

SEGUNDA DE LOS SANTOS, LEONCIA DE LOS SANTOS, TRANQUILINA MARTINEZ, AND TEODORICA MARTINEZ, PLAINTIFFS AND APPELLANTS, VS. FERNANDO SANTA TERESA, DEFENDANT AND APPELLEE.

G.R. No. 12252. January 08, 1918

Ponente: ARAULLO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-12252/>

ARAULLO, J.:

In the original complaint in this case which was filed in the Court of First Instance of Rizal on January 17, 1914, it was alleged that the plaintiffs as well as the defendant were legitimate descendants of Gregorio Santa Teresa, deceased, and that they were joint owners of the lands described in said complaint. The plaintiffs prayed that said lands be partitioned among them and the defendant, and that the latter be sentenced to deliver to the former the quantity of palay and amount of money therein stated. The defendant answered, denying generally and specifically all the allegations of the complaint and alleging that said property belonged exclusively to him, that it never belonged to the plaintiffs or their predecessors in interest, that he had been in possession thereof publicly, peacefully, and under claim of ownership, and that the plaintiffs' right of action had already prescribed. In the lower court the parties entered into the following stipulation of facts:

- That Gregorio Santa Teresa, the predecessor in interest of the parties herein, died about thirty years ago, leaving the plaintiffs and the defendant as his heirs.
- That said predecessor in interest, Gregorio Santa Teresa, left no other property than that described in paragraph 3 of the complaint.
- That since the death of the deceased, Gregorio Santa Teresa, the defendant Fernando Santa Teresa had always been in quiet and peaceful possession of said property.
- That since the death of the deceased Gregorio Santa Teresa, the defendant had been paying the land tax of the lands described in the complaint and enjoying them as sole owner thereof, said enjoyment not having been interrupted at any time by any other person claiming any interest therein.

Trial having been held and the case submitted under the above stipulation of facts, the Court of First Instance rendered judgment on November 19, 1915, finding (1) that, according to said stipulation of facts, the predecessor in interest of the plaintiffs and the defendant, from whom the plaintiffs claim to derive their right to demand partition of the property as prayed for in the complaint, died about thirty years ago; and (2) that, according to the same stipulation of facts, since the date of the death of the predecessor in interest, the defendant had been in quiet, peaceful, public, and uninterrupted possession of the property described in the complaint, said possession having been under claim of ownership. Finally, following the decision of this court in *De Castro vs. Echarri* (20 Phil., 23), the trial court absolved the defendant from the complaint, without any express finding as to costs. The plaintiffs appealed from this judgment by bill of exceptions after their motion for new trial had been denied and

they had excepted to the order overruling said motion. In this court they allege that the trial court erred in not taking into consideration, in deciding the case, the provisions of article 1965 of the Civil Code, according to which "as between coheirs, coowners, or proprietors of adjacent estates, the action to demand the partition of the inheritance, of the thing held in common, or the survey of the adjacent properties does not prescribe," and in not granting the motion for new trial.

Such in fact are the provisions of article 1965 of the Civil Code; but in *De Castro vs. Echarri*, supra, cited by the trial court, this court, citing Manresa's commentary on said article, declared:

""* * * the imprescriptibility of the action to demand the division of a succession known in Roman Law as *familiae eriscundae*, cannot be invoked when one of the coheirs has possessed the inheritance as owner and for a period sufficient to acquire it by prescription, because such action necessarily arises from the possession in common or pro indiviso of the inheritance, as laid down by the supreme court in a judgment of April 15, 1904 * * *."

In said decision it was held:

"That the principle underlying the provision of the Civil Code, relative to the imprescriptibility of the actions of coheirs to demand partition of the inheritance—which principle is that he, who possesses an undivided property jointly or in common, does so in the name of all the parties interested—has been recognized not only by the old law in Law 2, tit. 8, book 11, of the *Novisima Recopilacion*, and upheld by different decisions of the Supreme Court, but by article 1965 of the Civil Code as well."

