

**TEODORO STA. ANA, PETITIONER, VS. LOURDES PANLASIGUE,
JULIETA P. SANTIAGO AND SPOUSES IRENEO STA. ANA AND
CANDIDA JARMIN, RESPONDENTS.**

G.R. NO. 152652. August 31, 2006

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CARPIO MORALES, J.:

Two parcels of land situated at Barrio Pineda, Pasig City, Lots 13-A and 13-B, each containing an area of 225 square meters, were registered in the Registry of Deeds for the Province of Rizal in the name of Petronilo Sta. Ana (Petronilo), married to Anatolia dela Rosa (Anatolia), under Transfer Certificate of Title No. 389002.

Petronilo died on March 22, 1980 leaving behind his widow Anatolia and ten children.

In 1984, Nicolas, one of the ten children of the Sta Ana couple, died leaving behind two children, Annaliza and Andrea.

On April 8, 1988, Anatolia, together with eight of her living children and Fe Sta Ana, the wife of her eldest child—herein petitioner Teodoro Sta. Ana (Teodoro) who was then abroad, executed a Deed of Sale covering Lot 13-A in favor of herein respondents Lourdes Panlasigue (Lourdes) and Julieta P. Santiago (Julieta). On even date, Anatolia, together with the same eight children and Teodoro's wife Fe, donated Lot 13-B to Ireneo Sta. Ana (Ireneo), one of the Sta. Ana children, via a "Deed of Extrajudicial Partition and Donation"[1] stating, inter alia, as follows, quoted verbatim:

x x x x

That they are the only legitimate surviving spouses and children who survive the deceased Petronilo Sta. Ana.

That the said decedent [Petronilo Sta. Ana] died without leaving any will.

That the deceased left no debts;

x x x x

That the deceased left a certain residential lot [Lot 13-B] situated at Pasig Metro Manila and more particularly described and bounded as follows:

x x x x

That for and in consideration of the love and affection which the aforementioned parties hereinafter referred to as DONORS, hold for IRENEO, hereinafter referred to as DONEE, the DONORS do hereby transfers and conveys, by way of donation, into the DONEE Lot 13-B of TCT No. 389002.

That the DONORS do hereby state for the purpose of giving full effect to this donation, that they reserved unto themselves in full ownerships other properties sufficient to support them in a manner appropriate to their stations;

That the DONEE does hereby state that he accept this donation and at the same time expresses his profound

gratitude for this demonstration of affection and act of liberality on the part of the DONORS who by these presents also take notice of this acceptance;[2]

The two documents were annotated on Petronilo's title on May 6, 1988.

On August 20, 1996, Teodoro filed a Complaint[3] before the Pasig Regional Trial Court (RTC) against herein respondents-vendees of Lot 13-A, Lourdes and Julieta, and his brother-donee Ireneo along with the latter's wife Candida Jarmin, for recovery of ownership and damages, docketed as Civil Case No. 65860.

In his complaint, Teodoro alleged that, inter alia, his "purported signature" in the Deed of Absolute Sale covering Lot 13-A as well as in the Deed of Extrajudicial Partition and Donation covering Lot 13-B was unauthorized and a forgery. He thus prayed for the court to order:

- defendants Panlasigue and Santiago to reconvey unto the plaintiff his one-eighteenth (1/18) share in Lot 13-A;
- defendants Ireneo Sta. and Jasmin Jarmin to reconvey unto the plaintiff his one-eighteenth (1/18) share in Lot 13-B;
- defendants Ireneo Sta. Ana and Jasmin Jarmin, jointly and severally, to indemnify the plaintiff for moral damages of at least P100,000.00; exemplary damages of at least P50,000.00 and for attorney's fees of P50,000.00. [4] (Underscoring supplied)

In their Answer[5] to the Complaint, the defendants claimed that the sale of Lot 13-A and the donation of Lot 13-B were the collective decision of Anatolia and the rest of her children-co-heirs including Teodoro; and that the proceeds of the sale were used to underwrite the hospitalization expenses of Anatolia and the expenses incurred by Ireneo who took care of Anatolia during her lifetime.

