MERCEDES CRISTOBAL CRUZ, ANSELMO A. CRISTOBAL AND ELISA CRISTOBAL SIKAT, PETITIONERS, VS. EUFROSINA CRISTOBAL, FLORENCIO CRISTOBAL, JOSE CRISTOBAL, HEIRS OF NORBERTO CRISTOBAL A...

G.R. NO. 140422. August 07, 2006

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

This Petition assails the Decision[1] of the Court of Appeals dated 22 July 1999 in CA-G.R. CV No. 56402, affirming in toto the Decision of the Regional Trial Court (RTC) of Pasig City, Branch 156, in Civil Case No. 65035 entitled, "Mercedes Cristobal, Anselmo A. Cristobal and Elisa Cristobal Sikat vs. Eufrosina Cristobal, Florencio Cristobal, Jose Cristobal, Heirs of Norberto Cristobal and The Register of Deeds, San Juan, M.M."
Facts of the case are as follows:

Petitioners (Mercedes Cristobal, Anselmo Cristobal, the heirs of the deceased Socorro Cristobal, and Elisa Cristobal-Sikat) claim that they are the legitimate children of Buenaventura Cristobal during his first marriage to Ignacia Cristobal. On the other hand, private respondents (Norberto, Florencio, Eufrosina and Jose, all surnamed Cristobal) are also the children of Buenaventura Cristobal resulting from his second marriage to Donata Enriquez.

On 18 June 1926, Buenaventura Cristobal purchased a parcel of land with an area of 535 square meters located at 194 P. Parada St., Sta. Lucia, San Juan, Metro Manila, covered by Transfer Certificate of Title (TCT) No. 10878-2 (the subject property).

Sometime in the year 1930, Buenaventura Cristobal died intestate.

More than six decades later, petitioners learned that private respondents had executed an extrajudicial partition of the subject property and transferred its title to their names.

Petitioners filed a petition in their barangay to attempt to settle the case between them and private respondents, but no settlement was reached. Thus, a Complaint[2] for Annulment of Title and Damages was filed before the RTC by petitioners against private respondents to recover their alleged pro-indiviso shares in the subject property. In their prayer, they sought the annulment of the Deed of Partition executed by respondents on 24 February 1948; the cancellation of TCTs No. 165132, No. 165133, No. 165134 and No. 165135 issued in the individual names of private respondents; re-partitioning of the subject property in accordance with the law of succession and the payment of P1,000,000.00 as actual or compensatory damages; P300,000.00 as moral damages; P50,000.00 as attorney's fees and P100,000.00 as exemplary damages.

To prove their filiation with the deceased Buenaventura Cristobal, the baptismal certificates of Elisa,[3] Anselmo,[4] and the late Socorro[5] were presented. In the case of Mercedes who was born on 31 January 1909, she produced a certification[6] issued by the Office of the Local Civil Registrar of San Juan, Metro Manila, attesting to the fact that records of birth for the years 1901, 1909, 1932 to 1939, 1940, 1943, and 1948 were all

destroyed due to ordinary wear and tear.

The testimonies of the parties as summarized by the trial court are as follows:

