

**VICTORIANO VALDEZ ET AL., PLAINTIFFS AND APPELLEES, VS.
ANGEL B. PINE, DEFENDANT AND APPELLANT. CELERINA MAIMBAN,
INTERVENOR AND APPELLEE.**

CA-G.R. No. 9848. March 18, 1946

Ponente: HILADO, J.

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HILADO, J.:

This is an appeal to reverse the decision rendered by the Court of First Instance of Pangasinan under date of July 30, 1941, in favor of plaintiffs and appellees, with respect to the major part of the land in dispute, and of intervenor and appellee with respect to the remainder consisting of a portion of two hectares.

In its well-considered decision, the trial court found from the stipulation of facts presented by the parties and the evidence adduced by them the following facts:

The parcel of land described in paragraph 4 of the reamended complaint forenerly belonged to one Francisca Valdez, who died in the municipality of Rosales, province of Pangasinan, on June 21, 1924, without descendants nor ascendants. Some time after the death of said Francisca Valdez, her brothers and sister instituted a special proceeding over her intestacy which was docketed as civil case No. 1209 of the lower court, in which the same court declared heirs of said deceased her sister Estefania Valdez and her brothers Francisco Valdez and Esteban Valdez and her niece and nephew of the full blood, Maura Sembrano and Gonzalo Castro. According to the stipulation of facts, plaintiffs are all heirs of the deceased Francisca Valdez.

During the lifetime of the deceased Francisca Valdez, she applied for the registration in her name of the parcel of land in dispute, the same having been adjudicated by the lower court in her favor, but only on July 16, 1924, was the corresponding original certificate of title (No. 27521) issued. On June 20, 1924, that is, one day before the demise of Francisca Valdez, and while she was in a state of unconsciousness, Fermin Venavince, a notary public of the municipality of Rosales, Ulpiano Zambrano, Antonio Lopez and Nicolas Rosario prepared a deed of purchase and sale of the parcel of land described in paragraph 4 of the reamended complaint, wherein Francisca Valdez appeared as the vendor, Ulpiano Zambrano as the vendee, and Nicolas Rosario and Antonio Lopez as witnesses. Said deed appears to have been acknowledged by the supposed vendor Francisca Valdez on June 21, 1924, before notary public Fermin Benavince (Exhibit F-Valdez). The land in question has always been in the possession of the heirs of the deceased Francisca Valdez, and when the intestacy of said deceased was opened, said land passed to the possession of Esteban Valdez, as administrator of the properties of the deceased Francisca Valdez appointed by the trial court in the intestate proceeding (civil case' No. 1209).

Through a motion filed by Ulpiano Zambrano, dated September 3, 1924, said Ulpiano Zambrano obtained, by virtue of an order of said court dated November 15, 1924, entered in registration case No. 4854, G. L. R. 0. Record No. 24454, the cancellation of original certificate of title No. 27521 in the name of the deceased Francisca Valdez covering the disputed parcel of land and the issuance, in its stead, of transfer certificate of title No. 12205 in favor of said Ulpiano Zambrano. On July 14, 1926, Esteban Valdez, in his capacity as judicial administrator of

the properties left by Francisca Valdez, filed a motion for reconsideration, asking for the setting aside of the said court's order of November 15, 1924, entered in registration case No. 4854, G. L. R. O. Record No. 24454, and the said court, granting the motion for reconsideration, entered under date of July 31, 1926, an order in the same registration case, declaring null and void transfer certificate of title No. 12205 in favor of Ulpiano Zambrano. Of this order the register of deeds of Pangasinan was notified.

On February 24, 1925, Ulpiano Zambrano executed a deed of sale in favor of Macario C. David and his niece Pastora Zambrano, purporting to have sold 14, of the land in controversy to said Macario C. David, and the remaining 1/4 to said Pastora Zambrano (Exhibit 2-defendant). As a result of this supposed conveyance of the land in question by Ulpiano Zambrano to Macario C. David and Pastora Zambrano, transfer certificate of title No. 2481 was issued in favor of said supposed purchasers.

