

## **SULPICIO OYAO, LEONILA OYAO AND ROSITA OYAO, PLAINTIFFS AND APPELLANTS, VS. EMILIANO OYAO, DEFENDANT AND APPELLEE.**

*G.R. No. L-6340. December 29, 1953*

Ponente: REYES, J.

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### **REYES, J.:**

This is an action to recover a piece of land alleged to have been inherited by plaintiffs from their maternal grandfather, Aniceto Oyao, and to have been usurped by defendant in 1941. Defendant denies the alleged usurpation and claims ownership of the land, one-half of it as an inheritance from his deceased father, Abundio Oyao, brother of Aniceto Oyao, to whom it had been donated by the latter, and the other half by purchase from Aniceto Oyao himself.

There is no question that the disputed property formerly belonged to Aniceto Oyao, who died intestate in 1936. Aniceto had two legitimate children, Simeona and Eulalia, both of whom died before him but were survived by their recognized natural children, the plaintiffs herein, who now lay claim to his hereditary estate in representation of their deceased mothers and dispute the validity of the donation in favor of Abundio Oyao and the sale in favor of defendant.

Being of the opinion that plaintiffs, as mere natural children could not represent their respective mothers in the inheritance of their grandfather Aniceto Oyao, the trial court found their claim to be without legal basis and dismissed the complaint with costs. From this judgment plaintiffs appealed to the Court of Appeals, but that court has certified the case here on the ground that only questions of law are involved.

There can be no question on the proposition that natural children have not the right to represent their natural father or mother in the succession of the legitimate ascendants of the latter. This has been made clear in the case of *Llorente vs. Rodriguez et al.*, 10 Phil. 585, where this Court said:

"This doctrine has been affirmed by the supreme court of Spain in its decision of the 13th of February, 1903, and in said decision it was held that a natural child whose deceased father was a legitimate son, has no right whatever in the inheritance of his grandfather, even if the latter died without legitimate descendants surviving him, which appears plainly evident, not only because article 943 of the Civil Code denies the natural child the right to succeed ab intestato the legitimate children and relatives of the father or mother acknowledging the said child, included in which was the grandfather, nor because within the order of succession established for natural children and their descendants by article 939 to 944, the natural grandchild, whose father was legitimate, has no place; but more especially (considering the direct application of said doctrine to the case) because, as children inherit by right from their father, and grandchildren from their grandfather by representation according to articles 932 and 933, this right is only granted to the legitimate grandchildren and descendants when the head of the descending direct line is a legitimate child, in conformity with the secular doctrine admitted by our code as the basis of the order of succession which the same establishes and particularly sanctions by article 931, where it is assumed that the descendants called upon to succeed by such

line shall be the issue of a lawful marriage. As a consequence of the law, the court below held that Rosa Llorente had no right whatever to the inheritance of the late Martina Avalor, and denied her all right to intervene in the proceedings regarding the estate of the said deceased."

In that case Rosa Llorente, a natural daughter of one of the legitimate children of the deceased Martina Avalor, tried to intervene in the settlement of the estate of the said deceased in representation of her father, a legitimate son of said Martina Avalor, who had predeceased the latter. But Rosa Llorente was not allowed to intervene because, as a natural child of one of Martina Avalor's legitimate children, she had no right to the inheritance. Plaintiffs in the present case are in that same position. Their claim to their grandfather's inheritance is, therefore, without legal basis.

It is argued, however, that the trial court erred in not deciding the question of ownership and possession, and in that connection counsel for plaintiffs point out alleged deficiencies in defendant's proof of title. But it appearing that plaintiffs' claim to right of possession is predicated merely on their supposed right to inherit by representation from their maternal grandfather, a right which does not exist, it is obvious that plaintiffs' action is without legal basis, so that it would have been an idle task for the trial court to make specific findings on the sufficiency of defendant's evidence of title. In the circumstances we don't think the trial court committed the error attributed to it.

The plea that because plaintiffs are poor and defendant rich, the land in dispute should be adjudged to the former as a measure of social justice, runs counter to the present law on succession and is, therefore, beyond the power of the courts to grant.

Wherefore, the decision appealed from is affirmed, but without costs.

Paras, C. J., Pablo, Bengzon, Padilla, Tuason, Jugo and Bautista Angelo, JJ., concur.

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