

INTESTATE ESTATE OF THE LATE ELI RODRIGUEZ. SAMSON RODRIGUEZ, ET AL., MOVANTS AND APPELLANTS, VS. RUPERTA A. VDA. DE. RODRIGUEZ, ADMINISTRATRIX AND APPELLEE, RUPERTA A. VDA. DE ...

G.R. No. L-9234. August 30, 1957

Ponente: PADILLA, J.

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PADILLA, J.:

In his lifetime the late Fortunato Rodriguez executed a will instituting as heirs entitled to his estate, the following: Joseima and Nicanora, natural children; Samson, Juanita, Inicerio and Gregorio, legitimate children by his first wife Julia Quillos; and Eli Rodriguez, legitimate son by his second wife Ruperta A. Vda. de Rodriguez. After his death sometime in 1924, proceedings for the administration and settlement of his estate was instituted in the Court of First Instance of Occidental Negros (Special Proceedings No. 2758). On 24 March 1924 the heirs executed an agreement of partition and submitted it to the probate court for approval. After approval, the heirs took possession of their respective shares.

The real estate awarded to Eli Rodriguez are the following: (1) 1/15 share in Lots Nos. 846, 848 and 965; (2) Lot No. 847; and (3) Lot No. 951, all of the Cadastral Survey of La Carlota. These parcels of land are planted to sugar cane and the produce milled at the Central Azucarera de la Carlota. Upon the enactment of Act No. 4166, known as the Sugar Limitation Law, on 4 December 1934, a quota of 596.26 piculs of sugar, divided into export, consumer, and emergency reserve, manufactured from the Sugar cane grown therein, was allocated to the said parcels of land.

On 19 May 1942 Eli Rodriguez died intestate, single and without issue in O'Donnel concentration camp, Capas, Tarlac. On 28 December 1945 his mother Ruperta A. Vda. de Rodriguez commenced proceedings in the Court of First Instance of Occidental Negros for the administration and settlement of the estate of the deceased and prayed that after hearing she be appointed administratrix of the estate of the deceased; that she be exempted from filing a bond; and that she be declared the sole heir of the deceased (Special Proceedings No. 229). On 23 September 1954 Samson Rodriguez, Juanita Rodriguez, Inicerio Rodriguez, Gregorio Rodriguez and Josefina Rodriguez, half-brothers and half-sisters of the deceased, and Jesus Segura, son of Nicanora Rodriguez, another half-sister of the deceased, filed a motion in the probate court praying that the parcels of land inherited by the administratrix from her late son Eli Rodriguez be held subject to a reserva troncal in their favor under and pursuant to the provisions of article 891 of the new Civil Code (811 of the old), and that the administratrix be directed to register or cause to be recorded on the back of the transfer certificates of title to be issued in her name by the Registrar of Deeds in and for the province of Occidental Negros for the said parcels of land, their right to such reserva troncal. After hearing, on 27 November 1954 the probate court held that Josefina Rodriguez, a natural sister of the deceased, and Jesus Segura, the son of the late Nicanora Rodriguez, another natural sister, are not entitled to a reserva troncal, but that the rest of the movants are entitled to have their right to a reserva troncal recorded on the transfer certificates of title to be issued to the administratrix for the parcels of land inherited by her from her late

son Eli Rodriguez; and that the sugar quota of 596.26 piculs allocated to the parcels of land is not subject to such reserva troncal and ordered the administratrix—

* * * to record in the Registry of Deeds of Negros Occidental, the reservable character of lots Nos. 847, 951, 11, 905 and 7 of the la Carlota Cadastre (the last three lots correspond previously to 1/15 pro indiviso of Lots 846, 965 and 848 of the La Carlota Cadastre) in favor of Samson, Juanita, Inicerio and Gregorio, all surnamed Rodriguez.

Motions for reconsideration filed on 22 December 1954 and 22 February 1955 were denied on 14 February 1955 and 10 March 1955, respectively.

The movants appeal from that part of the order denying their petition to include in the reservation the sugar quota allotment of 596.26 piculs that may be manufactured from the sugar cane grown in the parcels of land inherited by the administratrix from her late son. The movants Josefma Rodriguez and Jesus Segura did not appeal. The administratrix appeals from that part of the order directing her to register or cause to be recorded the right of Samson, Juanita, Inicerio and Gregorio, all surnamed Rodriguez, to a reserva troncal on the transfer certificates of title to be issued to the administratrix by the Registrar of Deeds of the province of Occidental Negros for the parcels of land inherited by her from her late son Eli Rodriguez.

Article 891 of the new Civil Code (811 of the old), provides:

The ascendant who inherits from his descendant any property which the latter may have acquired by gratuitous title from another ascendant, or a brother or sister, is obliged to reserve such property as he may have acquired by operation of law for the benefit of relatives who are within the third degree and who belong to the line from which said property came.