By reason of the manner and form in which Fermin Benavince, Ulpiano Zambrano, Nicolas Rosario and Antonio Lopez prepared the deed of purchase and sale supposedly executed by the deceased Francisca Valdez in favor of said Ulpiano Zambrano and the manner in which the thumb- mark of said deceased on that deed was procured, Esteban Valdez, judicial administrator of the intestacy of Francisca Valdez, filed a complaint in the justice of the peace court of Rosales, Pangasinan, against Fermin Benavince, Ulpiano Zambrano, Nicolas Rosario and Antonio Lopez for the crime of falsification of public document. After the proper preliminary investigation, and once the cause was elevated to the Court of First Instance, said cause was docketed therein as criminal case No. 9578. Defendant Angel B. Pine was one of the six bondsmen for the provisional liberty of the accused, and every time that said court ordered the appearance of said accused, defendant Angel B. Pine was invariably notified to bring the said accused before the court. In said criminal case the accused Fermin Benavince, Ulpiano Zambrano, Nicolas Rosario and Antonio Lopez were found by the Court of First Instance guilty of the crime alleged in the information and convicted by said court to suffer a certain penalty. From said judgment the accused appealed to this Supreme Court, and this court affirmed the judgment of conviction, with a modification consisting in the increase of the penalty imposed. While criminal case No. 9578 was pending trial in the Court of First Instance, Pastora Zambrano executed on September 10, 1925, an instrument in favor of defendant Angel B. Pine purporting to sell to the latter 1/4 of the land in litigation (Exhibit 4-defendant). On the 17th of the same month and year, Macario C. David also executed another instrument in favor of Mariano David, purporting to sell to the latter the remaining 1/4 of the same land (Exhibit 3- defendant). Mariano David is a brother-in-law of defendant, having married a sister of the latter.

On March 29, 1926, Mariano David, in turn, executed a supposed deed of sale of said 1/4 of the land in litigation to the same defendant Angel B. Pine (Exhibit 5-defendant). All said documents, the one executed by Ulpiano Zambrano in favor of Pastora Zambrano and Macario C. David, that executed by Macario C. David in favor of Mariano David, and those executed by Pastora Zambrano and Mariano David in favor of defendant Angel B. Pine, were registered in the Registry of Property of Pangasinan and noted on transfer certificate of title No. 2481. In cadastral case No. 28, cadastral record No. 715 of Rosales, Pangasinan, the parcel of land in dispute was adjudicated to defendant Angel B. Pine.

On October 3, 1927, Esteban Valdez, in his capacity as judicial administrator of the properties of Francisca Valdez, filed a motion in said cadastral case, asking that the decision in favor of Angel B. Pine concerning lot 1847, which is the same parcel of land here disputed, be set aside; and the court, passing upon said motion, denied the same because the said decision had become final. (Of course, that was error because the land being already covered by a Torrens certificate of title issued in an earlier registration case, the court had no jurisdiction to again decree the registration thereof in the cadastral case—*Reyes and Nadros vs. Borbon and Director of Lands* [50 Phil., 79]—the jurisdiction of the court in the cadastral case being limited to the necessary correction of technical errors

in the description of the land, provided such corrections do not impair the substantial rights of the registered owner, and such jurisdiction cannot operate to deprive the registered owner of his title—*Pamintuan vs. San Agustin* [43 Phil., 558].)

On or about the month of November, 1926, defendant Angel B. Pine filed a complaint for preliminary injunction against Ines Valdez, Victoriano Valdez, Esteban Valdez, Proceso Ramirez and Francisco Valdez. Said complaint involved the same land in question herein and was docketed in the trial court as 'civil case' No. 4789, said court issuing the writ of preliminary injunction sought against the therein defendants, which writ was later dissolved by the same court in its order dated November 26, 1926. Said civil case No. 4789 was dismissed by the same court by an order dated February 8, 1921, for failure to prosecute (Exhibit 13-defendant). After the execution by Pastora Zambrano and Mariano David of the instruments (Exhibits 4 and 5), a new transfer certificate of title (No. 2846) was issued in the name of defendant Angel B. Pine, it appearing therein that the parcel of land in question was the conjugal property of said defendant and his wife. In cadastral case No. 28, of Rosales, Pangasinan, there was issued on January 30, 1934, in favor of defendant Angel B. Pine and his wife transfer certificate of title No. 8384, in place of transfer certificate of title No. 2446.

On October 11, 1934, plaintiff Estefania Valdez, one of the heirs of the deceased Francisca Valdez, sold to intervenor Celerina Maimban a portion of two hectares, more or less, of the land in question, executing the deed of sale Exhibit 1-intervenor, and said vendee has since then been in the actual and material possession of said portion.

Upon the vital question of whether or not defendant Angel B. Pine was a purchaser in good faith of the land in litigation, the learned trial judge Braulio Bejasa, found negatively.