On May 30, 1997,[6] Annaliza Sta. Ana and Andrea Sta Ana, children of Nicolas Sta. Ana (who, as earlier stated, died in 1984), filed a Complaint-In-Intervention[7] along with their motion for leave to file the same which was granted, alleging that they, as co-heirs, did not participate in the execution of the Deed of Sale and Deed of Extrajudicial Partition and Donation nor were they informed about it. Hence, they prayed for judgment ordering

- defendants Panlasigue and Santiago to convey unto plaintiffs-intervenors their rightful share in the property now covered by Transfer Certificate of Title No. 66276 of the Register of Deeds in Pasig City, and
- defendants Sps. Irineo and Candida Sta. Ana to convey unto plaintiffs-intervenors their rightful share in the property now covered by Transfer Certificate of Title No. 66275 of the Register of Deeds in Pasig City.[8] (Underscoring supplied)

Answering the Complaint-In-Intervention,[9] the defendants proffered that "[t]here was a lot allotted to the deceased [Nicolas-]father of the intervenors which the latter could inherit by right of representation." [10]

It appears that during the hearing of the cases, the defendants claimed that the properties of Petronilo had, before the execution of the challenged documents, been distributed among all his heirs and that Lot 13-A and Lot 13-B were the conjugal share of his wife Anatolia.

Finding the extra-judicial partition a nullity for lack of conformity of other compulsory heirs Teodoro, Annaliza and Andrea, Branch 160 of the RTC Pasig, by Decision of October 15, 1999,[11] nullified the challenged documents. Thus it:

1)

Declar[ed] the extrajudicial partition as null and void;

2)

Declar[ed]the Deed of Absolute Sale between some of the heirs and defendants Panlasigue and Santiago as null and void and [ordered the latter] to reconvey the property subject of Deed of Absolute Sale in favor of "Estate of Deceased Petronilo Sta. Ana" without prejudice to defendants Panlasigue and Santiago pursuing their claims against the Estate;

3)

Declar[ed]as null and void the Deed of Donation in favor of defendants Irineo Sta. Ana and Candida Jarmin-Sta. Ana and [ordered] them to reconvey the property likewise to the estate without prejudice to their filing of claim for whatever they have incurred for the hospitalization expenses and death of deceased mother Anatolia as provided by law.[12] (Underscoring supplied)

Ireneo and his wife, Lourdes and Julieta, filed separate notices of appeal to the Court of Appeals.

Ireneo and his wife faulted the trial court:

. . . IN DECLARING THE EXTRAJUDICIAL PARTITION AS NULL AND VOID.

. . . IN DECLARING THE DEED OF DONATION IN FAVOR OF DEFENDANT-APPELLANTS IRENEO STA. ANA AND CANDIDA JARMIN-STA. ANA NULL AND VOID.

. . . IN NOT ORDERING THE PLAINTIFF-APPELLEE TO PAY THE DEFENDANTS-APPELLANTS MORAL AND EXEMPLARY DAMAGES.[13]

On the other hand, Lourdes and Julieta ascribed to the trial court the following errors:

- . . . DECLARING THAT THERE WAS NO VALID PARTITION BETWEEN THE PARTIES.

- DECLARING THE DEED OF SALE BETWEEN ANATOLIA STA. ANA AND DEFENDANT-APPELLANTS PANLASIGUE AND SANTIAGO NULL AND VOID.

- . . . NOT FINDING THAT THE RIGHT OF PLAINTIFF-APPELLEE TO QUESTION THE TITLE OF DEFENDANT-APPELLANTS PANLASIGUE AND SANTIAGO OVER THE SUBJECT PROPERTY HAS ALREADY PRESCRIBED.

- NOT DISMISSING THE COMPLAINT AND RENDERING JUDGMENT IN FAVOR OF DEFENDANT-APPELLANTS SANTIAGO AND PANLASIGUE AND AGAINST PLAINTIFF-APPELLEE UNDER THE FORMER'S COUNTERCLAIM.[14]

The appellate court discredited the defendants' claim "that after the death of Petronilo Sta Ana but before 1988 [when the challenged documents were executed], his heirs consisting of his surviving wife and their [living] nine (9) children agreed orally to extrajudicially partition his estate and adjudicate to the mother Anatolia Lots 13-A and 13-B,"[15] in light of the fact that Anatolia's children participated in the execution of the documents as owners and donors. It thus held that the two lots were co-owned by Anatolia and her children.

