

7 Phil. 397

[G.R. No. 3215. January 29, 1907]

**NEMESIO CAMAGAY, PLAINTIFF AND APPELLANT, VS. JUAN LAGERA,
DEFENDANT AND APPELLEE.**

D E C I S I O N

WILLARD, J.:

The plaintiff alleged in his complaint that he was the owner of the land in question because he had acquired it by gift *propter nuptias* during the lifetime of Juan Sangalang. The only evidence which he presented to prove such gift was a private document signed by Juan Sangalang and Domingo Camagay, dated in San Jacinto April 23, 1904, which contained nothing but a list of certain real and personal property preceded by the following statement:

“Relacion de los bienes donados por Nemesio Camagay a su novia Emerenciana Catalina Fernandez, cuya relacion demuestra en los siguientes parrafos.”

Article 1328 of the Civil Code provides that gifts *propter nuptias* are governed by the rules established in title 2 of book 3 of the same code. Article 633 of that title provides that the gift of real property, in order to be valid, must appear in a public document. The instrument presented in evidence in the court below was not a public document, and therefore conveyed to the plaintiff no title to the land in question.

The judgment of the court below is affirmed, with the costs of this instance against the appellant. After expiration of twenty days let judgment be entered in accordance herewith and ten days thereafter the case remanded to the court from whence it came for proper action. So ordered.

Arellano, C. J., Torres, Mapa, Carson, and Tracey, JJ., concur.

Date created: May 28, 2014