> Witness [petitioner Elisa] further testified that her mother died when she was only one year and seven months old. She lived with the sister of her father because the latter married his second wife, Donata Enriquez. Her brother Anselmo and sister Socorro lived with their father and the latter's family in the subject property at P. Parada St., San Juan, Metro Manila.
>
> She claimed that when their father died on February 12, 1930, his brother Anselmo stayed with her and her auntie while Socorro stayed with their eldest sister, Mercedes, who was then married.
>
> Meanwhile, when her stepmother Donata Enriquez died, the children from the second marriage lived with them and her aunt Martina Cristobal.
>
> Witness testified that she is now residing at No. 194 P. Parada St., Sta. Lucia, San Juan, Metro Manila, the property subject of the present litigation. She has been living in the said property since 1948. She claimed that there are other houses in the area particularly those which belong to her half brothers and sisters which were now converted into factories.
>
> She claimed that out of the five hundred thirty-five (535) square meters she occupies only thirty-six (36) square meters of the subject lot.
>
> She testified that the [private respondents] divided the property among themselves without giving the [petitioners] their share. She said that she was offered by [private respondent] Eufrosina to choose between a portion of the land in question or money because one of the children of defendant Jose Cristobal wanted to construct an apartment on the lot. She said that she will have to ask the opinion of her other brothers and sisters.
>
> Thereafter witness testified that she made an inquiry regarding the land and she found out that the property belonging to their father Buenaventura Cristobal had been transferred to the defendants as evidenced by transfer certificates of title issued under the names of Florencio Cristobal (Exhibit "E"), Norberto Cristobal (Exhibit "F"), Eufrosina Cristobal (Exhibit "G") and Jose Cristobal (Exhibit "H").
>
> She declared that she felt bad when she learned that the title to the property belonging to her father had been transferred to her half brothers and sisters with the exclusion of herself and the other children from the first marriage.
>
> She filed a petition in the barangay to settle the issue among themselves, however, no settlement was reached therein. This prompted the [petitioners] to file the present case.
>
> On cross-examination, [petitioner] Elisa Cristobal Sikat admitted that she was aware that the subject property was owned by her father Buenaventura Cristobal even before the latter died. She likewise stated that the [private respondents] are the ones paying the real estate tax due on the lot.
>
> Ester Santos testified for the [petitioners]. In her "Sinumpaang Salaysay" she claimed that she was a neighbor of Mercedes, Anselmo, Socorro, Elisa, Norberto, Florencio, Eufrosina and Jose Cristobal in San Juan, Metro Manila. She said that she knows that Mercedes, Anselmo, Socorro and Elisa are the children of Buenaventura Cristobal from the latter's first marriage and the Norberto, Florencio, Eufrosina, and Jose are the children of Buenaventura Cristobal from the latter's second marriage.
>
> The said witness testified that Buenaventura Cristobal and his first family lived right across where she stayed.
>
> Witness corroborated the testimony of Elisa Cristobal Sikat regarding that the fact that Martina Cristobal is the sister of Buenaventura Cristobal. The said sister of Buenaventura Cristobal allegedly took care of Elisa.

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Anselmo and Socorro were taken care of by Buenaventura Cristobal and the latter's second wife, Donata Enriquez, at P. Parada St., San Juan, Metro Manila.

When Buenaventura Cristobal died Anselmo was taken care of by Martina Cristobal together with Elisa. Socorro on the other hand lived with Mercedes who was then married.

Witness testified that she and Elisa were classmates from Grade I until they finished high school at the Philippine School of Commerce in Manila.

When the second wife of Buenaventura Cristobal died, Martina Cristobal took care of Norberto, Florencio, Eufrosina and Jose Cristobal.

Witness said that the brothers and sisters from the first and second marriages lived together with their aunt Martina Cristobal for a long time.

When Elisa got married, she and her husband built their house on the lot located at 194 P. Parada St., San Juan, Metro Manila. Until at present, Elisa and her family lives in the said vicinity.

Witness Ester Santos declared that the children from the second marriage namely Norberto, Eufrosina, Florencio and Jose built their houses and factory at 194 P. Parada St., San Juan, Metro Manila.

She said that the children from the first and second marriages of Buenaventura Cristobal had a harmonious relationship until sometime in 1994 when [petitioners] and Elisa Cristobal's grandchildren were called "squatters" by the [private respondents] and their grandchildren for residing in the subject parcel of land.

On cross-examination, witness Ester Santos said she cannot recall the name of the first wife of Buenaventura Cristobal and that she only knew them to be married although she is not aware of the date when they were married.

[Petitioners] presented Jose Cristobal to bolster the claim that they are brothers and sisters of the [private respondents].

He claimed that the only time when he became aware that [petitioners] are his brothers and sisters was when he lived with their aunt Martina.

He said that the reason why they were giving a portion of the lot in question to Elisa Cristobal Sikat was because the [private respondents] want her to have a piece of property of her own and is not an admission that she is their sister.

