

MANUEL DE LEON, PLAINTIFF AND APPELLEE, VS. SANTIAGO GOMEZ, DEFENDANT AND APPELLANT.

G. R. No. 9233. September 13, 1915

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-9233/>

JOHNSON, J.:

This action has been pending in the courts since the 18th of May, 1910. On the 18th of May, 1910, the plaintiff commenced an action in the Court of First Instance of the Province of Cavite to recover the possession and to be declared the owner of a certain parcel of land, located in the barrio of San Jose, pueblo of San Roque, in the municipality and Province of Cavite, more particularly described in the second paragraph of the complaint.

On the 2d of June, 1910, the defendant, through his attorney, duly appeared in said cause.

On the 4th of June, 1910, the plaintiff, for the reason that the defendant had neither demurred to nor answered said complaint, presented a motion praying that a judgment by default be rendered against him, which motion was duly granted upon the same day. Later the cause was set down for trial and, after hearing the evidence adduced by the plaintiff, the honorable Vicente Jolson, on the 17th of June, 1910, rendered a decision in which he found that the plaintiff, Manuel de Leon, was the owner of the parcel of land in Question and ordered the defendant, Santiago Gomez, to return the possession of the same to him, and to pay the costs.

On the 23d of June, 1910, the defendant presented a motion to have the judgment by default set aside, which motion was brought on for hearing and denied by the lower court on the 27th of June, 1910. From that judgment the defendant appealed to the Supreme Court.

Later, the Supreme Court, after a consideration of the facts, on the 27th of March, 1911, rendered a decision setting aside said judgment by default of the lower court, and ordered the record returned for new trial. (De Leon vs. Gomez, 18 Phil. Rep., 638.)

Later, on the 7th of May, 1911, the defendant appeared in the lower court and presented a demurrer to the complaint, which was overruled; whereupon the defendant, after excepting to the ruling of the court on said demurrer, answered. In his answer he interposed a general and special defense. In his special defense, the defendant claimed that he was the owner of a portion of the land in question.

Upon the issue thus presented, and after hearing the evidence adduced during the trial, the lower court, on the 18th of March, 1913, rendered a judgment in which he found that the plaintiff was the owner and entitled to the possession of the land in question. From that decision the defendant appealed to this court. The defendant and appellant was permitted to prosecute his appeal in this court as a pauper. The only question presented by the appellant in this court is one of fact.

The appellant, in his first assignment of error, alleges that the lower court committed an error in finding that Juan Gomez was the only owner and possessor of the land in question. The plaintiff, Manuel de Leon, alleges that he purchased the land in question from the said Juan Gomez. From an examination of the proof, adduced during the

trial of the cause, we think the following facts are fully sustained by a preponderance of the proof.

That Juan Gomez, during his lifetime, was the only possessor and owner of the parcel of land in question and had been in the peaceable and quiet possession of the same for a period of thirty years; that on the 19th of February, 1910, he sold and transferred all of his right, title, and interest in said parcel of land to the plaintiff herein, for the sum of P150; that the said sale was evidenced by a public document, executed and delivered on the same day, before a notary public (see Exhibit A) ; that on the same day, by virtue of a declaration of the said vendor (Juan Gomez), the land was transferred on the tax duplicate from him to the vendee (Manuel de Leon) (see Exhibit B); that on the same day (the 19th of February, 1910), the plaintiff declared said land for taxation before the municipal secretary; that on or about the 6th of April, 1910, the said Juan Gomez, "estando para morir" (being about to die), executed a document (Exhibit 2) in which he declared that he and his brother, Timoteo, had inherited the parcel of land in question in equal parts from their deceased father, Rufino Gomez; that Santiago Gomez was and is the owner of one-half of said parcel of land and that, by the said document, he transferred the other one-half of said parcel of land to the defendant, Santiago Gomez. The proof, however, we think shows that Santiago Gomez, the defendant herein, is not the legitimate son of the deceased Timoteo Gomez, and that when he induced Juan Gomez to execute said Exhibit No. 2 he knew at that time that all of said parcel of land had been sold by Juan Gomez to the plaintiff Manuel de Leon.

The appellant, in his third assignment of error, alleges that the lower court committed an error in holding that said Exhibit A constituted a real and absolute transfer of all of said land in question, to the plaintiff. An examination of said Exhibit A shows that Juan Gomez used the following language, in Exhibit A, with reference in the part or portion of said land sold to the plaintiff: "I cede, sell and transfer the above-described land in absolute sale to Sr. Manuel de Leon, etc."

It would be difficult to use language more comprehensive, with reference to the quantity of land and the title transferred in a deed of sale. We think the lower court committed no error in holding that Juan Gomez, by virtue of Exhibit A, transferred to the plaintiff all of his right, title, and interest in the land in question.

The plaintiff alleges that the lower court committed an error in deciding that Santiago Gomez, the defendant herein, is not the legitimate heir of Timoteo Gomez. The proof shows that Timoteo Gomez died without having been married. There is no proof in the record that he had children, either legitimate or illegitimate.

After a careful examination of the record, we find no reason for changing or modifying the decision of the lower court. The same is therefore hereby affirmed with costs. So ordered.

Arellano, C. J., Torres, Carson, 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.