

BONIFACIA MATEO, ET AL., PETITIONERS, VS. GERVASIO LAGUA, ET AL., RESPONDENTS.*G.R. No. L-26270. October 30, 1969*

Ponente: REYES, J.B.L., J.

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This is a petition for review of the decision of the Court of Appeals (In CA-G.R. Nos. 30064-R and 30065-R), raising as only issue the correctness of the appellate court's reduction of a donation propter nuptias, for being inofficious.

The established facts of this case are as follows:

Cipriano Lagua was the original registered owner of 3 parcels of land situated in Asingan, Pangasinan, referred to as Lot No. 998, with an area of 11,080 sq. m., more or less, and covered by O. C. T. No. 362; Lot No. 6541, with an area of 808 sq. m., more or less, covered by O. C. T. No. 6618; and Lot No. 5106, with an area of 3,303 sq. m., covered by O. C. T. No. 8137. Sometime in 1917, Lagua and his wife Alejandra Dumlao, in a public instrument, donated Lots 998 and 6541 to their son Alejandro Lagua, in consideration of the latter's marriage to Bonifacia Mateo. The marriage was celebrated on 15 May 1917, and thereafter, the couple took possession of the properties, but the Certificate of Title remained in the donor's name.

In 1923, the son, Alejandro, died. His widow, Bonifacia Mateo, and her infant daughter lived with her father-in-law, Cipriano Lagua, who then undertook the farming of the donated lots. It seems that at the start, Cipriano Lagua was giving to Bonifacia the owner's share of the harvest from the land. In 1926, however, Cipriano refused to deliver the said share, thus prompting Bonifacia to resort to the Justice of the Peace Court of Asingan, Pangasinan, from where she obtained a judgment awarding to her possession of the two lots, plus damages.

On 31 July 1941, Cipriano Lagua executed a deed of sale of the same two parcels of land in favor of his younger son, Gervasio. This sale notwithstanding, Bonifacia Mateo was continuously given the owner's share of the harvest until 1956, when it was altogether stopped. It was only then that Bonifacia Mateo learned of the sale of the lots to her brother-in-law, who had the sale in his favor registered only on 22 September 1955. As a consequence, TCT Nos. 19152 and 19153 of the Register of Deeds of Pangasinan were issued to Gervasio.

Bonifacia Mateo and her daughter, Anatalia, assisted, by her husband, Luis Alcantara, went to the Court of First Instance of Pangasinan (Civil Case No. T-339), seeking annulment of the deed of sale in favor of Gervasio Lagua and for recovery of possession of the properties. On 3 January 1957, judgment was rendered in the case --

“- - - - declaring the sale executed by Cipriano Lagua in favor of the other defendants, Gervasio Lagua and Sotera Casimero, as null and void and non-existent; ordering the Register of Deeds for the province of Pangasinan, to cancel Transfer Certificates of Title Nos. 19152 and 19153; condemning the defendants to pay jointly and severally to the plaintiffs the sum of P200.00; ordering the defendants Gervasio Lagua and Sotera Lagua to vacate and deliver the possession over the two parcels of land to the plaintiffs, and to pay the costs of

this suit."

The decision became final, and Bonifacia Mateo and her daughter, Anatalia Laguna, were installed in possession of the land.

On 18 August 1957, the spouses Gervasio Laguna and Sotera Casimero commenced in the Justice of the Peace Court of Asingan, Pangasinan, an action against Bonifacia Mateo and her daughter for reimbursement of the improvements allegedly made by them on Lots 998 and 6541, plus damages. Dismissed by the Justice of the Peace Court for being barred by the judgment in Civil Case No. T-339, therein plaintiffs appealed to the Court of First Instance of Pangasinan where the case was docketed as Civil Case No. T-433. At about the same time, another case was filed, this time by Gervasio Laguna and Cipriano Laguna, for annulment of the donation of the two lots, insofar as one-half portion thereof was concerned (Civil Case No. T-442). It was their claim that in donating the two lots, which allegedly were all that plaintiff Cipriano Laguna owned, said plaintiff not only neglected leaving something for his own support but also prejudiced the legitime of his forced heir, plaintiff Gervasio Laguna.

Being intimately related, the two cases were heard jointly. On November 12, 1958, while the cases were pending final resolution, plaintiff Cipriano Laguna died. On 23 December 1960, the court rendered a single decision dismissing Civil Case No. T-433 for lack of cause of action, plaintiffs spouses Gervasio Laguna and Sotera Casimero having been declared possessors in bad faith in Civil Case No. T-339 and, therefore, not entitled to any reimbursement of the expenses and improvements put up by them on the land. The other suit, Civil Case No. T-442, was, likewise dismissed on the ground of prescription, the action to annul the donation having been brought only in 1958, or after the lapse of 41 years. Defendants' counterclaims were similarly dismissed although they were awarded attorneys' fees in the sum of P150.00.

Plaintiffs appealed the decision to the Court of Appeals (CA-GR Nos. 30064 and 30065-R). Said tribunal, on 18 March 1966, affirmed the ruling of the trial court in Civil Case No. T-433 denying plaintiffs' claim for reimbursement of the improvements said to have been made on the land. In regard to the annulment case (C.F.I. No. T-442), however, the Court of Appeals held that the donation to Alejandro Laguna of the 2 lots with a combined area of 11,888 square meters exceeded by 494.75 square meters his (Alejandro's) legitime and the disposable portion that Cipriano Laguna could have freely given by will, and, to the same extent, prejudiced the legitime of Cipriano's other heir, Gervasio Laguna. The donation was thus declared inofficious, and defendants-appellees were ordered to reconvey to plaintiff Gervasio Laguna a portion of 494.75 square meters to be taken from any convenient part of the lots. The award of attorneys' fees to the defendants was also eliminated for lack of proper basis.

