

DAVID AZNAR, ET AL., PLAINTIFFS AND APPELLANTS, VS. ASUNCION SUCILLA, DEFENDANT AND APPELLEE.*G. R. No. 10806. January 27, 1958*

Ponente: ENDENCIA, J.

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The only question involved in the present appeal is whether the deed of donation executed by Inocente Aznar on March 15, 1948, in favor of his wife Asuncion Sucilla, herein appellee, has validly transferred ownership of the property so donated, consisting of a parcel of land with an area of 4.8007 hectares and described in Transfer Certificate of Title No. 15195 of the land records of Quezon province. Plaintiffs-appellants are the nephews and nieces of Inocente Aznar who died on March 22, 1948. They filed a complaint against Asuncion Sucilla on December 15, 1952, in Civil Case No. 327 of the court of first instance of Quezon, wherein they allege that they are the nephews and nieces of the late Inocente Aznar; that the latter left the aforementioned land which was the conjugal property of the deceased and his wife Asuncion Sucilla who, despite demand, refused to divide it between her and the plaintiffs as the heirs and successors in interest of the deceased; and prayed that the property be divided among themselves and defendant Asuncion Sucilla in accordance with law, and that said defendant be required to render an accounting of the moneys and other returns from the said property since the time of the death of Inocente Aznar. In answering the complaint, defendant admitted that the property was conjugal and that the plaintiffs were the nephews and nieces of her late husband, but maintained that they had no more right to claim by succession, any share in the property, as the same had already been donated to her in a document reading as follows:

KASULATAN NG PAGKAKALOOB**DAPAT MALAMAN NG SINOMANG MAKABASA NITO:**

Na ako, INOCENTES AZNAR, may sapat na gulang, filipino, asawa ni Asuncion Sucilla, tubo't naninirahan rito sa municipio ng Polillo, lalawigan ng Quezon, Kapuluang Filipinas, nasa sa mabuting kalagayan ang pagi-isip, bukal sa sariling pag-kukuro, na wala sinomang nag udyok sa akin, ay minarapat ko, dahil sa tinataglay kung sakit o karamdaman na di tawag-delengin, at sa malao't madali'y maaaring bawiin ko ng hiram na buhay sa sinapupunan ng Maykapal, kaya't ngayon, ang aking isang palagay na lupang niogan na natatayo sa nayon ng Libjo, Polillo, Quezon, na sa lalong maliwanag, ay nasasaad tulad ng sumusunod:

ISANG PALAGAY NA LUPANG NIOGAN, may lawak na 4 hectareas, 87 areas at 77 centareas, may tanim na siyam na daang (900) kapunong niog na pawang bungahan, humigit-kumulang may Certifico Original No. 348, na hahanga sa Norte, Miguela Quinto & Public Land; sa Este, Sapa ng Pandan; sa Sur, Antonio Ayapana; at sa SW. Zacarias Abcede & Masisi Creek. Natatala sa ilalim ng Tax No. 8034, valor amillarado-P1 ,350. Na ang lupang na

sasabi sa itaas, ay pinagsamahan namin at sariling bugta (ni Asuncion), pinagugulan ng sariling pagod at salapi, at sapagka't hangang sa mga sandaling ito'y hindi kami pinagkalooban ng bunga o anak ang lupang ito'y aming sama

o pagaari ng pantay o patas; ay kusang loob kong ipinagkakaloob, ibinibigay at isinulit ang lahat at boong kabahagui ko sa lupang nasabi sa itaas; (lupa at lahat ng mejoras na natatanim roon) bilang Donation Mortiz Causa, sa aking pinakamamahal na asawa, Asuncion Sucilla, may sapat ding gulang, filipina at naninirahan din rito sa Polillo, Quezon upang sakali't ako'y mamatay na ay ng siya may pagkunan ng kanyang ikabubuhay;

Dapat din naman alamin, na dahil sa mabuti naming pagsasama buhat ng kami'y makasal at dahil sa pagiging masunurin niya sa mabubuti kong pasiya at sa walang katulad na pagaandukha o pagaalaga sa aking buhat ng akoy magkasakit hanggang sa mga sandaling ito, kaya nga't pinagtitibay at ipinasiya ng aking sarili na kahit hindi nagka bunga ang aming mabuting pagsasama, na ipagkakaloob ko sa aking asawa, Asuncion Sucilla na nabanggit na lupa sa itaas ng pagkakaloob ng "Walang Pasubali."

Pinatutunayan at pinatitibay ko rin, na wala sinomang makapaghahabol sa ginawa kong itong pagbibigay sa minamahal kong asawa, dahil sa itoy siya kong kalooban at ang kasulatan itoy siya kung katibayan ng aking niloloob, sapagkat ako ang siyang makapangyarihan sa aking ari-arian, kayat ang lahat ng paghahabol ng sino man sa mahuhuli, ay pinawawalang kabuluhan ng kasulatang ito sapagkat ito'y siya kong huling pasiya, kayat ito'y dapat igalang.