[Private respondents] on the other hand presented Eufrosina Cristobal as their first witness. She testified that her parents, Buenaventura Cristobal and Donata Enriquez were married on March 24, 1919 at San Felipe Neri, Mandaluyong, Metro Manila. Out of the said union, Norberto, Florentino, Eufrosina and Jose Cristobal were born.

The witness professed that on June 18, 1926, her parents were able to buy a certain property containing five hundred thirty-five (535) square meters.

Said witness claimed that her brother Norberto died on September 20, 1980 leaving his wife Marcelina and children Buenaflor and Norberto, Jr.

The witness presented marked as Exhibit "33" for Norberto, Exhibit "34" for Florencio, Exhibit "35" for Eufrosina and Exhibit "36" for Jose the birth certificates of her brothers and sisters.

On February 24, 1948, Eufrosina admitted having executed an Extrajudicial Partition (Exhibit "D-4") with her brothers and sisters of the property left by their parents.

> She declared that since her father died in 1930, Elisa, Mercedes, and Anselmo never asserted their alleged right over the property subject of the present litigation.
>
> She claimed that the [private respondents] have been paying all the taxes due on the parcel of land and that title to the property has been subdivided under their respective names.
>
> On cross-examination, she said that when their parents passed away they were taken care of by their aunt Martina who was the sister of her father. She testified that she addressed Elisa Cristobal as "Kaka" and that since the time they were kids, she had known that the [petitioners] are their brothers and sisters.[7]

After trial on the merits, the trial court rendered a judgment[8] on 11 July 1997, dismissing the case, ruling that petitioners failed to prove their filiation with the deceased Buenaventura Cristobal as the baptismal and birth certificates presented have scant evidentiary value and that petitioners' inaction for a long period of time amounts to laches.

Not satisfied, petitioners sought recourse in the Court of Appeals which, in its Decision[9] dated 22 July 1999, ruled that they were able to prove their filiation with the deceased Buenaventura Cristobal thru "other means allowed by the Rules of Court and special laws," but affirmed the ruling of the trial court barring their right to recover their share of the subject property because of laches.

Hence, this Petition anchored on the sole ground that:

> RESPONDENT COURT GRIEVOUSLY ERRED IN APPLYING THE PRINCIPLE OF LACHES TO THE CASE AT BAR RESULTING AS IT DOES TO GROSS INJUSTICE AND INEQUITY WHICH ARE EXACTLY THE VERY EVILS SOUGHT TO BE PREVENTED BY SUCH PRINCIPLE[10]

The petition is impressed with merit. We agree with petitioners that the Court of Appeals committed reversible error in upholding the claim of private respondents that they acquired ownership of the entire subject property and that the claim of petitioners to the subject property was barred by laches.

Before anything else, it must be noted that the title of the original complaint filed by petitioners before the RTC was denominated as "Annulment of Title and Damages"; nevertheless, the complaint prayed for the following:

> - Declaring the Extrajudicial Partition executed by the defendants NORBERTO CRISTOBAL, FLORENCIO CRISTOBAL, EUFROCINA CRISTOBAL and JOSE CRISTOBAL on February 24, 1948 as null and void for being fraudulent contrary to law on succession.
>
> - Canceling the following Transfer Certificates of Titles issued by the Register of Deeds for the Province of Rizal to wit:
>
> (a) TCT No. 165132 issued in the name of FLORENCIO CRISTOBAL married to MAURA RUBIO;
>
> (b) TCT No. 165133 issued in the name of NORBERTO CRISTOBAL, married to PAULINA IBANEZ;
>
> (c) TCT No. 165134 issued in the name of EUFROCINA CRISTOBAL married to FORTUNATO DELA GUERRA; and
>
> (d) TCT No. 165135 issued in the name of JOSE CRISTOBAL married to ADELAIDA IBANEZ and/or TCT No. 3993- (if TCT No. 165035 was cancelled and in lieu thereof to ISABELITA/MA. VICTORIA, EMMA, MA. CRISTINA, JOSELITO and NELIA, all surnamed CRISTOBAL and children of JOSE CRISTOBAL, one of the defendants.)
>
> - Re-partitioning the subject property left by deceased BUENAVENTURA CRISTOBAL according to the law on succession applicable at the time of his death.

