

QUIRINO RANJO, ZACARIAS RANJO, REMEDIOS RANJO AND GUILLERMO RANJO, PLAINTIFFS AND APPELLANTS VS. LEONITA PAYOMO, JACINTO BALIGOD, MARIA BALIGOD AND PASTOR BALIGOD, DEFENDANTS AN...

G. R. No. L-1866. May 30, 1951

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

This is an action for partition of fifteen (15) parcels of land situated in Tuao, Cagayan, and some head of large cattle, filed in the Court of First Instance of Cagayan.

Plaintiffs alleged in their complaint that they and the defendants are co-owners of the parcels of land in question, one-half belonging to the plaintiffs and the other half to the defendants; that since 1932, Maria Asuncion, Luis Baligod, Susana Baligod and Oscar Arellano were co-owners pro indiviso of said parcels of land; that in 1942, Oscar Arellano died intestate in Manila, leaving as heirs the plaintiffs, and Luis Baligod; that on November 1, 1942, Maria Asuncion died intestate, leaving as heirs her son Luia Baligod and her daughter Susana Baligod; that on July 7, 1944, Susana Baligod died, leaving as heirs the plaintiffs; and that on August 8, 1944, Luis Baligod died, leaving as heirs his widow Leonita Payomo, and his children Pastor, Maria and Jacinto. Plaintiffs further allege that the original owners of the parcels of land in question having died, said parcels of land now belong in common and pro indiviso to plaintiffs and defendants in two equal shares, one-half belonging to the plaintiffs and the other half to the defendants. They finally allege that these parcels of land were placed under the administration of Luis Baligod and when he died his wife Leonita Payomo assumed the administration, but that since the death of Luis Baligod, Leonita Payomo has not rendered any accounting of her administration to her co-heirs, nor has she given to them their shares in the products of the lands.

The defendants, in their amended answer, allege that parcels 1, 2, 3, 4, 7, 8 and 10, described in the complaint, belonged exclusively to Luis Baligod and upon his death were transmitted to his heirs, the herein defendants; that parcels 5, 6 and 11 were originally owned by Pastor Payomo but were later sold by him to Luis Baligod; that parcels 9 and 13 belonged exclusively to Santiago Baligod and upon his death were transmitted to his daughter Hilaria Labbino; that parcels 12, 14 and 15 belonged exclusively to Jose Baligod and upon his death were transmitted to his only heir Oscar Arellano, who later transferred all his rights to his uncle Luis Baligod in payment for what the latter had spent for him during all the time he studied in the United States. As regards the head of large cattle, the defendants allege that they belonged exclusively to them having inherited them from their father Luis Baligod and their uncle Pastor Payomo. Hilaria Labbino filed a complaint in intervention in the case. In her complaint, she alleges that the properties of Santiago Baligod, particularly lots 9 and 13, were inherited by her upon his death and she prays that they be adjudicated to her.

The lower court found the following undisputed facts: that Jacinto Baligod and Maria Asuncion were husband and wife and as such lived together for many years. From their union the following children were born: Santiago,

Jose, Susana, Isabel and Luis Baligod. Santiago Baligod died in 1909, leaving as heir Hilaria Labbino, an acknowledged natural child. Jacinto Baligod died on March 6, 1913, leaving as heirs his spouse Maria Asuncion, his daughters Isabel and Susana, his son Luis Baligod, and his grandchildren Oscar Arellano and Hilaria Labbino. Oscar Arellano died in June 1942 without descendants. Maria Asuncion died on November 1, 1942. Isabel Baligod died in June 1944, leaving as heirs her sister Susana, her brother Luis and her niece Hilaria Labbino. Susana Baligod died in July 1944, leaving as heirs Quirino, Zacarias, Remedios and Guillermo Ranjo, plaintiffs in this case, they being the children of Cesaria Cabbuag, the daughter of Domingo Cabbuag and Susana Baligod. Luis Baligod died in August 1944, leaving as heirs his spouse Leonita Payomo and his children Juanito, Maria and Pastor Baligod, defendants in this case. Cesaria Cabbuag died on September 13, 1942, leaving as heirs her children, the plaintiffs herein. In other words, the only descendants of Jacinto Baligod and Maria Asuncion, original owners of the lands in litigation, who are at present living and have survived their ancestors, are the plaintiffs and the defendants and the intervenor Hilaria Labbino.

