RICKY Q. QUILALA, PETITIONER, VS. GLICERIA ALCANTARA, LEONORA ALCANTARA, INES REYES AND JOSE REYES, RESPONDENTS.

G.R. No. 132681. December 03, 2001

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

On February 20, 1981, Catalina Quilala executed a "Donation of Real Property Inter Vivos" in favor of Violeta Quilala over a parcel of land located in Sta. Cruz, Manila, containing an area of 94 square meters, and registered in her name under Transfer Certificate of Title No. 17214 of the Register of Deeds for Manila.

The "Donation of Real Property Inter Vivos" consists of two pages. The first page contains the deed of donation itself, and is signed on the bottom portion by Catalina Quilala as donor, Violeta Quilala as donee, and two instrumental witnesses.[1]The second page contains the Acknowledgment, which states merely that Catalina Quilala personally appeared before the notary public and acknowledged that the donation was her free and voluntary act and deed. There appear on the left-hand margin of the second page the signatures of Catalina Quilala and one of the witnesses, and on the right-hand margin the signatures of Violeta Quilala and the other witness.[2] The Acknowledgment reads:

REPUBLIC OF THE PHILIPPINES)
QUEZON CITY) S.S.

> Before Me, a Notary Public, for and in the City of Quezon, Philippines, this 20[th] day of Feb. 1981, personally appeared CATALINA QUILALA, with Residence Certificate No. 19055265 issued at Quezon City on February 4, 1981, known to me and to me known to be the same person who executed the foregoing instruments and acknowledged to me that the same is her own free and voluntary act and deed.
>
> I hereby certify that this instrument consisting of two (2) pages, including the page on which this acknowledgement is written, has been signed by CATALINA QUILALA and her instrumental witnesses at the end thereof and on the left-hand margin of page 2 and both pages have been sealed with my notarial seal.
>
> In witness whereof, I have hereunto set my hand, in the City of Quezon, Philippines, this 20[th] day of Feb., 1981.
>
> (SGD.) NOTARY PUBLIC
> Until December 31, 1981 (illegible)
>
> DOC NO. 22;
> PAGE NO. 6;
> BOOK NO. XV;
> SERIES OF 1981.

The deed of donation was registered with the Register of Deeds and, in due course, TCT No. 17214 was cancelled

and TCT No. 143015 was issued in the name of Violeta Quilala.

On November 7, 1983, Catalina Quilala died. Violeta Quilala likewise died on May 22, 1984. Petitioner Ricky Quilala alleges that he is the surviving son of Violeta Quilala.

Meanwhile, respondents Gliceria Alcantara, Leonora Alcantara, Ines Reyes and Juan Reyes, claiming to be Catalina's only surviving relatives within the fourth civil degree of consanguinity, executed a deed of extrajudicial settlement of estate, dividing and adjudicating unto themselves the above-described property.

On September 13, 1984, respondents instituted against petitioner and Guillermo T. San Pedro, the Registrar of Deeds of Manila, an action for the declaration of nullity of the donation inter vivos, and for the cancellation of TCT No. 143015 in the name of Violeta Quilala. The case was docketed as Civil Case No. 84-26603 of the Regional Trial Court of Manila, Branch 17. Subsequently, respondents withdrew their complaint as against Guillermo T. San Pedro and he was dropped as a party-defendant.

The trial court found that the deed of donation, although signed by both Catalina and Violeta, was acknowledged before a notary public only by the donor, Catalina. Consequently, there was no acceptance by Violeta of the donation in a public instrument, thus rendering the donation null and void. Furthermore, the trial court held that nowhere in Catalina's SSS records does it appear that Violeta was Catalina's daughter. Rather, Violeta was referred to therein as an adopted child, but there was no positive evidence that the adoption was legal. On the other hand, the trial court found that respondents were first cousins of Catalina Quilala. However, since it appeared that Catalina died leaving a will, the trial court ruled that respondents' deed of extrajudicial settlement can not be registered. The trial court rendered judgment as follows:

> WHEREFORE, judgment is hereby rendered in favor of plaintiffs Gliceria Alcantara, Leonarda Alcantara, Ines Reyes and Juan Reyes and against defendant Ricky A. Quilala, as follows:
>
> - Declaring null and void the deed of donation of real property inter vivos executed on February 20, 1981 by Catalina Quilala in favor of Violeta Quilala (Exhs. A as well as 11 and 11-A.);
>
> - Ordering the Register of Deeds of Manila to cancel Transfer Certificate of Title No. 143015 in the name of Violeta Quilala and to issue a transfer certificate of title in the name of the Estate of Catalina Quilala;
>
> - Dismissing the complaint insofar as it seeks the registration of the deed of extrajudicial settlement (Exhs. B and B-1.) and the issuance by the Register of Deeds of Manila of a transfer certificate of title in the names of the plaintiffs; and
>
> - Dismissing the counterclaim of defendant Ricky A. Quilala.
>
> No costs.
>
> SO ORDERED.[3]

Petitioner appealed the aforesaid decision. On July 30, 1997, the Court of Appeals rendered a decision affirming with modification the decision of the trial court by dismissing the complaint for lack of cause of action without prejudice to the filing of probate proceedings of Catalina's alleged last will and testament.[4]

> WHEREFORE, the appealed decision is hereby AFFIRMED with the following MODIFICATION:
>
> (3) DISMISSING the complaint for lack of cause of action without prejudice to the filing of the necessary probate proceedings by the interested parties so as not to render nugatory the right of the lawful heirs.

Petitioner filed a motion for reconsideration, which the Court of Appeals denied on February 11, 1998.[5] Hence, this petition for review, raising the following assignment of errors:

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- THE COURT OF APPEALS ERRED IN RULING THAT THE DEED OF DONATION OF REAL PROPERTY INTER-VIVOS IS NOT REGISTRABLE.

- THE COURT OF APPEALS ERRED ON UPHOLDING THE LOWER COURT'S RULING THAT VIOLETA QUILALA IS NOT THE DAUGHTER OF CATALINA QUILALA.[6]

The principal issue raised is the validity of the donation executed by Catalina in favor of Violeta. Under Article 749 of the Civil Code, the donation of an immovable must be made in a public instrument in order to be valid,[7] specifying therein the property donated and the value of the charges which the donee must satisfy. As a mode of acquiring ownership, donation results in an effective transfer of title over the property from the donor to the donee,[8] and is perfected from the moment the donor knows of the acceptance by the donee,[9] provided the donee is not disqualified or prohibited by law from accepting the donation. Once the donation is accepted, it is generally considered irrevocable,[10] and the donee becomes the absolute owner of the property.[11] The acceptance, to be valid, must be made during the lifetime of both the donor and the donee.[12] It may be made in the same deed or in a separate public document,[13] and the donor must know the acceptance by the donee.[14]

In the case at bar, the deed of donation contained the number of the certificate of title as well as the technical description as the real property donated. It stipulated that the donation was made for and in consideration of the "love and affection which the DONEE inspires in the DONOR, and as an act of liberality and generosity."[15] This was sufficient cause for a donation. Indeed, donation is legally defined as "an act of liberality whereby a person disposes gratuitously of a thing or right in favor of another, who accepts it."[16]

The donee's acceptance of the donation was explicitly manifested in the penultimate paragraph of the deed, which reads:

> That the DONEE hereby receives and accepts the gift and donation made in her favor by the DONOR and she hereby expresses her appreciation and gratefulness for the kindness and generosity of the DONOR.[17]

Below the terms and stipulations of the donation, the donor, donee and their witnesses affixed their signature. However, the Acknowledgment appearing on the second page mentioned only the donor, Catalina Quilala. Thus, the trial court ruled that for Violeta's failure to acknowledge her acceptance before the notary public, the same was set forth merely on a private instrument, i.e., the first page of the instrument. We disagree.

The pertinent provision is Section 112, paragraph 2 of Presidential Decree No. 1529, which states:

> Deeds, conveyances, encumbrances, discharges, powers of attorney and other voluntary instruments, whether affecting registered or unregistered land, executed in accordance with law in the form of public instruments shall be registrable: Provided, that, every such instrument shall be signed by the person or persons executing the same in the presence of at least two witnesses who shall likewise sign thereon, and shall be acknowledged to be the free act and deed of the person or persons executing the same before a notary public or other public officer authorized by law to take acknowledgment. Where the instrument so acknowledged consists of two or more pages including the page whereon acknowledgment is written, each page of the copy which is to be registered in the office of the Register of Deeds, or if registration is not contemplated, each page of the copy to be kept by the notary public, except the page where the signatures already appear at the foot of the instrument, shall be signed on the left margin thereof by the person or persons executing the instrument and their witnesses, and all the pages sealed with the notarial seal, and this fact as well as the number of pages shall be stated in the acknowledgment. Where the instrument acknowledged relates to a sale, transfer, mortgage or encumbrance of two or more parcels of land, the number thereof shall likewise be set forth in said acknowledgment." (underscoring ours).