Applying Article 493 of the Civil Code which provides:

Each co-owner shall have the full ownership of his part and of the fruits and benefits pertaining thereto, and he may alienate, assign or mortgage it, and even substitute another person in its enjoyment, except when personal rights are involved. But the effect of the alienation or the mortgage, with respect to the co-owners, shall be limited to the portion which may be allotted to him in the division upon the termination of the co-ownership. (Underscoring supplied),

the appellate court held that the trial court erred in nullifying the assailed documents as in fact it noted that Teodoro and the intervenors-children of Nicolas merely prayed for reconveyance of their respective shares of the lots, and not for the declaration of nullity of said documents.

The appellate court thus concluded:

The [two lots] belonged to the heirs in the following proportion: one-half (1/2) share to Anatolia as her share in the conjugal partnership; whereas all nine (9) [sic] children plus Anatolia shared in the other one-half (1/2) belonging to Petronilo in shares of 1/10 each (Art. 996, Civil Code). Otherwise stated, all the heirs were entitled to one-twentieth (1/20) share of the property except Anatolia who was entitled to eleven-twentieth (11/20) share thereof. With regard to the intervenors, the 1/20 share of their deceased father shall be divided between them since they succeed by right of representation (Art. 974, Civil Code). And having affixed their signatures thereto, all the heirs are conclusively presumed to have admitted the regularity and validity of the deeds of sale and donation insofar as their respective portions were concerned. Needless to state, both the deed of sale and deed of partition with donation are valid.[16] (Underscoring supplied)

Respecting the complaint of the intervenors, the appellate court held that they, as heirs of their father Nicolas, were not bound by the deeds, they not having participated therein, hence, they were entitled to their father's "1/20 [sic] share."

Respecting Teodoro's claim that he had no knowledge of the execution on his behalf by his wife of the two documents, the appellate court discredited the same, it noting that there was evidence that he had knowledge of the illness and treatment of his then sick mother, the expenses for which were shouldered by his brother Ireneo and his wife to thus necessitate the execution of the challenged documents.

In another vein, the appellate court found plaintiff to be guilty of laches.

Thus, applying Art. 1101 of the Civil Code which provides:

Art. 1101. The heir who is sued shall have the option of indemnifying the plaintiff for the loss, or consenting to a new partition.

Indemnity may be made by payment in cash or by the delivery of a thing of the same kind and quality as that awarded to the plaintiff.

x x x x ,

the appellate court disposed as follows:

WHEREFORE, the Decision appealed from is REVERSED and SET ASIDE. In lieu thereof, judgment is rendered ordering defendants to reconvey to intervenors-appellees their 1/20 share of the property or its equivalent in money. The case filed by plaintiff-appellee Teodoro Sta. Ana is DISMISSED. With costs against the plaintiff-appellee.[17] (Emphasis and underscoring supplied)

Hence, the present petition for review on certiorari filed by Teodoro (hereafter petitioner), raising the following arguments:

- The extra-judicial partition is null and void.
- The deed of sale between Anatolia Sta. Ana and Respondents Panlasigue and Santiago is null and void.
- The right of Petitioner to question the title of Respondents Panlasigue and Santiago over the subject property has neither prescribed nor been barred by laches.[18]

The first and second arguments of petitioner fail. The finding of the appellate court that the challenged deeds are

not null and void is in accordance with law and evidence, as reflected in the discussion above. Indeed, that the living children of Petronilo joined Anatolia in the execution of the documents clearly shows that they were co-owners of the lots. As such, they were at liberty to alienate their respective shares of the lots.

Respecting the last argument on laches, petitioner maintains that he had "no knowledge of the execution on his behalf by his wife" of the challenged documents, he being then out of the country.

At the witness stand, however, petitioner declared on direct examination as follows:

Q. Mr. Sta. Ana, when you learned that lot 13-A was sold to defendant Lourdes Panlasique and Julieta Santiago, what did you do?

A. I was abroad at that time and when I arrived what I saw was the house was being constructed already.[19]

And on cross examination, he admitted that his wife signed for him in the documents but that she was forced to do so.[20]

In any event, petitioner contends that even assuming arguendo that he is guilty of laches, the case had not prescribed, he citing *Mariategui v. Court of Appeals*[21] which held:

x x x Corollarily, prescription does not run against private respondents with respect to the filing of the action for partition so long as the heirs for whose benefit prescription is invoked, have not expressly or impliedly repudiated the co-ownership. In other words, prescription of an action for partition does not lie except when the co-ownership is properly repudiated by the co-owner.