The lower court also found that the head of large cattle claimed in the complaint do not belong to the plaintiffs but exclusively to the defendants as shown by the records appearing in the office of the municipal treasurer of Tuao, Cagayan. It was proven that Jacinto Baligod and Maria Asuncion, from whom plaintiffs derive their title, did not have any cattle registered in their names in said office.

After considering the evidence presented, the court rendered judgment dismissing the complaint and declaring (a) that parcels of land 1, 2, 3, 4, 5, 6, 7, 8, 10 and 11, are the exclusive property of the defendants; (b) that parcels of land 9 and 13, are the exclusive property of Hilaria Labbino; and (c) that parcels of land 12, 14 and 15 are also the exclusive property of Hilaria Labbino, subject to the payment of P904 in favor of Leonita Payomo. The court set aside the order regarding the appointment of a receiver. No pronouncement was made as to costs.

From this judgment, the plaintiffs appealed in due time, and the case is now before us the properties involved being worth more than fifty thousand pesos (P50,000). They assigned eleven errors alleged to have been committed by the lower court.

Theory of the Plaintiffs

It is the theory of the plaintiffs that the fifteen (15) parcels of land subject of the present case of partition originally belonged to their ancestors, the spouses Jacinto Batigod and Maria Asuncion, and they based their claim mainly on a decision rendered by the Court of First Instance of Gagayan in the case for original registration of the same parcels of land filed by Luis Baligod, the predecessor in interest of the defendants (Exhibit "A"). It appears that on or about December 19, 1933, Luis Baligod, predecessor of the defendants, filed in the court already mentioned a petition for the registration of the fifteen (15) parcels of land in question in his name. The petition was published in the Official Gazette as required by law. The trial was set on March 20, 1934, and the petitioners as well as the oppositors presented their respective evidence. Then, on March 23, 1934, the court rendered its decision which, because of its importance and influence in this case, is hereunder copied in full:

"El solicitante ha presentado una solicitud para el registro de 15 parcelas de terreno enclavadas todas en el municipio de Tuao de la provincia de Cagayan. De las pruebas practicadas en el presente expediente han quedado establecidos los siguientes hechos:

"Las parcelas Nos. 2, 3, 4, 5, 6, 7, y 8 son terrenos agricolas destinadas a la siembra de tabaco y maiz. Todas y cada una de dichas parcelas han sido poseidas por el hoy difunto Jacinto Baligod desde hace mas de 40 anos esta parte, teniendo inquilinos que cultivan parcelas de terreno que entregan canon al difunto Jacinto Las parcelas 9, 10, 11, 12, 13, 14, y 15, son todas solares, radicados dentro del distrito centro de este municipio de Tuao. Todos estos solares han sido poseidos y adquiridos por el hoy difunto Jacinto Baligod desde hace mas de 40 anos existiendo en alguno de los solares la casa residencia del difunto Jacinto Baligod desde hace mas de

40 anos existiendo en alguno de los solares la «a»a residencia del difunto Jacinto Baligod en la cual vive ft&n Btt esposa llamada Maria Asuncion; los otros solares estan vacfos. El difunto Jacinto Baligod fallecio hace 4 anos. Tuvo cinco hijos con su esposa Maria Asuncion a saber: Susana Baligod de 70 anos de edad, viuda; Isabel Baligod de 57 anos de edad, eoltera; Luis Baligod de 48 anos de edad, casado con Leonita Payomo, los cuales viven y Santiago y Jose de apellidos Baligod que murieron antes que el difunto padre de los mismos Jacinto Baligod pero que ambos dejaron cada uno un hijo o sea Jose Baligod tuvo un hijo natural llaroado Oscar Arellano gue hoy se encuentra en America y Santiago Baligod una hija Llamada Hilaria Labbino de 26 anos de edad, soltera.

"Maria Asuncidn, Susana Baligod e Ysabel Baligod suscribieron el Exhibit A manifestando que ya no redaman ninguna porcicdn de estas 15 parcelas en vista de que ya han recibido sus respective porciones.

"Hilaria Labbino declaro que ya no reclama ninguna porcion de esta 15 parcelas en vista del hecho de que ella esta en poseaion de una parcela de terreno avaluada en P2,000 que le ha correspondido como su participacion de los bienes. dejados por el difunto Jacinto Baligod estando ella viviendo al lado de su tio el aqui solicitante Luis Baligod.

"El solicitante por medio de bus abogados anunci6 su propdsito de presentar una solicitud enmendatoria en el sentido de incluir como cosolicitante a Oscar Arellano hijo del finado Jose" Baligod.

