

PAULO DILINILA AND ISABEL CULATON, PLAINTIFFS AND APPELEES, VS. MANUEL SABADO, DEFENDANT AND APPELLANT.

G. R. No. 8841. August 17, 1915

Ponente: JOHNSON, J.

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JOHNSON, J.:

This was an action brought in the Court of First Instance of the Province of La Union, for the purpose of recovering the possession of a parcel of land, which is particularly described in paragraph 2 of the complaint, together with damages for its illegal detention.

After hearing the evidence, the lower court found that the plaintiffs were the owners of the land in question, and ordered the defendant to deliver the possession of the same to them. From that judgment the defendant appealed to this court.

The only question presented by the appellant is one of fact. From an examination of the record brought to this court, while there is some conflict in the evidence, we believe that the following facts are fully sustained:

- That in the year 1902 or 1903, the plaintiffs herein had some litigation in the courts of the Province of La Union relating to the parcel of land in question with Geronimo and Isidro Ballas; that that litigation resulted in favor of the plaintiffs herein.
- That the defendant,. Manuel Sabado, during the pendency of the litigation between the plaintiffs and Geronimo and Isidro Ballas, rendered the plaintiffs herein some assistance, the exact nature and extent of which does not appear of record.
- That soon after the termination of the litigation between the plaintiffs herein and Geronimo and Isidro Ballas, in order to compensate Manuel Sabado for the services which he had rendered them, the plaintiffs turned over to him a portion of the land in question, in order that he might cultivate it and pay himself for his trouble out of the products of the land. By virtue of an agreement, the defendant was to retain possession of the land three or four years. Later the plaintiffs demanded the possession of the land of the defendant, but he refused to deliver the possession of it to them.
- Later, or some time in the year 1907 or 1908, by mutual agreement, the plaintiffs declared the land in question for taxation, and have been paying the taxes upon the same since the year 1910. It appears from the declaration of the parties, that soon after the land was delivered to the defendant, he declared the same for the purpose of taxation.

In the year 1908, from the record it appears by an affidavit of both Paulo Dilinila and the defendant (see Exhibit C), that the land in question was resold by the defendant to the plaintiffs.

The defendant attempted to show that the land had been sold to him in the year 1902 by the plaintiffs in payment of a sum of money which he had loaned the plaintiffs. That fact was stoutly denied by the plaintiffs. The plaintiffs allege that the defendant had obtained the possession of the land in question, in order that he might pay himself

out of the rents and profits, for the services which he had rendered the plaintiffs in the litigation with the said Ballas. Whatever the method was by which the defendant obtained possession of the land in question, we think the record clearly demonstrates that he either promised to return the same to the plaintiffs or resold it to the plaintiffs (see Exhibit C) and is no longer entitled to withhold the possession of the same from the plaintiffs.

From all of the foregoing, we think that a preponderance of the evidence adduced during the trial of the cause clearly shows that the plaintiffs are entitled to the possession of the land in question, and that the judgment of the lower court should be and is hereby affirmed, with costs. So ordered.

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

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