- Awarding ONE-HALF of the subject property to herein plaintiffs as their lawful portions in the inheritance.

- Ordering the defendants to pay to the plaintiffs the following sums of money, to wit:

- P1,000,000.00 as actual or compensatory damages

- P300,000.00 as moral damages

- P50,000.00 as attorney's fees

- P100,000.0 as exemplary damages[11]

While the title of the complaint alone implies that the action involves property rights to a piece of land, the afore-quoted prayer in the complaint reveals that, more than property rights, the action involves hereditary or successional rights of petitioners to their deceased father's estate solely, composed of the subject property.

Thus, even if the original complaint filed by petitioners before the RTC is denominated as "Annulment of Title and Damages," we find it practicable to rule on the division of the subject property based on the rules of succession as prayed for in the complaint, considering that the averments in the complaint, not the title are controlling.[12]

To arrive at the final resolution of the instant Petition and the lone assignment of error therein, the following need to be resolved first: (1) whether or not petitioners were able to prove their filiation with the deceased Buenaventura Cristobal; (2) whether or not the petitioners are bound by the Deed of Partition of the subject property executed by the private respondents; (3) whether or not petitioners' right to question the Deed of Partition had prescribed; and (4) whether or not petitioners' right to recover their share of the subject property is barred by laches.

Undeniably, the foregoing issues can be resolved only after certain facts have been established. Although it is settled that in the exercise of the Supreme Court's power of review, the findings of facts of the Court of Appeals are conclusive and binding on the Supreme Court, there are recognized exceptions to this rule, namely: (1) when the findings are grounded entirely on speculation, surmises or conjectures; (2) when the inference made is manifestly mistaken, absurd or impossible; (3) when there is grave abuse of discretion; (4) when the judgment is based on misapprehension of facts; (5) when the findings of facts are conflicting; (6) when in making the findings the Court of Appeals went beyond the issues of the case, or its findings are contrary to the admissions of both the appellee and the appellant; (7) when the findings are contrary to the trial court; (8) when the findings are conclusions without citation of specific evidence on which they are based; (9) when the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondent; (10) when the findings of facts are premised on the supposed absence of evidence and contradicted by the evidence on record; and (11) when the Court of Appeals manifestly overlooked certain relevant facts not disputed by the parties, which if properly considered, would justify a different conclusion.[13] Since exceptions (4) and (11) are present in the case at bar, this Court shall make its own determination of the facts relevant for the resolution of the case.

The initial fact that needs to be established is the filiation of petitioners with the deceased Buenaventura Cristobal.

Article 172 of the Family Code provides:

> Art. 172. The filiation of legitimate children is established by any of the following:
>
> (1) The record of birth appearing in the civil register or a final judgment; or
>
> (2) An admission of legitimate filiation in a public document or a private handwritten instrument and signed by the parent concerned.

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> In the absence of the foregoing evidence, the legitimate filiation shall be proved by:
>
> (1) the open and continuous possession of the status of a legitimate child; or
>
> (2) Any other means allowed by the Rules of Court and special laws.

"Any other means allowed by the Rules of Court and Special Laws," may consist of the child's baptismal certificate, a judicial admission, a family bible in which the child's name has been entered, common reputation respecting the child's pedigree, admission by silence, the testimony of witnesses, and other kinds of proof of admission under Rule 130 of the Rules of Court.[14]

In the present case, the baptismal certificates of Elisa,[15] Anselmo,[16] and the late Socorro[17] were presented. Baptismal certificate is one of the acceptable documentary evidence to prove filiation in accordance with the Rules of Court and jurisprudence. In the case of Mercedes, who was born on 31 January 1909, she produced a certification[18] issued by the Office of the Local Civil Registrar of San Juan, Metro Manila, attesting to the fact that records of birth for the years 1901, 1909, 1932 to 1939, 1940, 1943, and 1948 were all destroyed due to ordinary wear and tear.