"Con respecto a la primera parcela que tiene 1183.66.69 Has. el Fiscal Provincial en representacidn del Director de Terrenos pidi6 la transferencia de la vista de dicha primera parcela por cuanto que no ha tenido tiempo de preparar las pruebas del Director de Terrenos en cuanto a dicha parcela, y los abogados del solicitante manifestaron eu conformidad a la transferencia por la razon de que tambien tienen que prepararse mejor para presentar las pruebas en esta parcela, pues solamente se ha presentado la oposicion en el dia de hoy.

"Se ha probado que los solicitantes han posefdo las 14 parcelas de terreno o sea desde la parcela 2.a a la 15.a desde el Gobierno Espanol o sea hace mas de 40 anos en concepto de dueno, quieta, pacffica y continua.

"Despues de terminada3 las pruebas por los solicitantes, al dia siguiente comparecio Susana Baligod hermana del solicitante manifestando que al signar en la declaration marcada Exhibit A, el abogado del solicitante y el notario ante el cual se hizo la ratincacion del Exhibit A, la hicieron entender que el contenido de dicho Exhibit A era en el sentido de que el Gobierno haria la distribucion de los bienes entre los herederos del difunto Jacinto Baligod, y que ella le corresponderia la porcion a que ella tiene derecho. En vista de esta manifestation, el que suscribe llamo al solicitante a la hermana del mismo Isabel Baligod y a su madre Maria Asuncion. Isabel Baligod declaro que ella esta conforme en renunciar a la participacion que fcene en la herencia dejada por su finado padre Jacinto Baligod en favor de su hermano Luis Baligod porque cree que este y sus hijos no la abandonarian.

"Con respecto a Maria Asuncion una vieja de 88 anos de edad, segun el solicitante Sr. Luis Baligod, su citada madre es bastante sorda y que de dia no puede oir ni entender cualquiera pregunta que se le dirigiese pero de noche sL El Juzgado dirigid preguntas a ella si podia repetir lo que se le habia dicho en el dia de ayer acerca del contenido del Exhibit A, pero ella solamente se liraito a indicar por senas que ella signo en dicho Exhibit A.

"Despues de oir a la referida Maria Asuncion y teniendo en cuenta su sordera y la edad avanzada que tiene, el Juzgado ha llegado a la conclusion de que ella no ha entendido el contenido del Exhibit A, teniendo en cuenta ademas, la manifestacion del notario de que el habia informado a las tres que suscribieron dicho Exhibit A que debian suscribirlo porque ellas recibirian la participacion que las corresponde lo cual no aparece en dicho Exhibit A.

"Susana Baligod ha declarado que ella no ha recibido nada aun de su finado padre Jacinto Baligod y que la parcela de terreno que ahora posee lo ha adquirido con el trabajo de ella y de su difunto esposo y que ella tiene

una hija a diferencia de su hermana Isabel que no tiene ningun hijo porque nunca se ha casado y continua aun soltera.

"No existe prueba en los autos de que las 15 parcelas de terreno han sido adquiridas por el hoy difunto Jacinto Baligod antes de casarse con su esposa Maria Asuncion, por lo que es de presumir que dichas 15 parcelas de terreno fueron adquiridas durante el matrimonio con su esposa Maria Asuncion.

"Habiendo hecho una renuncia formal Isabel Baligod e Hilaria Labbino acerca de la participacion que tienen en los bienes dejados por Jacinto Baligod y haciendo signado en el Exhibit A Maria Asuncion y Susana Baligod sin haber entendido el contenido del Exhibit A y siendo la Maria Asuncion esposa del finado Jacinto Baligod causante de estos bienes y Susana Baligod hija del mismo, la primera o sea Maria Asuncion tiene derecho a la mitad de los referidos bienes y Susana Baligod a una tercera parte de la otra mitad.

"Por lo que el Juzgado adjudica el titulo sobre la mitad de las 14 parcelas desde la 2/ a la 15.' a favor de Maria Asuncion de 88 anos de edad, viuda; y la otra mitad en la forma siguiente: Una tercera parte al solicitante Luis Baligod de 48 anos de edad, casado con Leonita Payomo; otra tercera parte a Susana Baligod de 70 anos de edad, viuda, y la otra tercera parte a Oscar Arellano de 26 anos de edad, soltero, todos de Tuao, Cagayan.