There exists in the record of the oral evidence a testimony of defendant and appellant which, in our opinion, furnishes a solid basis for concluding that he is not a purchaser in good faith. Upon his cross-examination by adverse counsel, among other things, he declared:

"P. Y cuando fueron acusados Fermin Benavince, Ulpiano Zambrano, Nicolas Rosario y Abdon Lopez en la causa criminal No. 9578, era presidente municipal de Resales Fermin Benavince, no es verdad?—R. No era Presidente municipal todavia Fermin Benavince, porque la acusacion se presento con motivo de las elecciones, era una acusacion sistemtica." (T. s. n., p. 75, Palisoc; italics supplied.)

His statement that the charge against Fermin Benavince and his co-accused was a "systematic accusation" necessarily implies that, according to him, it was not well founded, or that it was false, because a truthful accusation cannot properly be called systematic. He could not have said that the accusation was systematic, and he could not have considered it as unfounded or false, without knowing, first of all, what public document it was that had been alleged to have been falsified by Fermin Benavince and his co-accused, and without having made an inquiry from the accused themselves, if not from other witnesses, as to the truth or falsity of the charge, supposing that he was up to that time an innocent third party to the transaction. From such an inquiry he should have understood, as the intelligent person and prominent political figure that he was at the place, that if he were to avoid acting in a way that might prejudice the rights and interests of the persons who were alleged to be the victims of the forgery—the heirs of Francisca Valdez—as good faith would dictate, he should wait for the final outcome of the criminal case before deciding to buy the property, and only so decide in case the accused were acquitted by final judgment of the competent courts. His conduct in purchasing of the land while the criminal case for falsification of public document was still pending, and in purchasing the remaining after this Supreme Court had affirmed, with an increase of the penalty, the lower court's judgment of conviction therein—supposing that Exhibits 4-defendant and 5-defendant executed for the purpose were not in themselves fictitious—is utterly

incompatible with good faith; and much more so if we take into consideration the fact, conclusively proven by his attitude in this case, that he entered into the transaction determined to insist upon his alleged purchase even in case of final conviction of the persons accused of having forged the document supposed to be the root of his pretended title.

Besides the above-quoted testimony of said defendant and appellant, the trial court also took into consideration the following circumstances, which appear to have been established beyond dispute: (1) that said defendant and appellant was one of the six bondsmen for the provisional release of the accused; and (2) that every time that the court ordered the appearance of said accused, said defendant and appellant (along with the other bondsmen) was notified to present them to the court. It has been stipulated by the parties as a fact that the bonds thus posted are Exhibits K-Valdez and K-1-Valdez (Record on Appeal, pp. 79, 126-131), wherein it is expressly recited that the criminal charge is for falsification of public document. Defendant and appellant admits that Fermin Benavince is a friend of his and that said Benavince and the other accused belong to the same political party as himself. Under the circumstances it is beyond rational comprehension that defendant and appellant should not have desired and sought information as to what public document said accused were being charged with having falsified, not only because he was a friend of the principal accused but also the political colleague of all of them, and because he was being requested to be one of their bondsmen. While he testified in answer to the trial judge (p. 75, t. s. n., Palisoc) that Fermin Benavince was accused of falsification of public document, but that he did not know what kind of document, even at that late date when he was testifying, the trial judge who saw and heard him testify and presumably observed his demeanor, concluded that he did know. It must have been because it does at times happen that a person's very pretense or protestation of ignorance of a fact betrays his guilty knowledge of it.

In the very nature of things, the trial judge had to weigh the comparative credibility of the testimony given by each witness in this three-cornered litigation, and to rely very much upon his personal observation of the demeanor of the witnesses testifying before him and their manner of testifying. It is a well-settled doctrine in this jurisdiction, repeatedly upheld by this court, that the findings of fact made in the judgment of the trial court should not be disturbed here, unless the trial court failed to take into consideration some material fact or circumstance or to weigh accurately all material facts and circumstances presented to it for consideration. (Baltazar vs. Alberto, 33 Phil, 336; United States vs. Melad, 27 Phil., 488; United States vs. Benitez and Lipia, 18 Phil, 513; United States vs. Pico, 15 Phil., 549; United States vs. Rice, 27 Phil, 641; Velasco vs. Masa, 10 Phil., 279; Lim Soco vs. Roxas, 26 Phil., 609; United States vs. Claro, 32 Phil., 413; Go Tiam Ting vs. Di Ping Jo, 11 Phil., 10.)

For the foregoing considerations, we affirm the judgment appealed from, with costs against the appellant. So ordered.

Ozaeta, De Joya, Perfecto, and Bengzon, JJ., concur.

Judgment affirmed.

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