Petitioners likewise presented Ester Santos as witness who testified that petitioners enjoyed that common reputation in the community where they reside as being the children of Buevaventura Cristobal with his first wife. Testimonies of witnesses were also presented to prove filiation by continuous possession of the status as a legitimate child.[19]

In contrast, it bears to point out that private respondents were unable to present any proof to refute the petitioners' claim and evidences of filiation to Buenaventura Cristobal.

The foregoing evidence thus suffice to convince this Court that petitioners are, indeed, children of the late Buenaventura Cristobal during the first marriage.

As to the validity of the Deed of Partition of the subject property executed by the private respondents among themselves to the exclusion of petitioners, the applicable rule is Section 1, Rule 74 of the Rules of Court, which states:

> The fact of the extrajudicial settlement or administration shall be published in a newspaper of general circulation in the manner provided in the next succeeding section; but no extrajudicial settlement shall be binding upon any person who has not participated therein or had no notice thereof. (Underscoring supplied)

Under the said provision, without the participation of all persons involved in the proceedings, the extrajudicial settlement is not binding on said persons.[20] In the case at bar, since the estate of the deceased Buenaventura Cristobal is composed solely of the subject property, the partition thereof by the private respondents already amounts to an extrajudicial settlement of Buenaventura Cristobal's estate. The partition of the subject property by the private respondents shall not bind the petitioners since petitioners were excluded therefrom. Petitioners were not aware of the Deed of Partition executed by private respondents among themselves in 1948. Petitioner Elisa became aware of the transfer and registration of the subject property in the names of private respondents only in 1994 when she was offered by private respondent Eufrocina to choose between a portion of the subject property or money, as one of the children of private respondent Jose wanted to construct an apartment on the subject property.[21] This led petitioner Elisa to inquire as to the status of the subject property. She learned afterwards that the title to the subject property had been transferred to the names of private respondents, her half brothers and sisters, to the exclusion of herself and her siblings from the first marriage of Buenaventura Cristobal. The Deed of Partition excluded four of the eight heirs of Buenaventura Cristobal who were also entitled to their respective shares in the subject property. Since petitioners were not able to participate in the execution of the Deed of

Partition, which constitutes as an extrajudicial settlement of the estate of the late Buenaventura Cristobal by private respondents, such settlement is not binding on them.[22] As the extrajudicial settlement executed by the private respondents in February 1948 did not affect the right of petitioners to also inherit from the estate of their deceased father, it was incorrect for the trial and appellate court to hold that petitioners' right to challenge the said settlement had prescribed. Respondents defense of prescription against an action for partition is a vain proposition. Pursuant to Article 494 of the Civil Code, "no co-owner shall be obliged to remain in the co-ownership. Such co-owner may demand at anytime the partition of the thing owned in common, insofar as his share is concerned." In Budlong v. Bondoc,[23] this Court has interpreted said provision of law to mean that the action for partition is imprescriptible. It cannot be barred by prescription. For Article 494 of the Civil Code explicitly declares: "No prescription shall lie in favor of a co-owner or co-heirs as long as he expressly or impliedly recognizes the co-ownership."[24]

Considering that the Deed of Partition of the subject property does not affect the right of petitioners to inherit from their deceased father, this Court shall then proceed to divide the subject property between petitioners and private respondents, as the rule on succession prescribes.

It appears that the 535 square meters subject property was a conjugal property of Buenaventura Cristobal and Donata Enriquez, the second wife, as the property was purchased in 1926, during the time of their marriage.[25] Upon the deaths of Buenaventura in 1930 and Donata in 1936, both deaths occurring before the enactment of the New Civil Code in 1950, all the four children of the first marriage and the four children of the second marriage shall share equally in the subject property in accordance with the Old Civil Code. Absent any allegation showing that Buenaventura Cristobal left any will and testament, the subject property shall be divided into eight equal parts pursuant to Articles 921[26] and 931[27] of the Old Civil Code on intestate succession, each receiving 66.875 square meters thereof.

