

**\*\*Title\*\*:** The Roman Catholic Bishop of Tuguegarao vs. Florentina Prudencio, et al.

**\*\*Facts\*\*:**

- Felipe Prudencio had two marriages, first with Elena Antonio and second with Teodora Abad.
- Felipe and Elena acquired a 13.0476 hectares property (Cagayan lot) before Elena's death.
- Upon Elena's death, Felipe and their five children (Valentina, Eusebia, Paula, Florentina, Avelina) became co-owners.
- Felipe died during his second marriage to Teodora, leaving two children (Felipe Jr. and Leonora) with her.
- Teodora and her children executed an Extra-Judicial Partition, falsely citing Felipe had no heirs from his first marriage.
- Teodora was issued TCT 14306 for the entire Cagayan lot.
- Teodora sold the property to Spouses Isidro Cepeda and Salvacion Divini, who in turn sold it to the Roman Catholic Bishop of Tuguegarao.

**\*\*Procedural Posture\*\*:**

- Respondents filed a complaint for Partition with Reconveyance in 1972, alleging fraud and asserting their inheritance rights.
- The RTC declared the Extra-Judicial Partition and subsequent sales void, ordering reconveyance of 99,924.6 sq. m. to respondents.
- Both parties appealed to the CA; respondents' appeal was dismissed.
- The CA affirmed the RTC's decision with modification, reducing the reconveyed area to 96,926 sq. m.
- The Bishop appealed to the Supreme Court, questioning the CA's rulings, particularly the validity of respondents' action for partition with reconveyance.

**\*\*Issues\*\*:**

1. Whether the Extra-Judicial Partition, which excluded Felipe's children from his first marriage, was valid.
2. Whether the sale of the Cagayan lot by Teodora and subsequent sales were valid.
3. Whether the Bishop, as a purchaser of the lot, was an innocent purchaser for value.
4. The proper distribution of the Cagayan lot among the heirs.

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

1. **\*\*Extra-Judicial Partition\*\*:**

- The Court ruled it was a total nullity, as it excluded legitimate children from Felipe's first

marriage, making it unenforceable against them.

- Fraud in the Extra-Judicial Partition demonstrated by the deliberate exclusion of respondents.

2. **Validity of the Sales**:

- A co-owner cannot sell more than their share. Teodora could only sell her pro indiviso share.

- The sales to Spouses Cepeda and the Bishop were valid only for Teodora's share.

- The sale of the remainder, which belonged to respondents, was void.

3. **Innocent Purchaser**:

- The court held that the state of innocence or good faith of the Bishop was immaterial because one cannot transfer more rights than one possesses (nemo dat quod non habet).

4. **Proper Distribution**:

- Confirmed the following distribution:

- Florentina Prudencio/Heirs: 18,639.43 sq. m.

- Avelina Prudencio/Heirs: 18,639.43 sq. m.

- Ernesto Penalber: 18,639.43 sq. m.

- Rodrigo Talang: 18,639.43 sq. m.

- Teodora Abad: 44,734.63 sq. m.

- Felipe Prudencio Jr.: 5,591.83 sq. m.

- Leonora Prudencio: 5,591.83 sq. m.

- Ordered the Bishop to retain 55,918.29 sq. m. and reconvey 74,557.72 sq. m. to respondents.

**Doctrine**:

- **Nemo dat quod non habet**: One cannot confer ownership beyond what one possesses.

- Extra-Judicial Partitions excluding rightful heirs are null and void.

- The inclusion of all heirs is essential in settling an estate.

**Class Notes**:

- **Elements of Valid Partition**:

- All legal heirs must participate.

- False representations nullify partitions.

- **Rights of Co-owners (Art. 493, Civil Code)**:

- Each has full ownership over their undivided share.

- Personal rights involved in sales should align with individual shares.
- **Partition under Rule 74, Sec. 1 of the Rules of Court**:
- Must include all heirs to be binding.
- Additional shares by waivers must be declared and verified.

**Historical Background**:

- This case exemplifies land disputes compounded by multiple marriages and inheritance claims.
- Shows the delicate nature of familial and legal representations in property ownership transfers.
- Reinforces the integrity of legal processes in declarations of property partition and transfer.