

FELICIANO A. CASTRO, PETITIONER, VS. THE COURT OF APPEALS, EUGENIA SORIANO DE GOMEZ, SOCORRO A. CASTRO, AND THE HEIRS OF THE LATE ANTONIO VENTENILLA, JUSTO V. SISON, SUSANA V. S...*G.R. No. L-20122. April 28, 1969*

Ponente: MAKALINTAL, J.

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Before us for review is the decision of the Court of Appeals in CA-G.R. No. 25234-R, dismissing the appeal from and in effect affirming the judgment of the Court of First Instance of Pangasinan in Registration Case No. 305, G.L.R.O. Record No. 1176.

The original application for registration and con-firmation of title was filed by Alejandra Austria on June 5, 1948, covering 10 parcels of land situated in the barrios of Punglo Grande and Caviernesan, as well as in the poblacion, of Mangatarem, Pangasinan. Socorro A. Castro[1] submitted an opposition, alleging that the lands applied for had been donated to her by the applicant in 1939. On March 2, 1950 the Court rendered judgment finding that Alejandra Austria had been in possession of the lands in concept of owner since 1894, and consequently, by virtue of the donation, ordered the registration thereof in the name of the donee, Socorro A. Castro, subject only to the usufruct reserved by the donor in herself for the rest of her lifetime.

Alejandra Austria was the widow of the deceased Antonio Ventenilla. On March 31, 1950 a number of persons, claiming to be his heirs[2] (nephews and nieces) appeared and filed a petition to set aside the decision and the order of general default previously entered, and to have their opposition to the application admitted. Their petition was granted and the case was set for trial anew. Meanwhile, Alejandra Austria died and Socorro A. Castro was substituted in her place.

The averment of the oppositors was that the lands applied for were owned by Antonio Ventenilla; that when he died he left a will bequeathing them in usufruct to his wife Alejandra; and that upon her death they passed to the said oppositors as his heirs.

The trial court, in its decision rendered on April 4, 1959, rejected both the claims of Socorro A. Castro and of the oppositors without deciding the question of title for purposes of registration. From that decision only Socorro A. Castro appealed to the Court of Appeals. The appellees did not even file a brief. On July 19, 1962 the appellate court rendered its decision dismissing the appeal, and the case was thereafter elevated to us on petition for review.

The ten parcels of land applied for may be classified into two groups. Parcels Nos. 1, 2, 3 and 10, by agreement of the parties at the trial, "passed into the possession of Alejandra Austria after the death of Antonio Ventenilla[3] by virtue of the will left by the deceased Antonio Ventenilla and probated in Special Proceeding No. 237." With respect to the six other parcels (Nos. 4, 5, 6, 7, 8 and 9) the parties reached no agreement. The oppositors contended that they belonged to the said deceased, while the petitioner insists that Alejandra Austria acquired

them by purchase.

The issue in regard to parcels Nos. 1, 2, 3 and 10 is whether Alejandra Austria was a mere life usufructuary thereof, the naked ownership being in the oppositors, as collateral heirs of Antonio Ventenilla, or was the owner in fee simple, as re-siduary legatee under his will. The Court of Appeals did not make any categorical finding one way or the other on this issue, and disposed of it with this equivocal observation: "But, to say that a parcel of land passed into the possession of a person does not necessarily mean that said parcel of land formed part of the residuary legacy of said person, for it may mean that said parson had usufructuary right over said parcel of land."

The question, it appears, has already been passed upon by this Court in a previous case. A brief reference to antecedent facts is necessary, as they are set forth in its deci-sion in G. R. No. L-10018, *Austria v. Heirs of Antonio Ventenilla*, September 19, 1956. It is there stated that the will of this deceased was admitted to probate in 1909, in Special Proceeding No. 237 of the Court of First Instance of Pangasinan. The widow, Alejandra Austria, was appointed administratrix of the estate. In 1910 the collateral heirs, now oppositors, filed a petition for the annulment of the will, which petition was denied by the Court below. In the order of denial, dated October 5, 1910, it was declared: "que la heredera Alejandra Austria tiene derecho al remanente de todos los bienes dejados por el finado, despues so deducir de ellos la pension que corresponde a cado uno de sus coherederos..." That order was affirmed by this Court on appeal an January 11, 1912, G. R. No. 6620, 21 Phil. 180.