Otherwise stated, a co-owner cannot acquire by prescription the share of the other co-owners absent a clear repudiation of co-ownership duly communicated to the other co-owners. Furthermore, an action to demand partition is imprescriptible and cannot be barred by laches. x x x[22] (Emphasis and underscoring by petitioner)

Petitioner's citation of *Mariategui* is misplaced. His complaint is not one for partition, but for reconveyance.

Jurisprudence of course dictates that the "[t]he doctrine of laches should never be applied earlier than the expiration of time limited for the commencement of actions,[23] unless, as a general rule, inexcusable delay in asserting a right and acquiescence in existing conditions are proven." [24]

From the annotation on May 6, 1988 of the challenged documents on Petronilo's title up to the filing by petitioner on August 20, 1996 of the complaint subject of the present case, a period of more than 8 years had elapsed. Gratuitously assuming that the action for reconveyance is based on implied trust, it prescribes in 10 years. Therefore, petitioner's complaint had not prescribed when he filed his complaint. The facts and circumstances attendant to the case reflected above indicate, however, that there was inexcusable delay on the part of Teodoro in asserting his right and acquiescence in existing conditions.

The same situation does not hold true with respect to Nicolas' heirs-complainants-in-intervention. Hence, laches cannot be attributed to them and, therefore, they are entitled to a reconveyance of their father's share.

The share of the father of complainants-in-intervention in each of the two lots should be 1/11 of ½ representing the share of each of the 10 siblings who were co-owners of said ½, along with their mother Anatolia. A modification of the sharing indicated in the decision of the appellate court is thus in order.

A further modification of the decision would also have been called for. For respondents-vendees had already paid for Lot 13-A, hence, no obligation for them to reconvey anything to the complainants-in-intervention arises. They, however, did not appeal the appellate court's decision ordering all the defendants, including them -

respondents-vendees, "to reconvey to intervenors-appellees" their share of the lot sold or its equivalent. Hence, they are bound by said decision which constitutes the law of the case.

WHEREFORE, the decision of the Court of Appeals is, in light of the foregoing discussions, **AFFIRMED** with **MODIFICATION** in that respondent-spouses Ireneo Sta. Ana are **ORDERED** to contribute to the 1/11 share to be reconveyed to complainants-in-intervention in each of the two lots subject of the case representing the share of Nicolas Sta. Ana.

Costs against petitioner.

SO ORDERED.

Quisumbing, (Chairperson), Carpio, Tinga and Velasco, Jr., JJ., concur.

[1] Exhibit "C" to the Complaint, records, pp. 10-12.

[2] Id. at 10-11.

[3] Id. at 1-4.

[4] Id. at 4.

[5] Id. at 35-38.

[6] Motion for Leave to Intervene, id. at 64-65.

[7] Id. at 66- 69.

[8] Id. at 68.

[9] Id. at 79-82.

[10] Id. at 80

[11] Id. at 176-180.

[12] Id. at 179-180

[13] Rollo at 43.

[14] Id. at 42.

[15] Id. at 43.

[16] Id. at 46.

[17] Id. at 49; Penned by Justice Portia Aliño-Hormachuelos with the concurrence of Justices Eriberto U. Rosario, Jr. and Amelita G. Tolentino.

[18] Id. at 16.

[19] TSN, Sept. 9, 1997, p. 4.

[20] Id. at 12.

[21] G.R. No. 57062, January 24, 1992, 205 SCRA 337.

[22] Id. at 345-346.

[23] GF Equity, Inc. v. Valenzona, G.R. No. 156841, June 30, 2005, 462 SCRA 466, 480-481, Imperial Victory Shipping Agency v. NLRC, G.R. No. 84672, Aug. 5, 1991, 200 SCRA 178, 184.

[24] Ibid; Z.E. Lotho, Inc. v. Ice & Cold Storage Industries of the Phils., Inc., et al., 113 Phil. 713, 719 (1961); Buenaventura v. David, 37 Phil. 435, 440 (1918) (underscoring supplied).

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