"Se ordena a los solicitantes para que presenten una solicitud enmandatoria en el sentido de incluir como solicitantes a Maria Asuncion y a Susana Baligod.

"Habiendose demostrado durante la vista de este expediente que el Notario Simeon N. Oliva no ha cumplido con su deber al proceder a la ratificacion del Exhibit A, informando a las otorgantes de dicho Exhibit A una cosa que no existia en dicho Exhibit A, dicho Notario, a juicio del que suscribe, no debe continuar actuando como tal Notario pues ha observado que el mismo por complacer a los interesados en el otorgamiento de dicho Exhibit A, a falseado los hechos, es decir, no solamente no informo del verdadero contenido de dicho Exhibit A sinoque informo otra cosa distinta que no aparece en el mismo. Por lo que se ordena al Escribano para que requiera a dicho Notario devuelva el certificado expedido a su favor asi como los libros del mismo, quedando desde ahora retirado dicho certificado.

"Asi SE ORDENA.

"Aparri, Cagayan, hoy a 23 de Marzo de 1934.

"(Fdo.) Felix Samson

Juez"

It should be noted that the decision was rendered on March 23, 1934, and the court ordered that the petition be amended so that Maria Asuncion and Susana Baligod may be included therein as parties-petitioners. It should also be noted that with respect to parcel 1 which contains 1183.66.69 hectares, the court ordered the postponement of the hearing to give the provincial fiscal time to confer with the Director of Lands and prepare his evidence with regard thereto. Since then no further action was taken in the case either by the petitioner or by the Government, the petition has not been amended as ordered by the Court, and no further hearing was had in the case. It also appears that petitioner has not appealed from the decision. Analyzing the decision, we take note of the following findings: that with the exception of parcel 1, the other fourteen (14) parcels, which were either agricultural or urban in nature, had been in the possession of Jacinto Baligod since the Spanish regime, or for over a period of forty (40) years, and that he and his wife Maria Asuncion had possessed them in the concept of owner, quietly, peacefully and continuously, and they were declared as conjugal property of the spouses; that Isabel

Baligod and Hilaria Labbino have renounced their shares and participation in the parcels of land in question, alleging that they had already received other properties in lieu thereof from Jacinto Baligod, and the decision winds up with the following dispositive part:

"Por lo que el Juzgado adjudica al titul,o sobre la mitad de la 14 parcelas desde la 2." a la 15." a favor de Maria Auncion de 88 anos da edad, viuda; y la otra mitad en la forma siguiente: Una tercera parte al solicitante Luis Baligod de 48 anos de edad, casado con Leonita Payomo; otra tercera parte a Susana Baligod de 70 anos de edad, viuda, y la otra tercera parte a Oscar Arellano de 26 anos de edad, soltero, todos de Tuao, Cagayan."

In the opinion of the court, this decision is valid and binding and is decisive in this case as regards the source and nature of the fifteen parcels of land herein litigation, which are the very same parcels of land involved in the registration proceedings instituted by Luis Baligod, and is now final in nature because no appeal therefrom has been taken either by Luis Baligod or by any other party affected therein. The fact that the amendment of the petition was ordered by the court and the amendment has not been made, is of no consequence, because its main purpose was merely to cure a defect which does not affect its substance. That decision has the effect of res judicata because all the requisite elements that make it so are here present: (1) identity of parties; (2) identity of things, and (3) identity of questions involved (*Aquino vs. Director of Lands*, 39 Phil. 850).

"In a registration proceedings with or without opposition, instituted for the registration of a private land, the judgment of the court confirming the title of the applicant or oppositor, as the case may be and ordering its registration in his name constitutes, when final, res judicata against the whole world." (*Grey Alba vs. De la Cruz*, 17 Phil., 49).

"In accordance with section 26 of Act No. 2347, the judgment rendered in a land registration case becomes final upon the expiration of thirty days to be counted from the date on which the party appealing has received notice of the decision." (Sec. 26, Act No. 2347; *Gov't of P.I. vs. Saenz*, 45 Phil., 117).