The next incident took place thirty-eight years later when, on April 22, 1950 herein oppositors filed a motion in the same testate proceeding claiming, among other things, that Alejandra Austria was merely the life usufructuary of the estate of the deceased, the naked ownership belonging to the movants; that she was no longer able to administer the properties; and that she had been disposing of them in violation of her trust; and praying that said Alejandra Austria be removed as administratrix and another appointed in her place. The trial Court denied the motion and ruled that the estate case had long since been closed. On appeal to this Court the order was affirmed (G. R. No. 10018, *supra*.) The decision, penned by Justice J.B.L. Reyes, ruled as follows on the issue that is pertinent to the case now before us:

"We find no merit in the appeal. We agree with the lower Court that the proceedings for the settlement of the testate estate of the deceased Antonio Ventenilla had long been terminated and closed, and that the issues now raised by appellants had been settled and decided by the court's order of October 5, 1910, approving the final accounts of the administratrix Ale-jandra Austria declaring said administra-trix the residuary legatee of all the movable and immovable properties of the estate after the payment of the shares of the other heirs (sister and nephews and nieces of the deceased) in the pro-portion of P17.52 per stripes, condi-tioned upon their putting up of the bond required by law (sec. 754, Act 190)."

x x x "Appellants also insist that appellee Alejandra Austria is not the residuary legatee of the estate of Antonio Ventenilla but only its life usufructuary. This stand has long been proven false and untenable when the Supreme Court found unmeritorious the appeal of appellants' predecessors from that portion of the Lower Court's order of October 5, 1910 denying their petition to annul the will of Antonio Ventenilla and declaring appellee entitled to all the remaining properties of the estate. That appellee Alejandra Austria was the residuary legatee of the estate of the deceased is, therefore, *res adjudicata* and can no longer be relitigated by appellants after thirty-eight years. And as appellee had been in the possession and enjoyment of said pro-perties all these years in the concept of owner, being the residuary legatee thereof, there is no reason nor justification for the reopening of these proceedings, the appoint-ment of a new administrator, and the recon-stitution of the last will and testament of the deceased Antonio Ventenilla."

The foregoing, considered together with the agreement of the parties at the trial of this case that the four parcels (Nos. 1, 2, 3 and 10) passed into the possession of Alejandra Austria by virtue of the will of the deceased Antonio Ventenilla, as well as with the testimonial evidence concerning Alejandra's continuous possession as owner

thereafter, is sufficient proof of title for purposes of registration.

Both the trial court and the Court of Appeals side-stepped the issue of ownership concerning the six other parcels (Nos. 4, 5, 6, 7, 8 and 9). The documentary evidence for the appellant is that these six parcels were acquired by Alejandra Austria through purchase: Nos. 6 and 7 on January 20, 1912 (Exh. M); Nos. 5 and 8 on February 21, 1911 (Exh. N); No. 4 by virtue of the deed of sale Exh. P; and No. 9 by virtue of the deeds of sale Exh. O, dated January 18, 1920; Exh. O-1, dated May 3, 1924; Exh. O-2 dated March 6, 1917; Exh. O-3, dated Feb. 3, 1917; Exh. O-4, dated July 13, 1913; Exh. O-5, dated April 16, 1911; and Exh. O-6, dated Nov. 16, 1928. The testimonial evidence confirms the long possession of those parcels by Alejandra Austria, and after her death by Socorro A. Castro. The receipts showing the corresponding tax payments have been submitted and form part of the record.

The contention of the oppositors below is that these parcels also belonged to the deceased Antonio Ventenilla. Even assuming this to be so, they would have passed to his widow, Alejandra Austria, as the residuary heir under his will; and as stated by this Court in Case G.R. L. No. 10018, *supra*, "she had been in possession and enjoyment of said properties all these years in concept of owner, being the residuary legatee thereof." In any event, whether as purchaser or as residuary legatee, such possession in concept of owner constitute sufficient registrable title.

The next issue relates to the donation of all the ten parcels, executed by Alejandra Austria in favor of Socorro A. Castro. The Court of Appeals affirmed the trial court's ruling that said donation was mortis causa and consequently void because it did not follow the formalities required of a will, pursuant to Article 620 of the old Civil Code,^[4] the law in force when the donation was made on September 22, 1939.

Whether a donation is inter vivos or mortis causa depends upon the nature of the disposition made. "Did the donor intend to transfer the ownership of the property donated upon the execution of the donation? If this is so, as reflected from the provisions contained in the donation, then it is inter vivos; otherwise, it is merely mortis causa, or made to take effect after death."^[5] Sometimes the nature of the donation becomes controversial when the donee's enjoyment of the property donated is postponed until after the donor's death. Manresa comments on this situation as follows:^[6]

'When the time fixed for the commencement of the enjoyment of the property donated be at the death of the donor, or when the suspensive condition is related to his death, confusion might arise. To avoid it we must distinguish between the actual donation and the execution thereof. That the donation is to have effect during the lifetime of the donor or at his death does not mean the delivery of the property must be made during his life or after his death. From the moment that the donor disposes freely of his property and such disposal is accepted by the donee, the donation exists, perfectly and irrevocably (articles 618 and 623). Until the day arrives or until the condition is fulfilled, the donation, although valid when made, cannot be realized. Thus, he who makes the donation effective upon a certain date, even though to take place at his death, disposes of that which he donated and he cannot afterwards revoke the donation nor dispose of the said property in favor of another.'

