

Title:

Reyes, et al. v. Mosqueda, et al. / Dalusong v. Mosqueda, et al. / Parungao, et al. v. Intermediate Appellate Court, et al.

Facts:

Dr. Emilio Pascual died intestate on November 18, 1972. He was survived by his sister, Ursula Pascual, and the children of his late sisters. On December 3, 1973, the heirs filed for the administration of his estate (Special Proceedings No. 73-30-M). Ursula Pascual filed a motion to exclude properties from the inventory, claiming they were covered by a "Donation Mortis Causa" executed in her favor by Dr. Pascual on November 2, 1966, and thus should be excluded.

The trial court issued an order on August 1, 1976, excluding the properties from inventory, subject to final determination in a separate action. The issuance of this order prompted the filing of petitions in the Supreme Court: G.R. Nos. 45262, 45394, and 73241-42.

Litigants in these cases took different actions; there were motions for the exclusion of properties, motions for the return of titles, and various other petitions and counterclaims at every judicial level.

Issues:

1. Does the probate court have the jurisdiction to exclude donated properties from the estate's inventory?
2. Is the "Donation Mortis Causa" executed in favor of Ursula Pascual in 1966 actually a donation "inter vivos"?

Court's Decision:

The Supreme Court held that while the probate court cannot finally adjudicate title to contested properties, it can determine their inclusion in the inventory, albeit only provisionally. Regarding the second issue, the Court determined that the so-called "Donation Mortis Causa" was, in substance, a donation inter vivos due to its immediate effect and as the ownership passed to the donee upon execution of the donation, regardless of the formal title of the document.

Doctrine:

A deed's designation as "Donation Mortis Causa" or "inter vivos" is not determinative; the intrinsic characteristics and stipulations dictate the nature of the donation. A probate court's jurisdiction is limited to provisional decisions regarding property inclusion in estate

inventories, necessitating separate actions to conclusively resolve property disputes.

Class Notes:

- Probate court jurisdiction: Can make provisional determinations on estate inventory, which does not extend to final adjudication of property titles (*Morales v. Court First Instance of Cavite*, 146 SCRA 373).
- Donations inter vivos vs. mortis causa: Determined by the nature of the disposition, whether the ownership is transferred upon execution (*Bonsato v. Court of Appeals*, 95 Phil. 481) and not by the title of the donation document (*Laureta v. Manta*, 44 Phil. 668).
- Donation inter vivos characteristics:
 1. Immediate transfer of ownership to the donee (*Castro v. Court of Appeals*, 27 SCRA 1076).
 2. Retention of full or naked ownership by the donor while alive.
 3. Donor's ability to revoke the transfer at will.
 4. Transfer is void if donee predeceases donor.

Historical Background:

The case emerges in the context of the complexities of inheritance law in the Philippines and the delineation of jurisdiction and authority of probate courts. It highlights the substantive nature of donations and their classification, as well as the distinction between the formal title of a document and its executory provisions. The case illustrates how personal relationships, expressions of affection, and recognition of services rendered influence the disposition of properties upon death and the legal interpretation of transfer documents.