

****Title:**** Patania-Kinatac-an vs. Patania-Decena, et al.

****Facts:****

Spouses Ramiro and Amada Patenia owned a 9,600-square meter lot in Magugpo, Tagum City, Davao del Norte, registered under TCT No. T-168688. After their deaths, their children (petitioners) discovered that the title had been canceled due to a Deed of Donation dated January 18, 2002, purportedly executed in favor of the respondents (other siblings). Petitioners claimed forgery and impairment of legitimes and filed for annulment of the donation in the RTC (Civil Case No. 4241).

- ****RTC Proceedings:****

- Petitioners argued the signatures were forged and the donation violated their legitimes.
- Respondents countered stating the deed was part of distributing their parents' property.
- On August 11, 2015, the RTC dismissed the complaint, finding no evidence of forgery or inofficiousness.

- ****CA Proceedings:****

- Petitioners appealed, arguing the notary public failed to require signatures in the notarial register, rendering the donation void.
- The CA, on June 30, 2017, affirmed the RTC's decision, stating the defective notarization didn't invalidate the binding private deed.

Petitioners' motion for reconsideration was denied, leading to the petition before the Supreme Court.

****Issues:****

1. Whether the alleged defective notarization voids the donation.
2. Whether the donation impairs the legitimes of the petitioners (although this issue is of fact and predominantly outside the scope of the Supreme Court's review).

****Court's Decision:****

- ****Defective notarization:**** The Supreme Court focused on whether the defective notarization, where parties did not sign the notarial register, renders the donation void. At the time of the donation (January 2002), there was no law requiring signatures in the notarial register. The requirement was introduced only in the 2004 Notarial Practice Rules. Therefore, the donation complied with the law in force at its execution.
- ****Impairment of legitimes:**** The Court reiterated its limited jurisdiction in certiorari

petitions to review factual determinations. Since the issue of impaired legitimes is a factual matter and the CA and RTC uniformly found no impairment, this wasn't reconsidered.

****Doctrine:****

To be valid, donations of immovable property must comply with the formal requirements of Art. 749 of the Civil Code. Defective notarization reduces a public document to a private one but does not necessarily void it if executed under prior applicable laws that did not require signatures in the notary's register.

****Class Notes:****

- ****Key Elements/Concepts:****

- ****Donation inter vivos (Civil Code, Art. 749):**** Requires the deed to be in a public document.

- ****Defective Notarization:**** Impact on the document's status from public to private but not automatically voiding it.

- ****Rule on Notarial Practice (2004):**** Requirements for notarial practices, especially regarding signatures in the notarial register, not retroactively applicable.

- ****Factual Determination Jurisdiction:**** Limitation of Supreme Court's review to legal, not factual determinations.

- ****Legal Provisions:****

- ****Civil Code, Art. 749:**** Specifies requirements for the validity of donations of immovable property.

- ****Revised Administrative Code (Sections 245-246):**** Governs notarial practices prior to 2004.

- ****2004 Notarial Practice Rules:**** Introduced new requirements for notarization, not retroactively applicable.

****Historical Background:****

The case underscores the importance of compliance with procedural laws existing at the time of an action's execution. Prior to 2004, notarial practices were less stringent, and the 2004 Rules introduced more rigor to the notarization process. This evolution is pivotal in understanding the formal requirements for legal documents and the protection of parties through proper notarial acts. This case also highlights the cautious approach of the judicial system towards retrospective application of procedural rules.