The supreme court of Spain itself in an opinion rendered June 15, 1888, laid down the following doctrine:

"The fact that the partition of an inheritance was not effected in legal form does not mean that it is possessed in common, because possession is considered as held in common when the property is possessed collectively in the interest and name of all the coheirs or coparticipants, and not, by any means, when by virtue of any title more or less perfect they are held and enjoyed by the possessor individually, the possessor acting in his own name, as absolute owner, and without intervention whatever of those who may have equal right thereto;

"That in the latter case the judgment that overrules the defense of prescription interposed by the possessor of hereditary property to the complaint for restitution and partition thereof, on the ground that the property could not lose its undivided character, not only violates Law 5, title 8, book 11 of the *Novisima Recopilacion*, according to which mixed actions prescribe after thirty years, but also Law 2 of the same title and book, on account of its improper application, because this law requires for the imprescriptibility of the action not only that the thing be undivided among the coheirs or coowners, but also—and as the first essential requisite—that they should be held or possessed in common."

In another decision of the same court dated June 22, 1904, the court declares:

"That the exercise of the action *communi dividundo*, which has the character of being imprescriptible by Law 2, title 8, book 11, of the *Novisima Recopilacion*, requires first of all, as an essential requisite, that the thing sought to be divided be possessed undivided and in common by the plaintiff and the defendant, because this circumstance is what determines the right of the coowner to ask for the division of the thing held in common in accordance with said law, and now in accordance with article 400 of the Civil Code.

"That the possession may be considered as held jointly and in common only when the property is collectively possessed in the interest and name of all the coowners or coparticipants, not when they are held and enjoyed individually by virtue of a title more or less perfect, the possessor acting in his own name as sole owner, without the intervention of the others."

Law 2, title 8, book 11 of the *Novisima Recopilacion*, cited in the two preceding decisions, says:

"Should the heirs or other persons have or possess a thing in common, which is not divided between them, although one of them is the possessor thereof, he cannot interpose the defense of prescription in order to defeat the right of each of the others whenever he seeks to enforce it."

In applying said law, the supreme court of Spain, among many other declarations, made the following:

"An action for the division of the things held in common lies always, and prescription is no defense against it."
(Decisions of February 22, 1858, and November 22, 1864.)

Sanchez Roman in his work "Estudios de Derecho Civil," treating of the imprescriptibility of actions for partition and for fixing the boundaries between coheirs, coowners, or cotenants of adjoining properties, says:

"Article 1965 which declares this kind of actions to be imprescriptible is simply a consequence of the principles which inspire articles 348, 400, and 401, relating to community of property, and articles 1051 and 1054, relating to partition of inheritance, all of which are inspired by the principle that the obligation to remain in the community cannot be imposed upon the several coowners, but, on the contrary, their right to compel the division of the thing held in common, as well as the right to ask for the fixing of the boundaries of adjoining properties, should be maintained."

Therefore, in order that the action of the coowners to demand partition of an inheritance or division of the thing held in common may not prescribe, it is essential that the hereditary property or the thing alleged to belong to them jointly be possessed in common or collectively, and, although one of them may be the actual holder or possessor of the property, that such possession be in the interest and name of the coheirs or coowners.

Since the property sought to be divided as hereditary property left by Gregorio Santa Teresa was not held in common or jointly by the plaintiffs and the defendant, since the death of said common predecessor, Gregorio Santa Teresa, which took place more than thirty years ago, and since it appears, on the contrary, according to the stipulation of facts that the defendant has been, and is, in quiet and peaceful possession of said property, not in the name and interest of those who claim to be coheirs or coowners as to said property, but individually in his own name and as sole owner thereof since the death of said Gregorio Santa Teresa more than thirty years ago, without any interruption whatever by any person claiming to have any share in said property, and without any intervention on the part of the plaintiffs, the trial court did not err in holding that the action brought by the latter had already prescribed, notwithstanding the provisions of article 1965 of the Civil Code.

For all of the foregoing, the judgment appealed from is affirmed, with the costs of this instance against the appellants. So ordered.

Arellano, C. J., Johnson, Carson, Street, and Malcolm, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.