The donation at issue in the present case opens with the following disposition:

'QUE YO ALEJANDRA AUSTRIA, la primera parte, en consideracion a los meritorios servicios y buenas atenciones que me haya prestado desde su niña y de los que todavia me esta prestando y seguira prestandome hasta mi muerte la senorita SOCORRO A. CASTRO, hija legitima de mi primo de Segundo grado, Sergio Castro, hago constar por la presente que espontaneamente y sin influencia de nadie cedo y traspaso en concepto de DONACION ONEROSA e intervivos a la mencionada senorita SOCORRO A. CASTRO, en compensacion a sus ya expresados SERVICIOS, los bienes que a continuacion se describen a saber.'"

After enumerating the properties donated, the deed of donation recites further:

"Tambien hago constar que es nuestro convenio con la citada Donataria que esta Donacion se ha hecho con las condiciones siguientes, a saber:

'(a) Que durante el tiempo en que todavia viviere, La donataria Socorro A. Castro, no tendra ninguna intervencion ni derecho sobre los productos de los terrenos cedidos en concepto de donacion a su favor;

'(b) A mi fallecimiento, la donataria pagara todos los gastos que se incurriesen por mi entierro de acuerdo con mi posicion social; y

'(c) Despues de mi fallecimiento, la nuda propiedad y el derecho de Usufructo de todos los citados bienes arriba descritos, se consolidaran inmediatamente a favor de la Donataria Socorro A. Castro con la obligacion de destinar anualmente cierta cantidad justa y suficiente de los productos de los terrenos aqui donados sitios en el barrio Caviernesan para el Sufragio de mi alma y el de mi finado esposo Dn. Antonio Ventenilla."

It is quite clear from the terms of the donation that the donor intended to and did dispose of her properties irre-vocably in favor of the donee, subject only to the conditions therein expressed, one of which was that the latter would have no right to the products during the donor's lifetime. This merely indicates a reservation in herself of the usufruct over said properties, which usufruct would be consolidated with the naked ownership of the donee upon the former's death. The use of the words "se consolidaran" implied transfer of the naked ownership, with which the beneficial title would be consolidated upon arrival of the term thus fixed. In the case of *Concepcion vs. Concepcion*, August 25, 1952, 91 Phil. 823, this Court, construing a deed captioned as a donation mortis causa held:

"It is not sufficient to make a donation one mortis causa, requiring execution of the instrument of gift in the form and manner required for a will, that the instrument of donation states that it is mortis causa, if it can be gathered from the body of the instrument that the main consideration is not death of the donor but rather services rendered to him by the donee, or his affection for the latter, and title is transferred immediately to the donee, even though the gift is conditioned to take effect after death of the donor insofar as possession and enjoyment of the property is concerned."

By virtue of the donation executed by the original owner and applicant in favor of Socorro A. Castro the latter succeeded to the properties applied for, and hence registration in the name of her Intestate Estate, represented in this case by the petitioner as administrator, is in order.

Wherefore, the decision appealed from is reversed, and the lands described in the original application for registration are ordered registered as indicated above, pursuant to the provisions of the Land Registration Act. No costs.

Concepcion, C.J., Reyes, J.B.L., Dizon, Zaldivar, Sanchez, Fernando, Teehankee, and Barredo, JJ., concur.

Castro, J., on leave, did not take part.

Capistrano, J., did not take part.

[1] Socorro A. Castro died during the pendency of this case in the Court of Appeals, and is represented by herein petitioner, administrator of her intestate estate, Special Proceeding No. 4847 of the Court of First Instance of Pangasinan.

[2] Justo V. Sison, Susana V. Sison, Jose V. Sison, Socorro V. Sison de Vera, Elias Ventenilla, Maria Ventenilla, Juan Ventenilla, Nieva Ventenilla, Guadalupe Ventenilla, Vicente Ventenilla, Rosario Ventenilla, Manuel Soriano, Jose Soriano, Jr., Cesar Soriano, Oliva Soriano, Soledad Soriano, Benjamin S. Vilorio and Paz S. Vilorio.

[3] Antonio Ventenilla died in 1909.

[4] Reproduced in Article 738 of the new Civil Code.

[5] Howard v. Padilla and Court of Appeals, G. R. No. L-7064 and 7098, April 22, 1955.

[6] Cited in Laureta v. Mata, 44 Phil. 668.

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