REPUBLIC OF THE PHILIPPINES/MACTAN-CEBU INTERNATIONAL AIRPORT AUTHORITY, PETITIONER, VS. ROSA BALTAZAR-RAMIREZ, RESPONDENT.

G.R. NO. 148103. July 27, 2006

Ponente: SANDOVAL-GUTIERREZ, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-148103/

SANDOVAL-GUTIERREZ, J.:

For our resolution is the instant Petition for Review on Certiorari[1] seeking to reverse the Decision[2] dated May 8, 2001 of the Court of Appeals in CA-G.R. CV No. 56256, entitled "Rosa Baltazar-Ramirez, appellant, versus Republic of the Philippines, appellee."
The undisputed facts are:

On February 5, 1991, respondent Rosa Baltazar-Ramirez filed with the Regional Trial Court, Branch 27, Lapu-lapu City, a Complaint for Recovery of Hereditary Shares against herein petitioner, Republic of the Philippines, then represented by the Air Transportation Office, docketed as Civil Case No. 2390-L.

Respondent alleged in the complaint that petitioner purchased several lots in Lapu-lapu City, including Lot No. 902 and Lot No. 2350, with a combined area of 180,386 square meters, to be used for the construction of the Mactan-Cebu International Airport in Lapu-lapu City. The lots were owned by respondent's father, Gavino Baltazar, who died intestate on April 10, 1957.

Petitioner purchased the lots from the children of Gavino Baltazar, namely: Magdalena, Cirila, Bibiana, Anastacio, Isabel, Bernarda, Simeona, and Vidal, all surnamed Baltazar. The sale is evidenced by a Deed of Extra-Judicial Settlement of Estate and Sale dated August 21, 1957.

Respondent, the 9th and youngest among Gavino's children, did not participate in the execution of the Extra-Judicial Settlement of Estate and Sale. Not having sold her 1/9 share, with an area of 20,042.88 square meters, she has the right to acquire the same from petitioner Republic. Petitioner can readily give respondent this area because it is part of an unused portion from which her share of the 20,042.88 square meters can be taken.

In its answer, petitioner, through the Mactan-Cebu International Airport Authority, denied the material allegations of the complaint, claiming it has no knowledge whether respondent Rosa Baltazar-Ramirez is indeed Gavino's child; and that the ownership of the lots has long been vested in the government through prescription. After the sale in 1957, the government has been in actual and continuous possession of the lots in the concept of an owner for more than 30 years.

After hearing, the trial court rendered its Decision dismissing respondent's complaint, holding that her share in the inheritance was repudiated by her brothers and sisters as shown by their statement in the document of Extra-Judicial Settlement of Estate and Sale that they are the only direct and surviving heirs of Gavino Baltazar. Even if there is no repudiation, respondent's recourse is against her siblings and co-heirs. Petitioner has acquired ownership of the lots by virtue of its continuous possession for about 34 years in the concept of an owner, without

any adverse claim from respondent. Her inaction for 34 years constitutes laches. Thus, her complaint should be dismissed.

On appeal by respondent, the Court of Appeals, in its Decision dated May 8, 2001 in CA-G.R. CV No. 56256, reversed the trial court's judgment. It held that there is no sufficient evidence showing that respondent's brothers and sisters repudiated her share in the inheritance. Respondent's recourse, therefore, is against petitioner Republic through an action for partition. This is because petitioner Republic has acquired the undivided shares of respondent's siblings. Thus, it has become a co-owner of the lots with respondent, her share being 1/9 of the area. And finally, an action for partition is imprescriptible and cannot be barred by laches.

Hence, the instant Petition for Review on Certiorari. Petitioner Republic ascribes to the Court of Appeals the following error:

> The Court of Appeals erred in declaring the petitioner and respondent Rosa Baltazar-Ramirez as co-owners of the property in dispute.

The Court of Appeals in effect ruled that respondent, as an heir of Gavino Baltazar, has retained her 1/9 share in the 2 lots sold by her siblings to petitioner. It follows that respondent and petitioner have become co-owners. And as a co-owner, respondent has the right to demand partition of the lots.

It is basic that an action for partition implies that the property is still owned in common. Here, respondent and her siblings are no longer co-owners. The lots have been sold to petitioner Republic, a third person. The juridical condition of co-ownership of things or right is terminated: (1) by the consolidation in only one of the owner of all the shares of the others; (2) by the destruction of the thing or the loss of the right (of co-ownership); (3) by prescription in favor of a third person; and (4) by the partition which converts into certain and definite parts the respective undivided shares of the co-owners.

Here, it is clear that upon the sale of the lots by respondent's brothers and sisters to petitioner, the right of co-ownership among them ceased or was lost.

We have held that there is juridical dissolution of co-ownership when the thing is sold, either publicly or privately, to third persons.[3]

Likewise, a co-ownership is terminated by prescription in favor of a third person, as mentioned above.

Records show that the lots were sold in 1957, while respondent's complaint was filed with the trial court only in 1991, or after 34 years. Since 1957, petitioner has been in open, adverse and exclusive possession of the lots in the concept of owner. Under Article 1141 of the Civil Code, real actions over immovables prescribe after 30 years.

Considering that petitioner has purchased the lots in good faith and for value, and has been in continuous possession thereof for more than 30 years, it has acquired the right of ownership to the exclusion of herein respondent. If at all, her suit should be against her siblings who deprived her of her lawful share through fraud.

In light of the above discussion, we hold that the Court of Appeals erred in declaring the parties as co-owners of the lots in dispute and ordering that further proceedings be conducted by the trial court in accordance with Rule 69 (on partition) of the 1997 Rules of Civil Procedure, as amended.

WHEREFORE, we GRANT the instant petition. The assailed Decision of the Court of Appeals in CA-G.R. CV No. 56256 is REVERSED.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

SO ORDERED.

Puno, (Chairperson), Corona, Azcuna, and Garcia, JJ., concur.

---

[1] Rule 45, 1997 Rules of Civil Procedure, as amended.

[2] Penned by Associate Justice Ma. Alicia Austria-Martinez (now a member of this Court) and concurred in by Associate Justice Hilarion L. Aquino (retired) and Associate Justice Jose L. Sabio, Jr.

[3] De Santos v. Bank of Philippine Islands, 58 Phil. 784 (1933), cited in Tolentino: Commentaries and Jurisprudence on the Civil Code of the Philippines, 1992, ed., Vol. II, p. 214.

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

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.