

34 Phil. 334

[G.R. No. 8941. March 23, 1916]

GUILLERMO VELOSO, PLAINTIFF AND APPELLEE, VS. LORENZO BECERRA AND DIONISIO JAKOSALEM, SHERIFF OF THE PROVINCE OF CEBU, DEFENDANTS AND APPELLANTS.

D E C I S I O N

JOHNSON, J.:

This action was commenced in the Court of First Instance of the Province of Cebu on the 4th of January, 1911. Its purpose was to recover the possession of three *vacas* together with damages for the illegal detention of the same. The defendants interposed a general and special denial.

After hearing the evidence, the Honorable Adolph Wislizenus, judge, reached the conclusion that the plaintiff was the owner and entitled to the possession of the three *vacas* and rendered a decision on the 18th of March, 1913, ordering the return of the said *vacas* to the plaintiff, with costs against the defendant, Lorenzo Becerra. From that judgment the defendants appealed and the cause was submitted to this court for decision on the 8th of February, 1916.

The theory of the plaintiff is that he purchased the oldest *vaca* from his brother, Maximino Veloso, in 1906, and that the other *vacas* in question are the product of that one. He presented no documentary proof whatever of his ownership of the *vacas* in question. Act No. 1147 was adopted nearly two years prior to the alleged purchase of the *vacas* in question by the plaintiff. Section 22 of said Act provides that:

“No transfer of large cattle shall be valid unless registered and a certificate of transfer secured as herein provided.”

The registration and certification are required in accordance with sections 13 and 14 of said

Act. In view, therefore, of the provisions of said section 22, the alleged sale of the *vaca* in question by Maximino Veloso, in 1906, to the plaintiff was invalid and the alleged transfer, therefore, conveyed no title to the purchaser. The plaintiff is attempting to recover the *vacas* in question, upon the theory that he is the owner. By virtue of the provisions of section 22, he is not the owner and cannot, therefore, recover the same in the present case. (Ramos vs. Hijos de I. de la Rama, 15 Phil. Rep., 554; Gutierrez Hermanos vs. Alegre and Marcos, 28 Phil. Rep., 548.)

For the foregoing reasons, therefore, the judgment of the lower court must be reversed, and without any finding as to costs, it is so ordered.

Torres and Araullo, JJ., concur.

Moreland, J., concurs in the reversal of the judgment.

Trent, J., reserves his vote.