At the time of death of Buenaventura Cristobal in 1930, Donata was only entitled to the usufruct of the land pursuant to Article 834 of the Old Civil Code, which provides:

> ART. 834. A widower or widow who, on the death of his or her spouse, is not divorced, or should be so by the fault of the deceased, shall be entitled to a portion in usufruct equal to that corresponding by way of legitime to each of the legitimate children or descendants who has not received any betterment.
>
> If only one legitimate child or descendant survives, the widow or widower shall have the usufruct of the third availment for betterment, such child or descendant to have the naked ownership until, on the death of the surviving spouse, the whole title is merged in him.

Donata's right to usufruct of the subject property terminated upon her death in 1936.

Accordingly, the pro-indiviso shares of Buenaventura Cristobal's eight children and their heirs, by right of representation, upon his death in 1930, are as follows:

(1) Mercedes Cristobal- 66.875 square meters
(2) Amselmo Crostobal-66.875 square meters
(3) Socorrro Crostobal-66.875 square meters
(4) Elisa Crostobal-Sikat- 66.875 square meters
(5) Norberto Cristobal-66.875 square meters
(6) Florencio Cristobal-66.875 square meters
(7) Eufrocina Cristobal-66.875 square meters
(8) Jose Cristobal - 66.875 square meters

The Court will now determine whether petitioners' right to their shares in the subject property can be barred by

laches.

Respondents' defense of laches is less than convincing. Laches is the negligence or omission to assert a right within a reasonable time, warranting a presumption that the party entitled to assert it has abandoned it or declined to assert it. It does not involve mere lapse or passage of time, but is principally an impediment to the assertion or enforcement of a right, which has become under the circumstances inequitable or unfair to permit.[28]

In our view, the doctrine of laches does not apply in the instant case. Note that upon petitioner Elisa's knowledge in 1994 that the title to the subject property had been transferred to the private respondents to the exclusion of herself and her siblings from the first marriage of Buenaventura Cristobal, petitioners filed in 1995 a petition with their barangay to settle the case among themselves and private respondents, but since no settlement was had, they lodged a complaint before the RTC on 27 March 1995, to annul private respondents' title over the land. There is no evidence showing failure or neglect on their part, for an unreasonable and unexplained length of time, to do that which, by exercising due diligence, could or should have been done earlier. The doctrine of stale demands would apply only where for the reason of the lapse of time, it would be inequitable to allow a party to enforce his legal rights.

Moreover, absence any strong or compelling reason, this Court is not disposed to apply the doctrine of laches to prejudice or defeat the rights of an owner.[29] Laches is a creation of equity and its application is controlled by equitable considerations. Laches cannot be used to defeat justice or perpetuate an injustice. Neither should its application be used to prevent the rightful owners of a property from recovering what has been fraudulently registered in the name of another.[30]

Considering that (1) petitioners were unlawfully deprived of their legal participation in the partition of the subject property; (2) this case has dragged on for more than a decade, and (3) undoubtedly, petitioners sustained injury but the exact amount of which, unfortunately, was not proved, we find it reasonable to grant in petitioners' favor nominal damages. Nominal damages is adjudicated in order that a right of the plaintiff, which has been violated and invaded by defendant, may be vindicated and recognized, and not for the purpose of indemnifying the plaintiff for any loss suffered.[31] Where these are allowed, they are not treated as an equivalent of a wrong but simply in recognition of the existence of a technical injury. The amount to be awarded as such damages should at least be commensurate to the injury sustained by the petitioners considering the concept and purpose of said damages.[32] Such award is given in view of the peculiar circumstances cited and the special reasons extant in the present case;[33]

WHEREFORE, in view of the foregoing, this Court rules as follows:

(1) The Petition is GRANTED, and the assailed Decision of the Court of Appeals is hereby REVERSED and SET ASIDE;

(2) Petitioners are RECOGNIZED and DECLARED as children of the late Buenaventura Cristobal from his first marriage to Ignacia Cristobal;

(3) The Deed of Partition executed by private respondents is DECLARED not binding upon petitioners who were not notified or did not participate in the execution thereof;

(4) The subject property, covered by TCTs No. 165132, No. 165133, 165134, and No. 165135, in the name of private respondents consisting of 535 square meters is ORDERED to be partitioned and distributed in accordance with this Decision and appropriate certificates of title be issued in favor of each of the recognized heirs of the late Cristobal Buenaventura, and

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(5) Petitioners are AWARDED the amount of ONE HUNDRED THOUSAND (P100,000.00) PESOS as damages, to be paid by private respondents.

