

MARCUS DE JESUS, PLAINTIFF AND APPELLANT, VS. GREGORIO MANUEL ET AL., DEFENDANTS AND APPELLEES,*G. R. Nos. 34184 and 34185. December 15, 1931*

Ponente: STREET, J.

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This appeal is a combination of two cases reflecting different aspects of the same cause of action. In case R. G. No. 34184 Marcos de Jesus is plaintiff and Gregorio Manuel, Eugenio Manuel, and Victor Agbayani are defendants. In R. G. No. 34185 Gregorio Manuel and five co-plaintiffs of the same are plaintiffs and Casimiro R. Manuel and Marcos de Jesus are the defendants. In the first action De Jesus seeks recover a parcel of land located in the barrio of Digana, municipality of Laur, of the province of Nueva Ecija, and in R.G. No. 34185 the six Manuels seek to obtain the annulment deed conveying to Casimiro R. Manuel the above-mentioned piece of property as part of a larger parcel, executed by the plaintiffs, and a second deed from Manuel to De Jesus covering lie portion now in question. Upon hearing the cause the trial court declared both the conveyances rererred to to be void, with appropriate effects in both actions. From this judgment Marcos de Jesus alone appealed.

Briefly stated the facts are theses On or about April 26, 1925, the defendant Casimiro R. Manuel procured Enrique Manuel and his sons Paulino, Bernardo, and Eugenio to execute a deed conveying to Casimiro R. Manuel a parcel of rice land containing an area of five hectares more or less, as described in Exhibit "A". The grantors in and deed appear to have been ignorant and they were led to execute said instrument upon the suggestion of Casimiro R. Manuel that he needed a written power to facilitate certain steps that he promised to take with reference to the registration of the land, and the grantors all signed in the belief that they were executing such a power. After said document had been executed Casimiro R. Manuel, on June 10, 1927, conveyed for a valuable consideration to Marcos de Jesus the western half of the land mentioned in the Exhibit "A", containing an area of two and one-half hectares more or less. The finding of the trial court that the deed of April 26, 1925, from Enrique Manuel and his sons to Casimiro B. Manuel was procured by fraud, as above described, is not questioned in this appeal. But Marcos de Jesus claims that he was an innocent purchaser for value and that the deed from Casimiro R. Manuel to himself was binding.

From the statement above made it will be noted that the Exhibit "A" was not only obtained by fraud but the execution of said instrument was characterized by absolute non-consent on the part of the grantors, inasmuch as they were made to believe that the document signed by them was a different instrument from that indicated in its terms. It results that no title passed by virtue of Exhibit "A", and the grantee under that instrument had no power to convey even to an innocent purchaser a valid title to any part of the property covered by the first instrument. The circumstance that the Exhibit "A" was registered in the office of the register of deed³ of the province of Nueva Ecija on April 1, 1927, and that the conveyance from Casimiro R. Manuel to Marcos de Jeaus, on June 10, 1927, was likewise registered in the same office does not affect the case.

We note further that the trial court found as a fact that Marcos de Jesus, at the time he effected his purchase, had notice of the fact that the Manuel heirs, plaintiffs in the second case, were living upon and claiming to be owners

of the land in question. The appellant's attorneys concentrate efforts upon the attempt to demonstrate that this finding of the trial court is not supported by a preponderance of the evidence. But even so, the absolute nullity of the Exhibit "A" is fatal to the contention of the appellant, for if Casimiro R. Manuel had not so much as a voidable title to the property in question, he could not convey a good title to the appellant.

The judgment appealed from will be affirmed, and it is so ordered, with costs against the appellant.

Ten days after the publication of this decision final judgment will be entered, and five days thereafter the record will be remanded to the court below.

JUDGMENT AFFIRMED.

Avanceña, C. J., Malcolm, Romualdez and Imperial, JJ., concur.

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