Now, if said decision (Exh. "A") is binding in this case, and it holds that all the parcels of land involved therein, with the exception of parcel 1, originally belonged to Jacinto Baligod and Maria Asuncion, and it is to be presumed that Luis Baligod has presented in said registration case all the evidence he had then in his possession to prove his claim of title over said parcels of land, the only conclusion that may be drawn is that the parcels of land now herein involved have come from the same source and belong in common pro indiviso to the successors in interest of said spouses. This conclusion is further strengthened by the fact that Luis Baligod had declared all these parcels of land for purposes of inheritance tax in the local office of Internal Revenue and had paid the corresponding tax thereon, thereby confirming the fact that they are all properties inherited by him and his co-heirs from their ancestors. While parcel 1 was excluded from the decision Exh. "A")» upon petition of the fiscal, because he wanted to have more time to prepare his evidence, we can safely state that, had the case been continued, the court in all likelihood would have declared it as coming from the same source, it appearing that it has also been declared as such by Luis Baligod in the inheritance tax declaration (Exh. "L"), and had been possessed as owner by Jacinto Baligod for the same number of years as the other parcels of land, according to the testimony of Santiago Ranjo (p. 2, t. n. s.), and Antonio Baligod (p. 18, t. n. s.).

Theory of Defendants

Let us now come to the theory of the defendants. According to them, Jacinto Baligod and Maria Asuncion were the owners of some parcels of land; that while still living they divided their lands, by way of advance of their inheritance, among their children Luis, Jose, Santiago and Snsana, and their grandchild Hilaria Labbino as follows: (a) to Luis Baligod were given the parcels of land described as Nos. 2, 3, 7, 8 and 10; (b) to Jose Baligod, those marked as Nos. 12,14 and 15; (c) to Santiago Baligod, those marked as Nos. 9 and 13; (d) to Susana Baligod, those described in tax declaration Nos. 19426, 18428,18427, 997 and 994; and to Hilario Labbino, a

parcel of land valued at P2,000. After the distribution, these heirs took possession of the properties respectively given to them and declared them in their names for taxation purposes.

In the meantime, Luis Baligod began acquiring with his own money other parcels of land, to wit: parcel of land No. 1, was acquired by him by occupation in 1917; parcel No. 4, by purchase from Joaquin Contreras in 1917; and parcels of land 5, 6 and 11 by purchase from Pastor Payomo in 1934, all of which were registered by him in his name for taxation purposes.

Parcels of land 12, 14 and 15, which were adjudicated to Jose Baligod and later inherited by Oscar Arellano, were transferred by the latter to Luis Baligod, as already stated before, in return for the latter's undertaking to defray his educational expenses in the United States; and parcels of land 9 and 13 belonging to Santiago Baligod, which were inherited by Hilaria Labbino, were also ceded by her to Luis Baligod in 1932.

Luis Baligod ordered the survey of all the fifteen (15) parcels of land he had thus acquired and later filed in court a petition for the registration of said lands in his name. We have already seen how this case was decided by the court and what disposition has been made of the properties involved.

Findings and Conclusion

If the claim of the defendants that Luis Baligod has acquired all the fifteen (15) parcels of land which are involved in this case in the manner they want to impress the court with the evidence they have presented is true, it is indeed strange that he failed to impress the court with his evidence in the registration proceedings he instituted in an attempt to register the 15 parcels of land in his name. It must be presumed that he presented in said case much of the evidence defendants have now presented and must have exerted all the efforts at his command to win his case. And yet he failed in his attempt, as evidenced by the adverse decision rendered in the case. While the reason for this failure is not hard to see, we will, however, proceed to discuss briefly the evidence presented by the defendants to determine its relative and probative value in contrast with the evidence submitted by the plaintiffs.

Let us begin with parcel 1, the biggest in the whole block, which has an area of more than one thousand hectares. Defendants claim that this big tract of land was acquired by their father Luis Baligod by occupation in 1917, and was declared by him for taxation purposes in his name in the same year. If this is true, why is it that in the inheritance tax declaration (Exh. "L") he declared this property as one of the properties inherited by him and his co-heirs? Why was he not able to adduce any document to prove his title thereto? Had the registration case been continued in so far as this parcel of land is concerned, the court would have no doubt obtained the same result and the land would have been declared as conjugal property of the spouses Jacinto Baligod and Maria Asuncion. The same thing may be said with regard to parcels of land 2, 3, 4, 8 and 10. Defendants say that parcel 4 was bought by Luis Baligod from Joaquin Contreras in 1917, and yet they have not been able to present any document to substantiate their claim. They were only able to present a certificate of tax declaration. The other lots, they claim, were given to him by his father Jacinto Baligod, but they have also failed to present any document to substantiate their claim, with the exception of certificates of tax declaration. Over and above all this pretense, we have the stubborn fact that Luis Baligod failed to prove his claim over these lots in the oft-repeated registration proceedings.

