

### Title:

\*\*Jose C. Cordova et al. vs. Jose M. Cordova et al.: The Question of Prescription among Co-Heirs\*\*

### Facts:

The case arose from a property dispute among members of the Cordova family. The plaintiffs, Jose C. Cordova and others, filed a case against defendants, Jose M. Cordova et al., concerning the ownership and possession of a piece of property which was inherited. The plaintiffs sought to affirm their rights as co-heirs against the defendants who, according to the plaintiffs, were asserting adverse ownership claims over the disputed property.

The case navigated through the lower courts, ultimately reaching the Supreme Court on an appeal from an order of the lower court granting the defendants' motion to dismiss the case on the grounds of prescription. The defendants argued that they had acquired ownership of the property by virtue of adverse possession, a claim contested by the plaintiffs who insisted on their status as co-heirs.

The procedural posture of the case involved the initial trial court proceeding in which the motion to dismiss was filed and granted, prompting the appeal to the Supreme Court for a review of the application of the law regarding prescription among co-heirs and the sufficiency of the pleadings to establish a claim of adverse possession.

### Issues:

1. Whether prescription can be pleaded among co-heirs in property disputes.
2. Whether the pleadings provided sufficient evidence of adverse possession to warrant a claim of prescription.
3. Whether the court should decide on the motion to dismiss before trial based on the claim of prescription.

### Court's Decision:

The Supreme Court set aside the appealed order, finding that the motion to dismiss was prematurely granted. The Court ruled that generally, prescription cannot be pleaded between co-heirs unless there is clear evidence that one heir has openly and adversely occupied the property for a sufficiently long period to entitle them to ownership under the law.

The decision emphasized that as long as co-ownership is acknowledged among the heirs, or no adverse title is set up against another, prescription does not apply. The Court found that

the pleadings did not sufficiently allege facts indicative of adverse possession on the part of the defendants. Furthermore, the basis of the prescription claim was considered not indubitable, leading to the conclusion that dismissing the case before trial was inappropriate.

### ### Doctrine:

The Supreme Court reiterated the doctrine that prescription among co-heirs is generally inapplicable except when one heir has engaged in open and adverse occupation of the property for a period sufficient to establish ownership under the law. It underscored the principle that co-ownership recognized among heirs precludes the applicability of prescription.

### ### Class Notes:

- **\*\*Prescription Among Co-Heirs:\*\*** Prescription as a means to acquire ownership is generally not operable among co-heirs unless there is clear and sufficient evidence of adverse possession by one heir against the rest.
- **\*\*Adverse Possession:\*\*** To claim ownership through adverse possession, the possession must be continuous, open, and hostile for the period prescribed by law.
- **\*\*Motion to Dismiss and Prescription:\*\*** Filing a motion to dismiss based on prescription requires indubitable evidence of adverse possession; insufficient pleadings or evidence thereof should lead courts to proceed with the trial rather than dismissing the case.

### ### Historical Background:

This case delves into the complex legal interactions among co-heirs regarding property inheritance and ownership claims in the Philippines. It brings to light the delicate balance courts must maintain between acknowledging co-ownership rights among heirs and validating rightful ownership claims following adverse possession principles. Through its decision, the Supreme Court reaffirmed critical legal doctrines, ensuring that co-ownership rights among heirs are given due regard in the face of prescription claims, which deepens the jurisprudence on property disputes and inheritance laws in the Philippines.