORRES, J.

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This appeal was raised by counsel for the defendants, through bill of exceptions, from the judgment rendered on October 8, 1912, by the Honorable Vicente Jocson, judge, whereby he held that the land in question, bounded on the north by the Balian River and by the property of Elias Estejada, on the south by that of Pedro Sales and Maximo Heredia, on the east by that of Elias Estejada, and on the west by the Balian River, belonged to the plaintiffs; without special finding as to costs.

On January 13, 1912, counsel for Victoriano Santos and Andrea Espinosa filed a complaint with the Court of First Instance of Laguna alleging that they had been in the peaceable and uninterrupted possession, for the past twenty years, up to October 16, 1911, as owners, of a tract of unirrigated land of about 50 ares and 48 centiares, worth P700, sustaining 160 coco palms, situated in the barrio of Bullero, of the pueblo of Pangil, Laguna, and bounded on the- north by land of the defendants and the Balian River, on the south by land of Pedro Sales, on the east by land of the defendants, and on the west by the said Balian River; that, up to October 16, 1911, they had been in peaceable and uninterrupted possession of the property, and that the defendants had, until then, as tenants-on-shares of the plaintiffs on the said land, recognized the latter to be the owners of the property, but from that date appropriated the same to themselves and refused to recognize the plaintiffs' right of ownership, thus depriving the latter of their possession of the said property, whereby they had suffered losses and damages to the extent of P300. Said counsel therefore prayed that judgment be rendered holding the land to belong to the plaintiffs, and sentencing the defendants to deliver the same to the plaintiffs and pay them the sum stated, as an indemnity for losses and damages, and the costs.

Counsel for the defendants admitted in his answer the first paragraph of the complaint and denied generally and specifically each and all of the others. As a special defense he alleged that the land referred to in paragraph 2 of the complaint was acquired through purchase in 1863 by the spouses Isabelo Ages and Justa Acaylar, from whom it was inherited by their grandson, Domingo Balugay, the present owner and possessor, and that the defendants were mere tenants-on-shares or caretakers of the said Balugay, with respect to the land in question. He therefore asked that the defendants be absolved from the complaint, with the costs against the plaintiffs.

By a written petition of March 29, 1912, counsel for the plaintiffs requested the court to order the inclusion of Domingo Balugay as a party-defendant in the case, and to allow an amendment to the complaint by adding at the end of paragraph 4 thereof the following words: "under the pretext that they are simple tenants-on-shares or caretakers of one Domingo Balugay, who claims to be the present owner and possessor of the said land."

Counsel for the defendants, by a written motion of April 2, likewise stated that he desired to amend his previous

written answer so as to include therein the new defendant, Domingo Balugay.

After the hearing of the case and the introduction of evidence by the parties, the court pronounced the judgment cited, to which counsel for the defendants excepted and moved for a new trial. This motion was denied, the appellants excepted and presented the proper bill of exceptions, which was approved and forwarded to this court.

It is sought, through an action for the recovery of possession brought by the plaintiffs, to obtain an express declaration from the courts that the land concerned in the complaint is the exclusive property of the plaintiffs, which allegation is denied by the defendants.

It is admitted in this suit that the defendants have been holding the said land, although the plaintiffs claim that the defendants were and are in possession of it as tenants of theirs on shares; but the defendants, in turn, allege that they are in charge of the said land as the tenants-on-shares of its owner, Domingo Balugay, and deny that the land belongs to the plaintiffs, Santos and Espinosa.

So the question to be decided is: Who is or are the owner or owners of the land in litigation? Its present possessors are mere caretakers of Domingo Balugay, according to the defendants; and of the plaintiffs, Victoriano Santos and Andrea Espinosa, according to them.

To decide this suit it must be determined which of the two parties, Victoriano Santos and wife or Domingo Balugay, is the lawful owner of the land in dispute, because the defendants, the Estejadas, hold possession of the land either in the name of the plaintiffs, as the latter's witnesses affirm, or in the name of the defendant Balugay, according to his witnesses.

