

**\*\*Title: Abellera v. Balanag, 37 Phil. 865\*\***

**\*\*Facts:\*\***

The plaintiff, Fabian B.S. Abellera, initiated an action to eject approximately nineteen alleged trespassers from a hacienda described in his complaint. Abellera attempted to prosecute this action without legal counsel, which led to procedural disarray and confusion during the trial in the court of first instance. Ultimately, the court dismissed the complaint after the plaintiff submitted his evidence but before defendants presented any testimony.

Defendants denied Abellera's claim of ownership and stated that they had acquired the land through prescriptive title. Abellera presented a registered composition title in his father's name, a deed of donation made by his father in his favor, and his testimony regarding the defendants' possession of various parcels of the land. He claimed the defendants entered the land without his consent after the Spanish-American War, erected homes, and remained in possession. Initially tolerating their presence, Abellera later demanded rent and sought amicable recognition of his ownership, which the defendants rejected, compelling him to file this lawsuit.

The trial court dismissed the complaint on two grounds: (1) that Abellera's evidence was insufficient to establish the precise location and extent of the parcels occupied by the defendants; and (2) that Abellera's title was not valid under Article 633 of the Civil Code since he did not formally accept the donation in a public instrument with notice to the donor.

**\*\*Issues:\*\***

1. Whether the plaintiff sufficiently established his ownership of the land to maintain an action for ejectment.
2. Whether the trial court was correct in its interpretation of the necessity for acceptance of a gift of real estate in a public document under Article 633 of the Civil Code.

**\*\*Court's Decision:\*\***

1. On the issue of establishing ownership, the Supreme Court held that while plaintiffs in ejectment proceedings need not establish the precise location or extent of the land occupied by the defendant, they must prove entitlement to possession over any part of the tract described in their title. The court found that Abellera failed to establish his title because he did not accept the donation properly, as required by law.

2. Regarding the necessity of acceptance under Article 633 of the Civil Code, the Court

upheld the requirement that for a donation of real estate to be valid, there must be acceptance in a public document and notification to the donor. The Court found that this procedural formality is indispensable to perfect a donation. Abellera's later attempt during the appeal to formalize the acceptance was irrelevant as it was neither newly discovered evidence nor evidence of acceptance at the time of trial.

**\*\*Doctrine:\*\***

The case reiterates the doctrine that a donation of real estate under Article 633 of the Civil Code of the Philippines must be accepted in a public instrument, and notice of such acceptance must be communicated to the donor during their lifetime to be valid. Failure to follow these formalities renders the donation ineffective.

**\*\*Class Notes:\*\***

- **\*\*Ejectment Action:\*\*** Plaintiff must establish ownership and unlawful possession by defendant.
- **\*\*Article 633, Civil Code:\*\*** Requires acceptance of real estate donations in a public document with notice to the donor.
- **\*\*Prescriptive Title:\*\*** Requires open, notorious, and adverse possession.
- **\*\*Burden of Proof:\*\*** Falls on defendants claiming prescriptive title against a registered titleholder.

**\*\*Historical Background:\*\***

This case mirrors post-Spanish colonial land disputes in the Philippines where notions of land ownership, and formalities of land transfers, rooted in Spanish law, were often in contention. Such cases reflect the transitional legal atmosphere post-American occupation, emphasizing statutory formalism derived from Spanish laws under a new legal system.