Commenting on this article Manresa says:

Los bienes pasan en primer termino al ascendiente legitimario: este los reserva, los goza o disfruta durante su vida, y a su muerte van a parar a la linea a que pertenecieron si hay parientes dentro del tercer grado en esa linea, y caso de no haberlos en ese momento, la reserva desaparece, los bienes quedan libres y se sigue el orden natural de la sucesion. En cambio los parientes han de respetar ese usufructo, y tienen una esperanza a esos bienes, que solo ven realizada los que viven en la epoca del fallecimiento del ascendiente. De aqui se deduce que el ascendiente es algo mas que un simple usufructuario; su derecho es analogo al del poseedor de bienes sujetos a una condicion resolutoria. Hay en efecto, un liecho futuro e incierto del que depende la adquisicion definitiva o la extincion del derecho por el ascendiente o por sus herederos, asi como la adquisicion o la extincion del derecho de los parientes. ¿Quedan o no parientes lineales, dentro del tercer grado, a la muerte del ascendiente obligado a reservar? Tal es la cuestion. ¿Quedan? Adquieren los bienes, que son perdidos para los herederos del ascendiente, porque la condicion se ha cumplido. ¿No quedan? El liecho incierto no se ha realizado, y se hace definitivo y firme el derecho del ascendiente o de sus herederos. Y no se crea que siempre liabra que esperar a la muerte del ascendiente: habra casos en los cuales deapues de nacida la reserva, ese ascendiente presenciara la muerte de la misma, por desaparecer los parientes que a ella pudieran tener derecho, y no ser posible que lleguen a existir otros. (Comentarios al Código Civil Español, Vol. 6, pp. 252-253, 6th Ed.)

Properties reservable under the aforementioned article are those that the propositus acquired by gratuitous title from another ascendant, or a brother or sister. Although in 1924, at the time the late Eli Rodriguez inherited by will the parcels of land from his late father Fortunato, the sugar quota allotment was not yet in existence, still such sugar quota allotment, in the language of the law,[1] is "an improvement attaching to the land * * *." If there be no land planted to sugar cane there would be no sugar quota allotment. The fact that "Mill companies and plantation owners may sell, transfer, or assign their allotments received under the terms of this Act,"[2] is another

compelling reason which leads us to regard the sugar quota allotment as part of the land to be reserved for the reservees, because if the sugar quota allotment be sold by the reservor, the land subject to reserva troncal would greatly depreciate in value to the prejudice and detriment of the right of the reserves.

In support of her appeal, counsel for the administratrix quotes in his brief a passage from Manresa thus—

Que en cuanto al hermano, desde luego es aplicable el precepto a: los hermanos de doble vínculo. Pero si los bienes proceden de un hermano, no tendría, luego (lugar) la reserva." (Manresa Vol. 6 page 256) Pp. 6-7, brief for the administratrix- appellant.

This is not correct. The correct passage is—

En cuanto al hermano, desde luego es aplicable el precepto a los hermanos de doble vínculo. Pero si los Menes proceden de un medio hermano, ¿no tendrá lugar la reserva? No hay duda alguna: los hermanos son unos y otros, y con esa sola denominación se comprenden los medio hermanos en los artículos 143, 144, 294, 770, 952, 953 y 954. Legítimos son también todos, y sin rnia disposición expresa de la ley no pueden ser excluidos. El doble vínculo determina cierta preferencia en materia de tutelas y sucesiones; ynas al efecto de buscar la procedencia de los Menes en el art. 811, basta que se trate de hermanos, sean de doble vínculo, uterinos o consanguíneos. Hay sobre todo una razón decisiva, como veremos después; en Último término, la Reserva se establece en favor de los parientes que pertenezcan a la línea del hermano de. quien los bienes proceden, y puesto que se trata de líneas, el doble vínculo es indiferente. (Comentarios al Código Civil Epañol, Vol. 6, p. 257, 6th Ed.)

¿Debe ser el parentesco de doble vínculo? Se afirma que, por ser la reserva del artículo 811 puramente lineal, no es lícito distinguir entre pariente de vínculo entero o de medio vínculo, y cita en apoyo de su opinión la sentencia de 29 de diciembre de 1897, en la que se declaró la reserva a favor de un medio hermano. (Manresa, Comentarios al Código Civil Español, Vol. 6, pp. 328-329, 7th Ed.)

The provisions of article 891 of the new Civil Code (811 of the old) do not exclude the half brothers and sisters from the benefit provided for therein, as long as they are of the line from which the property to be reserved came.

The order appealed from is modified by including the sugar quota allotment of the parcels of land in the reservation to be recorded on the transfer certificates of title to be issued to and in the name of Ruperta A. Vda. de Rodriguez, without pronouncement as to costs.

Paras, C. J., Bengzon, Montemayor, Reyes, A., Bautista Angela, Labrador, Concepcion, Reyes, J.B.L., and Endencia, JJ., concur.

[1] Section 9, Act No. 4166.

[2] Act No. 4166.

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