

**BALTAZAR PAMINSAN, PLAINTIFF AND APPELLEE, VS.  
HERMENEGILDO COSTALES ET AL., DEFENDANTS AND APPELLANTS.**

*G.R. No. 9000. November 25, 1914*

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-9000/>

---

**JOHNSON, J.:**

On the 27th day of July, 1908, the plaintiff commenced an action in the Court of First Instance of the Province of Cagayan, to recover from the defendants a parcel of land described in paragraph 2 of the complaint, alleged to contain about 15 hectares. The plaintiff alleged that he was the owner and had been in the quiet and peaceable possession of said parcel of land from the year 1897 to the year 1901; that in the year 1901 the defendants illegally and unlawfully dispossessed him and have remained in the possession of said land ever since. The plaintiff prayed for a judgment for the possession of the land and damages for the illegal possession of the same in the sum of P2,000, and the costs.

To the complaint the defendants demurred, which was overruled by the lower court.

Later the defendants answered by a general denial.

After hearing the evidence the lower court found that the plaintiff was the owner of the land, and rendered a judgment directing the sheriff to put him in the possession of the same and decreed that the defendants, Hermenegildo Costales, Isaac Costales, Francisco Torres, Regino Pontillas, and Julian Viernes, should pay, jointly and severally, to the plaintiff the sum of P500 as damages for the use and occupation of said land, together with interest thereon at the rate of six per cent, from the first day of September, 1908.

From that judgment the defendants appealed to this court.

The record shows that the defendant, Dionisio Costales, after the commencement of the action and before the answer was filed, died. No answer was presented by his personal representatives or his heirs.

The record also shows that Francisco Torres, after the commencement of the present action, sold all of his alleged interest in the land in question. The record does not show the name of his vendee, neither does it show that his vendee entered into the possession of his (Francisco Torres') parcel of land. The vendee of Francisco Torres not having been made a party to the present action, of course his interest cannot be affected by the conclusions reached in this decision.

From an examination of the record brought to this court with due reference to the different assignments of error made by the plaintiff, we are of the opinion that the preponderance of the evidence shows that the plaintiff is the owner of the land in question and is entitled to the possession of the same as against the defendants, Hermenegildo Costales, Isaac Costales, Regino Pontillas, and Julian Viernes.

The lower court found that the plaintiff has been damaged by the use and occupation on the part of the defendants of said land in the sum of P600. We think that the preponderance of the evidence adduced during the trial of the

cause shows that the defendants were occupying the land in question in good faith. The record shows that at the time they entered upon the possession of said land, they did so believing that they had a right to the possession of it. That part of the judgment of the lower court must therefore be reversed.

One of the assignments of error presented by the appellant is that the lower court committed an error in overruling the demurrer presented by them. By that assignment of error the appellants allege that the facts stated in the petition of the plaintiff were not sufficient to constitute a cause of action. The test of the sufficiency of the facts found in a petition to constitute a cause of action is whether or not, admitting the facts alleged, the court could render a valid judgment upon the same, in accordance with the prayer of the petition. In the present case the plaintiff alleged two facts: (1) That he was the owner of the land; and (2) that the defendants had illegally dispossessed him of the same. Upon these facts he prayed that the defendants be required to return to him the possession of said land and to pay damages. Admitting the facts alleged to be true, the plaintiff was clearly entitled to the relief prayed for. We find that the lower court committed no error in overruling the demurrer.

Therefore, in accordance with the foregoing, it is hereby ordered and decreed that a judgment be entered affirming that part of the judgment of the lower court which declares that the plaintiff is the owner of the land in question and entitled to the possession of the same, and that part of the judgment of the lower court which requires the defendants to pay to the plaintiff the sum of P500, together with interest, is hereby reversed. Without any finding as to costs, it is so ordered.

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