As stated above, the second page of the deed of donation, on which the Acknowledgment appears, was signed by

the donor and one witness on the left-hand margin, and by the donee and the other witness on the right-hand margin. Surely, the requirement that the contracting parties and their witnesses should sign on the left-hand margin of the instrument is not absolute. The intendment of the law merely is to ensure that each and every page of the instrument is authenticated by the parties. The requirement is designed to avoid the falsification of the contract after the same has already been duly executed by the parties. Hence, a contracting party affixes his signature on each page of the instrument to certify that he is agreeing to everything that is written thereon at the time of signing.

Simply put, the specification of the location of the signature is merely directory. The fact that one of the parties signs on the wrong side of the page, that does not invalidate the document. The purpose of authenticating the page is served, and the requirement in the above-quoted provision is deemed substantially complied with.

In the same vein, the lack of an acknowledgment by the donee before the notary public does not also render the donation null and void. The instrument should be treated in its entirety. It cannot be considered a private document in part and a public document in another part. The fact that it was acknowledged before a notary public converts the deed of donation in its entirety a public instrument. The fact that the donee was not mentioned by the notary public in the acknowledgment is of no moment. To be sure, it is the conveyance that should be acknowledged as a free and voluntary act. In any event, the donee signed on the second page, which contains the Acknowledgment only. Her acceptance, which is explicitly set forth on the first page of the notarized deed of donation, was made in a public instrument.

It should be stressed that this Court, not being a trier of facts, can not make a determination of whether Violeta was the daughter of Catalina, or whether petitioner is the son of Violeta. These issues should be ventilated in the appropriate probate or settlement proceedings affecting the respective estates of Catalina and Violeta. Suffice it to state that the donation, which we declare herein to be valid, will still be subjected to a test on its inofficiousness under Article 771,[18] in relation to Articles 752, 911 and 912 of the Civil Code. Moreover, property donated inter vivos is subject to collation after the donor's death,[19] whether the donation was made to a compulsory heir or a stranger,[20] unless there is an express prohibition if that had been the donor's intention.[21]

WHEREFORE, in view of the foregoing, the petition is GRANTED. The appealed decision of the Court of Appeals is REVERSED and SET ASIDE, and a new judgment is rendered dismissing Civil Case No. 84-26603.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Pardo, JJ., concur.

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[1] Rollo, p. 94.

[2] Ibid., p. 95.

[3] CA Rollo, pp. 33-34; penned by Judge Catalino Castañeda, Jr.

[4] Penned by Associate Justice Maximiano C. Asuncion, concurred in by Associate Justices Jesus M. Elbinias and Ramon A. Barcelona; CA Rollo, pp. 175-178.

[5] Penned by Associate Jesus M. Justice Elbinias, concurred in by Associate Justices Minerva G. Reyes and Ramon A. Barcelona; CA Rollo, p. 196.

[6] Rollo, p. 25.

[7] Duque v. Domingo, 80 SCRA 654 [1977].

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[8] Civil Code, Article 712.

[9] Civil Code, Article 734.

[10] Vda. de Arceo v. Court of Appeals, 185 SCRA 489 [1990]. The exceptions to irrevocability are: officiousness, failure of the donee to comply with charges, and ingratitude.

[11] Tanpingco v. IAC, 207 SCRA 652 [1992]; Quijada v. CA, 299 SCRA 695 [1998].

[12] Civil Code, Article 746.

[13] Civil Code, Article 749, second par.

[14] Abellera v. Balanag, 37 Phil. 865 [1918]; Alejandro v. Geraldez, 78 SCRA 295 [1977].

[15] Rollo, p. 94.

[16] Civil Code, Article 725.

[17] Ibid.

[18] Donations which in accordance with the provisions of Article 752, are inofficious, bearing in mind, the estimated net value of the donor's property at the time of his death, shall be reduced with regard to the excess; but this reduction shall not prevent the donations from taking effect during the life of the donor, nor shall it bar the donee from appropriating the fruits.

For the reduction of donations the provisions of this Chapter and of Articles 911 and 912 of this Code shall govern.

[19] Civil Code, Book III, Title IV, Chapter 4, Section 5.

[20] Vda. de Tupas v. Regional Trial Court of Negros Occidental, 144 SCRA 622 [1986].

[21] De Roma v. Court of Appeals, 152 SCRA 205 [1987].

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