Were it solely a question of a mere right of possession, it is undeniable, notwithstanding the contradictory evidence given by both parties, that, in consideration of the weight and merits of that evidence and of the proved fact that the defendants, the Estejadas, are in actual possession of the land in litigation, this suit should be decided in favor of the defendant Balugay as the present possessor holding through them; but, owing to the nature of the action brought and of the petition made by the plaintiffs in their complaint, it is imperative to decide to whom the control and ownership of the said land lawfully belong.

From the evidence presented by counsel for the plaintiffs it does not follow that they are the owners and proprietors of the disputed land, since the document Exhibit A, translated on page 7 of the record, does not constitute a title through which they may have lawfully acquired ownership of said land.

Pursuant to the agreement contained in the said document and made between Silverio Adan and Petrona Dionisio, the owners of the land therein mentioned, in consideration of the sum of ten pesos which they received from the spouses Victoriano Santos and Andrea Espinosa, these two latter formed a partnership with the two former for the purpose of utilizing the coffee plants and coconut trees planted on the said land, the products from which were to be divided among the partners, under the obligation on the part of the owners of the land to take care of the crops thereon, under penalty, for failure so to do, of forfeiting all right to the products thereof.

This contract, as may be seen by its contents, did not transfer the ownership of the property to the partners Victoriano Santos and Andrea Espinosa, neither does it show that these spouses had any legal reason to support their possession of the said land. The evidence, then, both oral and documentary, introduced by the plaintiffs does not prove in any wise that they were the owners of the land in litigation. The testimony of their witnesses tends only to establish that the defendants, the Estejadas, the present possessors of the said land, hold the same in the name of the plaintiffs; but this is denied by the defendants, who allege that they are in possession of the land as tenants-on-shares and caretakers for Domingo Balugay.

It is true that Balugay did not prove, by the documents which he presented to substantiate his allegations, that he acquired the said land through inheritance by having succeeded to the rights of the original owners, Isabelo Ages and Justa Acaylar, his grandparents and ascendants; but it is an unquestionable fact that the documents exhibited by the defendants were delivered to Domingo Balugay in his capacity as heir of his aforesaid ascendants, by Bruno Acaylar, the testamentary executor and administrator of the estate of the deceased Justa Acaylar, an ascendant of the defendant Balugay and the original owner of the land concerned. Therefore the possession of the said land which Balugay has been enjoying, through the other defendants Elias and Maria Estejada, is that of an owner and not of a mere precarious holder.

In the decision rendered in the case of *Compañía General de Tabacos de Filipinas vs. Miguel Topiño et al.* (4 Phil. Rep., 33), the rule was laid down that: "In an action of ejectment the plaintiff seeking to recover possession of land must recover upon the strength of his own title rather than upon the weakness of the title of the defendant, and the burden of showing his title rests upon him who asserts it."

In the decision of *Belen vs. Belen* (13 Phil. Rep., 202), it is stated: "Mere possession of the thing claimed is sufficient to insure respect for the present holder, while no other person appears to show and prove a better right, in accordance with the doctrine of the courts."

In the same decision the following was likewise laid down: "If the plaintiff, upon whom rests the burden of proving his cause of action, fails to show in a satisfactory manner the facts upon which he bases his claim, the defendant is under no obligation to prove his exceptions or defense."

In view of the fact that the plaintiffs have not duly proved their title to the land actually occupied by the defendants, the Estejadas, as the tenants-on-shares and representatives of Domingo Balugay, who is found to be the lawful owner of the said land, although the proofs adduced by him are somewhat deficient, there exists no legal ground upon which to deprive him of the possession he now enjoys as owner.

For the foregoing reasons it is our opinion that, with reversal of the judgment appealed from, we should, and we do hereby, absolve the defendants from the complaint filed by the plaintiffs; without special finding as to costs.

Arellano, C. J., Johnson, Carson, and Trent, JJ., concur.

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