

****Title:**** Carrillo and Licup v. Salak de Paz and Bautista

****Facts:****

Severino Salak and Petra Garcia owned Lot No. 221 in the Tarlac Cadastral Survey. Petra died on September 21, 1941. On August 16, 1943, Severino sold his half of the lot to Honoria Salak. Severino then died on December 5, 1944. In early 1945, Honoria and her family were killed by Japanese forces, leading to two settlement proceedings:

1. ****Special Proceeding No. 3**** - To settle the estates of Severino Salak and Petra Garcia. The court authorized a project of partition on November 19, 1946, which allotted Lot No. 221 to Francisca Salak de Paz based on inheritance and transactions with other heirs.
2. ****Special Proceeding No. 23**** - The court decided on February 26, 1948, that Agustina de Guzman Vda. de Carrillo and Ernesto Bautista were heirs to the Salak family estates, applying a legal presumption of survivorship. Agustina inherited 1/2 of Lot No. 221.

Agustina filed a case (Case No. 351) to claim 1/2 of Lot No. 221 from Francisca on November 9, 1948. Before its resolution, Agustina passed away on April 24, 1950. Consequently, Ernesto Bautista petitioned for judgment execution in Special Proceeding No. 23, achieving a court order for property entitlement including Lot No. 221 on November 14, 1950.

On April 22, 1963, Prima Carrillo and Lorenzo Licup sought to recover 2/3 of 1/2 of the lot. The defendants moved to dismiss on grounds of res judicata and statute limitations. The trial court dismissed the complaint on November 19, 1963, based on res judicata. Plaintiffs appealed on legal grounds.

****Issues:****

1. Whether the plaintiffs' claim is barred by prescription.
2. Whether the doctrine of res judicata or prior adjudication applies.

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

The Supreme Court affirmed the dismissal based on prescription and did not rule on res judicata.

1. ****Prescription:**** The plaintiffs, as reservatarios, did not exercise their right within the prescribed period. According to law, actions to recover real property must be initiated within ten years of accrual which began on April 24, 1950, upon Agustina's death. Filing on

April 22, 1963, after over thirteen years, exceeded the statutory limit, therefore, the claim had prescribed.

2. **Res Judicata:** Although primarily resolving the case on prescription grounds, the court acknowledged past final judgments dismissing the same claim, thereby reinforcing the dismissal through res judicata—confirming prior judgments’ role though not explicitly ruled in the current decision.

Doctrine:

The ruling reiterated the application of statutory prescription under Section 40 of the Code of Civil Procedure and Article 1116 of the New Civil Code, demanding real property recovery actions be initiated within ten years, maintaining that completed proceedings hold subsequent attempts barred by res judicata.

Class Notes:

- **Statutory Prescription:** Real property claims must be initiated within ten years from accrual (Section 40 Code of Civil Procedure and Article 1116 of the New Civil Code).
- **Reserva Troncal (Article 891, New Civil Code):** Property acquired by an ascendant from a descendant must be reserved for kin in the descendant’s line.
- **Res Judicata:** Final judgments preclude re-litigation of the same matter.
- **Inheritance and Property Rights:** Legal succession principles govern property transfer post-death, especially under conditional inheritance conditions like reserva troncal.

Historical Background:

This case unfolded in the post-World War II period, revealing intricacies of property succession laws within extended Filipino family systems. The legislative interpretations and procedural frameworks during this time elucidated how families navigated inheritance disputes exacerbated by war-induced losses, where legal presumptions like survivorship profoundly impacted estate divisions.