Parcels 5, 6 and 11, present a more interesting aspect. It is claimed that they were acquired by Luis Baligod from Pastor Payomo in 1934, and to that effect they presented a document (Exh. "7") to substantiate their claim. Apparently, the transaction is fair and regular in its face. But after a more careful examination of the document, we detect an apparent irregularity. It should be remembered that the registration case was filed by Luis Baligod on December 19, 1933, and the trial was set for March 20, 1934, whereas the supposed deed of sale executed by Pastor Payomo in favor of Luis Baligod appears to be dated on March 19, 1934. This shows that Luis Baligod

applied for the registration of said three (3) parcels of land months before he ever purchased them from Payomo. How could such inconsistency happen? Apparently this was made possible because Pastor Payomo is the father of Leonita Payomo, wife of Luis Baligod. They are therefore close relatives by affinity. Notwithstanding this manipulation, however, the court in the registration case considered these parcels of land as properties of the parents of Luis Baligod.

With regard to parcels 12,14 and 15, defendants likewise claim that they were acquired by their father from Oscar Arellano, but they have not presented any document to prove their allegation. The only evidence they have presented are the certificates of tax declaration and all this evidence was likewise disproved in the decision of the court in the registration case (Exh. "A"). And with respect to parcels 9 and 13, which defendants claim were ceded by Hilaria Labbino to their father, they have likewise not presented any document in support thereof other than the certificates of tax declaration. This claim stands likewise disproved by said decision (Exh. "A"). On the other hand, Hilaria Labbino, the intervenor, claims to have inherited these parcels of land from her father Santiago Baligod, although she has not presented any documentary evidence to that effect, except certain certificate of registration. And this is belied by the decision (Exh. "A"), wherein the following appears:

"Hilaria Labbino declaro que ya no reclama ninguna porcion de esta 15 parcelas en vista del hecho de que ella esta en posesion de una parcela de terreno avaluada en. P2,000 que le ha correspondido como su participation de los bdenes dejados por el difunto Jacinto Baligod estando ella viviendo al lado de su tio el aqui solicitante Luis Baligod."

The attempt made by the defendants to prove that Maria Asuncion has transferred all her interest and participation in all the parcels of land in question to Leonita Payomo, wife of Luis Baligod, for only the sum of P1,500 in 1941, in view of her desire to prevent future conflict that may arise from the decision in the registration case, can hardly be given credit, it appearing that Maria Asuncion at the time the alleged transfer was made was already too old to know what she was doing, she being already 95 years old, let alone the inadequate consideration of P1,500 Leonita allegedly paid for the properties worth more than P50,000, excluding improvements. This document cannot be given any legal effect considering the suspicious circumstances under which it was executed.

Having arrived at the conclusion that the 14 parcels of land in dispute were originally conjugal properties of the spouses Jacinto Baligod and Maria Asuncion and were distributed and adjudicated in the manner stated in the decision rendered in the registration case, and having proven that parcel 1 should be treated in the same manner and given the same category, there is every reason to believe that Luis Baligod continued in the possession of the aforesaid properties in his capacity as administrator thereof, with the exception of those adjudicated to him, and, therefore, he could not have possibly acquired them by prescription to the prejudice of his co-heirs. The claim, therefore, of the defendants that their father had acquired said parcels of land by prescription, cannot be sustained.

With the foregoing facts and circumstances and conclusions we have arrived at, we do not believe it necessary to discuss the other points raised in the briefs of both parties. We believe that with these findings, the important issues raised herein had been fully discussed.

Wherefore, the decision appealed from is hereby reversed, and in lieu thereof the Court renders judgment as follows: (1) ordering that the fifteen (15) parcels of land described in the complaint be divided into two equal parts: one-half (1/2) to be given to Maria Asuncion, and the other half, to be divided equally between Luis Baligod or his heirs, Susana Baligod, or her heirs, and Oscar Arellano or his heirs; and that the half belonging to Maria Asuncion be divided in two equal parts, one-half to be given to the plaintiffs and the other half to the defendants; (2) ordering defendant Leonita Payomo to render an accounting of the products of the lands in question from the date she has assumed their administration, or from August 1944, giving to the plaintiffs the shares corresponding to them in the products of the lands, and (3) no pronouncement as to costs.

Feria, Pablo, Bengzon, Tuason, Montemayor and Jugo, JJ., concur.

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