

FABIAN PUGEDA, PLAINTIFF-APPELLEE VS. RAFAEL TRIAS, MIGUEL TRIAS, SOLEDAD TRIAS, ASSISTED BY HER HUSBAND ANGEL SANCHEZ, CLARA TRIAS, ASSISTED BY HER HUSBAND VLCTORIANO SALVANERA...

G.R. No. L-16925. July 14, 1962

Ponente: LABRADOR, J.

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LABRADOR, J.:

MOTION FOR RECONSIDERATION.

SUMMARY

In the motion for reconsideration of the decision rendered in this case, movants argued that, (1) the lots purchased by Miguel Trias under the operation of the Friar Lands Act which at the time of his death were not yet fully paid and were subsequently transferred in the name of the widow who paid the balance out of the proceeds of the fruits of said lands and thereafter the title was issued in her name, belong to her as her exclusive paraphernal property not conjugal; (2) that the decision of the trial court was set aside by the Court of Appeals; and (3) that the lots were never partitioned as conjugal assets of spouses Mariano Trias and Maria C. Ferrer. Movants cited the case of *Arayata vs. Joya, et al.*, 51 Phil. 654. The Supreme Court denied the motion and declared the decision as final.

RULING

Upon the issuance of the certificate of sale to the husband of a lot of the Friar Lands, said lot ipso facto forms part of the conjugal properties of the husband and wife and this status remains unaltered even after his death and the subsequent transfer of the land in the name of the widow or by the setting aside of the trial court's decision holding said property as conjugal by the Court of Appeals based on newly discovered evidence. The doctrine in the *Arayata vs. Joya, et al.* case refers to the superior right of the widow recognized in Section 16 of Act 1120 (Friar Lands Act) over transfers made by the husband without the approval of the Director of Lands; hence, not applicable in the instant case. Adjudication may be made pro indiviso in a project of partition without the need of actual division or partition of the properties among the heirs.

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