

**\*\*Title:\*\*** Aurora Del Banco, et al. vs. Intermediate Appellate Court, et al.

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

In 1859, Benedicto, Jose, and Manuel Pansacola entered a co-ownership agreement to purchase Cagbalite Island from the Spanish government, intending it as common property. They allocated equal shares in benefit among themselves, and toward Domingo Arce and Baldomera Angulo, represented by Manuel. In 1868, they modified the agreement, redistributing shares to include heirs of a deceased brother and the children of Manuel.

Years later, in 1968, the descendants of the original owners, private respondents, filed an action for partition in Quezon's Court of First Instance, asserting co-ownership among heirs. The petitioners, heirs of subsequent interests, claimed defenses of prescription, res judicata, and exclusive ownership, among others. The trial court ruled against the respondents, suggesting the island was already divided among co-owners' successors. On appeal, however, the Intermediate Appellate Court reversed the decision in 1985, declaring continued co-ownership due to lack of actual partition, and remanding for partition proceedings.

Dissatisfied, petitioners sought Supreme Court review of the appellate reversal, filing separate but related petitions which were eventually consolidated.

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

1. Whether Cagbalite Island remains undivided common property among heirs.
2. Whether previous judgments establish res judicata barring current partition claims.
3. Whether possession by some co-heirs is evidence of actual partition and co-ownership end.
4. Does laches or prescription bar action for partition?

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

1. **\*\*Undivided Co-ownership:\*\*** The Supreme Court upheld the appellate ruling that Cagbalite Island is undivided common property, judging the agreements' 1859 and 1868 distribution as non-physical allocations.
2. **\*\*Res Judicata:\*\*** The prior rulings, which dealt with possession and not partition specifically in its physical sense, do not establish res judicata. The term "partition" used was meant as non-physical allocation of rights, failing to prove conclusive partition.
3. **\*\*Possession Not Evidence of Partition:\*\*** The Supreme Court determined that personal

occupation by some petitioners doesn't attest an executed partition or co-ownership repudiation. There was no legitimate subdivision plan following such procedures.

4. **Partition Does Not Prescribe:** The Supreme Court reaffirmed that an action for partition is inherently imprescriptible, thus neither laches nor prescription are valid defenses against partition demands.

**Doctrine:**

- Co-ownership: Without actual partition, co-ownership persists despite agreements indicating intended divisions.
- Res Judicata: Only specific judgments to the final settlement of property hold res judicata—not abstract or ideal conceptions of partition.
- Imprescriptibility: Partition actions are non-prescriptive, reinforcing continuous rights against co-heirs absent actual partition.

**Class Notes:**

- **Co-ownership:** Defined, parties hold indistinct shares until partition occurs, actual allocation and titles required for full ownership transfer.
- **Prescription in Co-ownership:** Possession is collective absent physical partition; actions for partition remain valid indefinitely.
- **Res Judicata Application:** This requires final judgments on the precise subject matter in dispute for future bar applicability.

**Historical Background:**

The case unfolded amid an unclear chain of agreements reaching back to Spanish colonial land governance, reflecting evolving interpretations of co-ownership under evolving civil law from native land grant systems to American-influenced statutory frameworks, emphasizing organized landholdings. During these periods, complexities in land tenure highlighted statutory limits on assumptive individual rights without duly established physical demarcations.