SA KATUNAYAN NG LAHAT NG ITO, ay inilagda ko ang aking pangalan o idinait rito ang aking kanang hinlalaki, rito sa Polillo, Quezon, ngayon ika-15 ng Marzo, 1948, A.D.

His right hand

INOCENTE AZNAR

thumb mark

(Nagkaloob)

Na ako, ASUNCION SUCILLA, pinatutunayan ko na tinatanggap ko ng boong puso ang guinawang pagkakaloob sa aking ng isang palagay na lupang niogan (bahagui) ng aking asawa, at pinasasalamat ko ng" taos pusong pasasalamatang ala-alang ito sa akin ng aking asawa.

His right hand

ASUNCION SUCILLA

thumb mark

NILAGDAAN SA HARAP NG MGA SAKSI:

(Fda. Ramona Tina

(Fda. Margarita E. Combaleser

REPUBLIC OF THE PHILIPPINES }

PROVINCE OF QUEZON } S. S.

MUNICIPALITY OF POLILIO }

In the municipality of Polillo, Province of Quezon, Philippines, this 15th day of March, 1948, before me, personally appeared, Inocente Aznar (Donor) who exhibited to me his Res. Cert. No. A- 2891358, issued at Polillo, Quezon, on February 28, 1948; and Asuncion Sucilla, (Donee) who exhibited to me her Res. Cert. No. A-

2891411, issued at Polillo, Quezon, on March 8, 1948, who are personally known to me and to me known to be the same person who executed the foregoing instrument and acknowledged to me that the same is their free will and deed for the purpose therein expressed.

Affiants and their witnesses have signed on each and every page of this instrument composing of two pages including the acknowledgement page and deals with a deed of Donation Mortis Causa executed by the Donor Inocente Aznar, in favor of the Donee, Asuncion Sucilla, over a parcel (part) of coconut land.

In witness whereof, I have hereunto set my hand and affixed my Notarial Seal at the place and date above-designated.

(Sgd.) MARCIANO MOPERA

Notary Public

My Commission expires

December 31, 1948

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At the hearing of the case, the parties submitted the same for decision under the following agreement:

CONVENIO

Las partes convienen en someter como por la presente someten la escritura de DONACION extendida por Inocente Aznar de fecha 15 de Marzo de 1948 a favor de Asuncion Sucilla, cuya escritura de Donacion ha sido ratificada ante el Notario Publico Marciano Mopera, al objeto de que este Hon. Juzgado determine si dicha escritura de Donacion es con caracter intervivos o Mortis Causa.

Para el caso de que la determinacion por este Hon. Juzgado sea que dicha escritura de Donacion es con inter vivos o Mortis Causa que la Ley sea aplicada.

Las partes convienen en que la posesion de la demandada Asuncion Sucilla sobre el terreno en cuestion ha sido y es de buena fe. Sin costas.

In view thereof, the trial court rendered judgment in favor of the defendant, on the ground that the above-quoted document is a donation inter vivos.

"governed by the provisions on donations and also by the general provisions on contracts and obligations. So that the prima facie donation inter vivos and its acceptance by the defendant donee here, having been proved by means of a public instrument, and the donor having been duly notified of said acceptance, the contract is perfect and obligatory and it transfers ownership of the property mentioned therein. If the property in question has already been disposed of, by the late Inocentes Aznar, and it is not in contravention with any law on the subject, the plaintiffs herein have no more right to claim by succession, the one-half 1/2 share corresponding to him of the conjugal property in litigation."

Thereupon plaintiffs filed a motion for reconsideration which was denied, hence the present appeal predicated upon the propositions that the lower court erred:

"1. in not declaring that the deed of donation dated March 15, 1948, executed by the deceased Inocente Aznar in favor of his wife Asuncion Sucilla during their marriage, is null and void; and

2. in absolving the defendant Asuncion Sucilla from the complaint, instead of ordering the partition among the heirs, of the estate of the deceased Inocente Aznar."

As could readily be seen, the controversy between the parties is whether the aforequoted document is valid and has legally transmitted the ownership in question in favor of the defendant Asuncion Sucilla. For the purpose of this decision, it is immaterial whether the document is a deed of donation mortis causa or inter vivos, for if it should be considered as donation mortis causa, it would certainly not be valid because it does not comply with the requirement of the law regarding attestation clause which, like a will, it must contain for its validity. On the other hand, if the said document should be considered as donation inter vivos, it would certainly fall under the clear provision of Art. 1334 of the old Civil Code which provides that "all donations between spouses made during the marriage shall be void," it appearing that the deed of donation as well as the demise of the donor occurred in 1948. Consequently, the donation in question, being patently null and void, cannot be invoked by Asuncion Sucilla to defeat the claim of appellants, and the trial court, in absolving the defendant from the complaint, committed a reversible error which should be corrected.

Wherefore, the decision appealed from is reversed, and the case ordered remanded to the court of origin for further proceedings. Without pronouncement as to costs.

Paras, C. J., Bengzon, Padilla, Montemayor, Reyes, A., Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., and Felix, JJ., concur.

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