

SOTERA DE GUZMAN ET AL., PLAINTIFFS AND APPELLEES, VS. JUAN PANGILINAN AND GUILLERMA AZARCON, DEFENDANTS AND APPELLANTS.

G.R. No. 8780. November 06, 1914

Ponente: JOHNSON, J.

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JOHNSON, J.:

This was an action by the plaintiffs brought to recover the possession of and to be declared the owners of the parcel of land particularly described in paragraph 2 of the complaint, together with damages for the wrongful withholding of the possession of the same.

The plaintiffs are the children and grandchildren of Dimas de Guzman and Felipa de los Reyes, his wife.

To the complaint the defendants presented a demurrer. The demurrer alleged:

First. That the plaintiffs had no legal capacity to maintain the action.

Second. That the facts alleged in the complaint were not sufficient to constitute a cause of action.

Third. That some of the defendants had been erroneously included as plaintiffs.

Fourth. That the complaint was ambiguous, unintelligible and uncertain.

After hearing the arguments of the respective parties, the lower court overruled the demurrer, to which ruling the defendants duly excepted.

The defendants then answered the complaint, presenting a general and special defense. In the special defense, the defendants alleged that they had acquired the parcel of land in question by purchase from the plaintiff Petra de Guzman and had paid therefor the sum of P2,000.

Upon the issues thus presented the lower court found that the parcel of land in question had been inherited by Petra de Guzman and the other plaintiffs from their parents, Dimas de Guzman and Felipa de los Reyes; that there had never been a partition of the parcel of land in question among the coheirs of the said Dimas de Guzman and his wife.

The lower court further found that Petra de Guzman had sold her undivided interest in said parcel of land to the defendants and that, therefore, the defendants were the owners of the one-fifth undivided part of said parcel of land and ordered the defendants to immediately return the possession of the land to the plaintiffs, as coheirs, and to pay to the plaintiffs the sum of P800 and the costs.

The lower court further ordered that after his decision became final there should be a partition made between the said coowners.

From that decision the defendants appealed to this court and made a number of assignments of error.

With reference to said assignments of error, we deem it necessary only to discuss the fourth, fifth, and sixth. Said assignments of error relate to the title and ownership of the parcel of land in question. From an examination of the evidence brought to this court, we find that a preponderance of the evidence shows the following facts to be true:

First. That the plaintiffs are the children and grand-children of Dimas de Guzman and Felipa de los Reyes, his wife.

Second. That Petra de Guzman, one of the plaintiffs, is the youngest child and that her parents (Dimas de Guzman and Felipa de los Reyes) continued to live with her upon the parcel of land in question until the time of their death.

Third. That prior to the death of Dimas de Guzman and Felipa de los Reyes, they were the owners of other parcels of land located in the same district in which the parcel of land in question is located.

Fourth. That prior to the death of Dimas de Guzman and his wife, they made a partition of all of their real estate, giving to each of their children a certain parcel.

Fifth. That the parcel of land in question was given in said partition to Petra de Guzman, as her share and participation in the estate of her parents.

Sixth. That some time after the death of her parents, Petra de Guzman sold the parcel of land in question to the defendants herein and delivered to them the possession of the same.

Seventh. That the defendants, after having purchased the said parcel of land from Petra de Guzman, went into possession of the same as owners, and have peaceably and quietly remained in such possession ever since.

Eighth. At the time of the partition, by the ancestors of the plaintiffs, each of the heirs entered into possession of his respective share. This partition seems to have been mutually made and assented to by all of the interested parties. No written document was made of the partition at the time, neither was it necessary to evidence the partition by a written document. The law did not require this division or partition of the inheritance to be reduced to writing. (*Madamba vs. Magno*, 10 Phil. Rep., 86.)

It clearly appears that at the time of the sale of said parcel of land by Petra de Guzman, she was the owner and had a perfect right to sell and transfer the same to the defendants, and that the defendants thereby became the owners. It also appears that the other plaintiffs had no right, title, or interest in said land, as owners, nor in the possession of the same. Therefore, and without discussing the other assignments of error, the judgment of the lower court is hereby reversed and the defendants are hereby relieved from any liability under the complaint, without any finding as to costs.

Arellano,, C. J., Torres, Carson, Moreland, Trent, and Araullo, JJ., concur.

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