

Title: Maglasang, et al. v. Heirs of Corazon Cabatingan, et al.

Facts:

On February 17, 1992, Conchita Cabatingan executed a “Deed of Conditional Donation Inter Vivos for House and Lot” in favor of her brother, Nicolas Cabatingan, covering half of her property in Liloan, Cebu. On January 14, 1995, she executed four additional deeds of donation granting various parcels of land to her relatives, including petitioners Estela C. Maglasang, Nicolas Cabatingan, and Merly S. Cabatingan. These donations were to become effective upon Conchita’s death, with a provision that should the donees predecease her, the donations would be rescinded.

Upon Conchita’s death on May 9, 1995, the respondents, who are Conchita’s other heirs, filed a case for Annulment and/or Declaration of Nullity of Deeds of Donations and Accounting (Civil Case No. MAN-2599) at the Regional Trial Court of Mandaue, questioning the validity of the donations. They argued that the deeds were void for failing to comply with the formalities of wills, as the donations were of mortis causa nature.

The trial court ruled in favor of the respondents, declaring the donations void ab initio for being mortis causa without following the formal and solemn requirements under the Civil Code.

The petitioners, asserting that the donations are inter vivos, elevated the case to the Supreme Court via a petition for review on certiorari, stating that the lower court grossly disregarded established jurisprudence on the matter.

Issues:

1. Whether the donations executed by the late Conchita Cabatingan are inter vivos or mortis causa.

Court’s Decision:

The Supreme Court affirmed the decision of the trial court, denying the petition for lack of merit. The Court extensively analyzed the terms of the donations, particularly the retentive terms and conditions that signified the donor’s intent for the donations to take effect after her death. Consistent with established jurisprudence, the Court ruled that the donations are mortis causa, since they neither conveyed title nor ownership to the donees while Conchita was still alive, were revocable, and void if the donee predeceased the donor. Consequently, the Court held that the donations should have complied with the statutes governing wills, which they did not, rendering them null and void.

Doctrine:

Donations are classified as mortis causa when they are intended to take effect after the donor's death, retaining characteristics similar to testamentary provisions. Such donations require the observance of the formalities of wills under Articles 805 and 806 of the Civil Code. A donation that does not meet these formalities is void and without effect.

Class Notes:

- Donations mortis causa are essentially testamentary acts—meaning they take effect upon death—and must adhere to the requisites for the execution of wills under Articles 805 and 806.
- Article 805 prescribes the manner of execution and attestation of wills, including necessary witness signatures and notations on each page.
- Article 806 requires the acknowledgment of a will before a notary public by the testator and the witnesses.
- Characteristics of a mortis causa donation: no title transfer before death (retains full/naked ownership), donor's revocability at will, and nullity if the donor outlives the donee.

Historical Background:

This case reflects the Supreme Court's application of established Philippine civil law principles on donations and testaments. It reaffirms the Court's role in ensuring that property transfers through donations comply with the statutory requirements set forth in the Civil Code to protect the interests of legal heirs and ensure clarity in testamentary intentions. The decision reinforces the distinction between inter vivos and mortis causa donations as an important aspect of property law in the Philippines, pertinent to the drafting of transfer instruments and the proper performance of the donors' and donees' rights and obligations.