Bonifacia Mateo, et al., then resorted to this Court, assailing the decision of the Court of Appeals insofar as it ordered them to reconvey a portion of the lots to herein respondent Gervasio Laguna. It is petitioners' contention that (1) the validity of the donation propter nuptias having been finally determined in Civil Case No. T-339, any question in derogation of said validity is already barred; (2) that the action to annul the donation, filed in 1958, or 41 years after its execution, is abated by prescription; (3) that a donation propter nuptias is re-vocable only for any of the grounds enumerated in Article 132 of the new Civil Code, and inofficiousness is not one of them; and (4) that in determining the legitime of the Laguna brothers in the hereditary estate of Cipriano Laguna, the Court of Appeals should have applied the provisions of the Civil Code of 1889, and not Article 888 of the new Civil Code.

Petitioners' first two assigned errors, it may be stated, are non-contentious issues that have no bearing in the actual controversy in this case. All of them refer to the validity of the donation - a matter which was definitively settled in Civil Case No. T-399 and which, precisely, was declared by the Court of Appeals to be "beyond the realm of

judicial inquiry". In reality, the only question this case presents is whether or not the Court of Appeals acted correctly in ordering the reduction of the donation for being inofficious, and in ordering herein petitioners to reconvey to respondent Gervasio Laguna an unden-tified 494.75-square meter portion of the donated lots.

We are in accord with the Court of Appeals that Civil Case No. 442 is not one exclusively for annulment or revocation of the entire donation, but of merely that portion thereof allegedly trenching on the legitime of respondent Gervasio Laguna;[1] that the cause of action to enforce Gervasio's legitime, having accrued only upon the death of his father on 12 November 1958, the dispute has to be governed by the pertinent provisions of the new Civil Code; and that a donation propter nuptias properly may be reduced for being inofficious. Contrary to the views of appellants (petitioners), donations propter nuptias (by reason of marriage) are without onerous consideration, the marriage being merely the occasion or motive for the donation, not its causa. Being liberalities, they remain subject to reduction for inofficiousness upon the donor's death, if they should infringe the legitime of a forced heir.[2]

It is to be noted, however, that in rendering the judgment under review, the Court of Appeals acted on several unsupported assumptions: that the three (3) lots mentioned in the decision (Nos. 998, 5106 and 6541) were the only properties composing the net hereditary estate of the deceased Cipriano Laguna; that Alejandro Laguna and Gervasio Laguna were his only legal heirs; that the deceased left no unpaid debts, charges, taxes, etc., for which the estate would be answerable.[3] In the computation of the heirs' legitime, the Court of Appeals also considered only the area, not the value, of the properties.

The infirmity in the above course of action lies in the fact that in its Article 908 the new Civil Code specifically provides as follows:

"ART. 908. To determine the legitime, the value of the property left at the death of the testator shall be considered, deducting all debts, and charges, which shall not include those imposed in the will.

"To the net value of the hereditary estate, shall be added the value of all donations by the testator that are subject to collation, at the time he made them."

In other words, before any conclusion about the legal share due to a compulsory heir may be reached, it is necessary that certain steps be taken first. The net estate of the decedent must be ascertained, by deducting all payable obligations and charges from the value of the property owned by the deceased at the time of his death; then, all donations subject to collation would be added to it. With the partible estate thus determined, the legitimes of the compulsory heir or heirs can be established; and only thereafter can it be ascertained whether or not a donation had prejudiced the legitimes. Certainly, in order that a donation may be reduced for being inofficious, there must be proof that the value of the donated property exceeds that of the disposable free portion plus the donee's share as legitime in the properties of the donor.[4] In the present case, it can hardly be said that, with the evidence then before the court, it was in any position to rule on the inofficiousness of the donation involved here, and to order its reduction and reconveyance of the deducted portion to the respondents.

FOR THE FOREGOING CONSIDERATIONS, the decision of the Court of Appeals, insofar as Civil Case No. 442 of the court a quo is concerned, is hereby set aside and the trial court's order of dismissal sustained, without prejudice to the parties' litigating the issue of inofficiousness in a proper proceeding, giving due notice to all persons interested in the estate of the late Cipriano Laguna. Without costs.

Concepcion, C.J., Dizon, Makalintal, Zaldivar, Sanchez, Castro, Fernando, Teehankee, and Barredo, JJ., concur.

[1] See Complaint, Civil Case No. 442, page 50, Record on Appeal: "That plaintiff Gervasio Laguna is entitled for

a protection of his rights over the one-half of each of said two parcels of land which (are) supposed to be reserved for the legitimes of forced heirs, and which plaintiff" (Cipriano) "could not donate- - -."

[2] 21 Scaevola, Cod. Civ., 2d Ed., pages 328-329; 348-349; Vol. I, Reyes and Puno, An Outline of Philippine Civil Law, 1965 ed., page 166.

[3] There is no evidence on these facts.

[4] Ramos vs. Cariño, L-17429 (October 31, 1962), 6 SCRA 482, 486.

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