Costs against private respondents.

SO ORDERED.

Panganiban, C.J., (Chairperson), Ynares-Santiago, Austria-Martinez and Callejo, Sr., JJ., concur.

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[1] Penned by Associate Justice Teodoro P. Regino with Associate Justices Salome A. Montoya and Conrado M. Vasquez, Jr., concurring.

[2] Records, pp. 1-6.

[3] Id. at 122.

[4] Id. at 121.

[5] Id. at 123.

[6] Id. at 124.

[7] Id. at 314-318.

[8] Id. at 312-323.

[9] Rollo, pp. 16-24.

[10] Id. at 8.

[11] Records, p. 5.

[12] Vlason Enterprises Corporation v. Court of Appeals, 369 Phil. 269, 304 (1999).

[13] Langkaan Realty Development, Inc v. United Coconut Planters Bank, G.R. No. 139437, 8 December 2000, 347 SCRA 542, 549; Nokom v. National Labor Relations Commission, 390 Phil. 1228, 1243 (2000); Commissioner of Internal Revenue v. Embroidery and Garments Industries (Phils.), Inc., 364 Phil. 541, 546-547 (1999); Sta. Maria v. Court of Appeals, 349 Phil. 275, 282-283 (1998).

[14] Trinidad v. Court of Appeals, 352 Phil. 12, 32-33 (1998); Uyguangco v. Court of Appeals, G.R. No. 76873, 26 October 1989, 178 SCRA 684, 689.

[15] Records, p. 122.

[16] Id. at 121.

[17] Id. at 123.

[18] Id. at 124.

[19] Id. at 315-317.

[20] Pedrosa v. Court of Appeals, G.R. No. 118680, 5 March 2001, 353 SCRA 620, 628.

[21] TSN, 15 March 1995, p. 10.

[22] Pedrosa v. Court of Appeals, supra note 20; Ancog v. Court of Appeals, G.R. No. 1122260, 30 June 1997,

274 SCRA 676.

[23] G.R. No. L-27702, 9 September 1977, 79 SCRA 24.

[24] Tomas Claudio Memorial College, Inc. v. Court of Appeals, 374 Phil. 859, 866 (1999).

[25] Buenaventura Cristobal and Donata Enriquez were married on 24 March 1919.

[26] Article 921. In every inheritance the relative nearest in degree excludes the one more remote, except in cases in which the right of representation exists.

Relatives in the same degree shall inherit in equal portions, subject to the provisions of Article 949 with respect to relationship by the whole blood.

[27] Article 931. Legitimate children and their descendants succeed the parents and other ascendants, without distinction of sex or age, even though they spring from different marriages.

[28] Aguirre v. Court of Appeals, G.R No. 122249, 29 January 2004, 421 SCRA 310, 323.

[29] Tsai v. Court of Appeals, 418 Phil. 606, 621 (2001); Noel v. Court of Appeals, G.R. No. 59550, 11 January 1995, 240 SCRA 78.

[30] Occeña v. Esponilla, G.R. No. 156973, 4 June 2004, 431 SCRA 116, 126.

[31] PNOC Shipping and Transport Corp. v. Court of Appeals, G.R. No. 107518, 8 October 1998, 297 SCRA 402, 426, citing Robes-Francisco Realty & Development Corporation v. Court of First Instance of Rizal (Branch XXXIV), G.R. No. L-41093, 30 October 1978, 86 SCRA 59, 65.

[32] China Air Lines, Ltd. v. Court of Appeals, G.R. No. 45985, 18 May 1990, 185 SCRA 449, 460.

[33] PNOC Shipping and Transport Corp. v. Court of Appeals, supra note 31.

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