

Title:

Rebusquillo vs. Gualvez, G.R. No. 204401, June 4, 2014

Facts:

On October 26, 2004, petitioners Avelina Abarientos Rebusquillo and Salvador Orosco filed a complaint before the Regional Trial Court (RTC) of Legazpi City for annulment and revocation of an Affidavit of Self-Adjudication and a Deed of Absolute Sale. Avelina, one of Eulalio Abarientos' children, claimed she was made to sign these documents in 2001 by her daughter Emelinda Rebusquillo-Gualvez and son-in-law Domingo Gualvez, ostensibly to facilitate property titling. In reality, the documents transferred ownership of the property to the respondents.

The RTC annulled both documents on January 20, 2009. The RTC found that Avelina was not the sole heir to her parents' estate and did not intend to sell her share of the property. Respondents appealed to the Court of Appeals (CA), which reversed the RTC decision on March 30, 2012, arguing that issues of heirship should be settled in a special proceeding rather than a civil action and that notarized documents carry a presumption of regularity.

Pending the resolution of respondents' appeal, Avelina died on September 1, 2009, and was substituted by her heirs except for Emelinda. Dissatisfied with the CA ruling, petitioners sought review by the Supreme Court.

Issues:

1. Whether the affidavit of self-adjudication executed by Avelina was valid.
2. Whether the deed of absolute sale executed by Avelina was valid.
3. Whether the declaration of heirship must be made in a special proceeding rather than an ordinary civil action.

Court's Decision:

The Supreme Court reinstated the RTC decision, ruling as follows:

1. **Affidavit of Self-Adjudication**:

- This Affidavit can only be utilized if there is a sole heir. The second sentence of Section 1, Rule 74 of the Rules of Court specifies that self-adjudication is permitted only when there is a single heir. The respondents admitted that Avelina was not the sole heir of Eulalio, verifying Avelina's falsity in claiming sole heirship, thus invalidating the Self-Adjudication affidavit.

2. **Deed of Absolute Sale**:

- The purported sale was a simulated contract, intended only to facilitate the titling of the property without a genuine transfer of ownership. The Supreme Court concurred with the RTC that the deed was simulated and thus void. As Avelina was not the sole heir, she could not have transferred the absolute ownership of the property.

3. **Declaration of Heirship**:

- While general rules require heirship issues to be settled in special proceedings, the Supreme Court allowed exceptions when practical and when evidence regarding heirship has already been presented and ruled upon in a civil case. This echoed past rulings which held that prolonged and impractical special proceedings are unnecessary when the matter can efficiently be resolved in civil proceedings, given that there is no good and compelling reason for separate administration.

Doctrine:

- The Affidavit of Self-Adjudication under Rule 74, Section 1 of the Rules of Court is only valid if executed by the sole heir.
- An absolutely simulated contract is void under Art. 1346 of the Civil Code.
- Courts may allow exceptions to the rule requiring heirship determination in special proceedings when efficient resolution is achievable in civil proceedings.

Class Notes:

- **Elements of a Valid Affidavit of Self-Adjudication**:
- Sole Heir Status (Rule 74, Section 1, Rules of Court).
- **Contracts, Simulation**:
- **Absolute Simulation**: Parties have no intention to be bound by the contract (Art. 1346, Civil Code).
- **Relative Simulation**: False representation of the contract's terms but bound by the real agreement (Art. 1345, Civil Code).
- **Presumption of Regularity for Notarized Documents**: Not absolute; subject to exceptions under Sec. 9, Rule 130 of the Rules of Court.

Historical Background:

The case contextually reflects family disputes over inheritance and the legal formalities around property and heirship in the Philippines. Such cases often address conflicts over property during intestate succession and enforce existing legal principles to resolve familial

discord. This also highlights practical judicial approaches in resolving lengthy and cost-laden probate proceedings through civil litigation when appropriate.