

**## Title:**

**\*\*Guino Escabarte et al. vs. Heirs of Benigno Isaw, G.R. No. 01659-MIN\*\***

**## Facts:**

The case involves the ownership and partition of a 16.2962-hectare parcel of land in Nipa-an, Sindangan, Zamboanga del Norte, originally owned by spouses Ipo Bawing and Tanod Subano. Upon their deaths in 1943 and 1948, respectively, the land passed to their children: Onday, Igbay, Garay, Anong, Octoc, Martina, Leoncio, and Pedro.

1. **\*\*Initial Sales and Reconveyances (1960-1976)\*\***

- In 1960, Pelagia Isig (Octoc's declared sole heir) and Igbay sold their shares to David and Luz Barrios (spouses Barrios).
- Martina sold her share to the spouses Barrios in 1962.
- In 1976, the spouses Barrios reconveyed the property to Fausto and Benigno Isaw, sons of Garay Bawing.

2. **\*\*Subdivision and Issuance of Titles (1980)\*\***

- In 1980, the land was subdivided into five lots, and transfer certificates of title (TCTs) were issued: Lots 1 and 3 to Benigno Isaw, and Lots 2, 4, and 5 to Ipo Bawing's estate.

3. **\*\*Distribution Contention (2003)\*\***

- 23 years later, other heirs (petitioners) sought the annulment of Benigno's TCTs and a judicial partition, alleging that Benigno fraudulently titled the properties, against an agreement that Fausto and Benigno were to hold the properties in trust until reimbursed.

**## Procedural Posture:**

- **\*\*RTC (Sindangan, Zamboanga del Norte):\*\***
  - Declared TCTs in Benigno's name null and void, ordered the restoration of the original title, and required partition and accounting of the property.
- **\*\*CA (Cagayan de Oro City):\*\***
  - Reversed the RTC decision, validating Benigno's TCTs for Lots 1 and 3 and ruling that the action to include these in the partition was prescribed.
  - Partitioned Lots 2, 4, and 5 among remaining heirs.
- **\*\*Supreme Court:\*\***
  - Petitioners sought to revoke the CA decision.

**## Issues:**

1. Whether the Deed of Resale was an ordinary sale or a redemption benefiting all heirs.
2. Whether Benigno's registration of Lots 1 and 3 legally excluded these from partition among heirs.
3. Whether prescription applies to the petitioners' action for partition.

**## Court's Decision:**

The Supreme Court upheld the CA's decision, finding that:

1. **\*\*Nature of Deed of Resale:\*\***

- The Deed of Resale was an ordinary sale, not a redemption benefiting all heirs. The transaction lacking the essential written notices to co-heirs under Article 1088 of the Civil Code indicated that it was not under a legal redemption premise.

2. **\*\*Benigno's Registration:\*\***

- Benigno's title registration of Lots 1 and 3 was justified as his sole ownership was consequent to the completion of the ordinary sale and subsequent possession excluding other heirs without proper redemptory action.

3. **\*\*Prescription:\*\***

- The petitioners' action for partition was barred by prescription, given their knowledge of the sales dating back decades, during which none attempted any legal redemption or contestation of Benigno's possession or title.

**## Doctrine:**

1. **\*\*Article 1088 of the Civil Code:\*\***

- Requires written notice to co-heirs by a vendor for redeeming sold hereditary rights within 30 days.
- Absence of such notice and prolonged acquiescence implies the transaction as an ordinary sale, confirming new ownership solely for the purchasing party.

2. **\*\*Legal Redemption Timeframe:\*\***

- The 30-day redemption period must be observed strictly, necessitating formal written notice.
- Actual knowledge without such written notice does not extend the redemption period indefinitely.

**## Class Notes:**

Key Elements for the case include:

1. **Legal Redemption:**

- Written notice by vendor, 30-day redemption period, reimbursement condition (Art. 1088).

2. **Prescription of Partition Actions:**

- Long and undisputed possession indicates adverse claims barring delayed rightful reclamation.

3. **Subrogation Rights:**

- Conditions under Civil Code for heirs' preferential rights to purchase sold hereditary shares.

**Statutory Provisions:**

- Article 1088, Civil Code: Co-heirs' rights to subrogation by reimbursement within 30 days upon written notice.

**Historical Background:**

The case contextualizes the inheritance and land redistribution practices among heirs under Philippine jurisprudence, emphasizing the prescriptive rights concerning property titles and rightful ownership claims, critical for understanding equitable estate partitions amid evolving property laws and familial land allocations.