

ROLANDO SANTOS, PETITIONER, VS. CONSTANCIA SANTOS ALANA, RESPONDENT.

G.R. NO. 154942. August 16, 2005

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

Before us is a petition for review on certiorari under Rule 45 of the 1997 Rules of Civil Procedure, as amended, assailing the Decision[1] dated March 7, 2002 and Resolution dated July 24, 2002 of the Court of Appeals in C.A.-G.R. CV No. 40728.

A brief narration of the factual antecedents follows:

Rolando Santos, petitioner, and Constancia Santos Alana, respondent, are half-blood siblings both asserting their claim over a 39-square meter lot located at 1339-B Andalucia St., Sta. Cruz, Manila. It was registered in the name of their father, Gregorio Santos, under Transfer Certificate of Title (TCT) No. 14278 of the Registry of Deeds of Manila. He died intestate on March 10, 1986.

During his lifetime, or on January 16, 1978, Gregorio donated the lot to petitioner which the latter accepted on June 30, 1981. The deed of donation ("Pagsasalin ng Karapatan at Pag-aari") was annotated on Gregorio's title.

On April 8, 1981, Gregorio sold the lot to petitioner as per a Deed of Absolute Sale.

On June 26, 1981, by virtue of the annotated deed of donation, TCT No. 14278 in Gregorio's name was cancelled and in lieu thereof, TCT No. 144706 was issued by the Registry of Deeds of Manila in petitioner's name.

On January 11, 1991, respondent Constancia Santos filed with the Regional Trial Court of Manila, Branch 15, a complaint for partition and reconveyance against petitioner. She alleged that during his lifetime, her father Gregorio denied having sold the lot to petitioner; that she learned of the donation in 1978; and that the donation is inofficious as she was deprived of her legitime.

In his answer, petitioner countered that respondent's suit is barred by prescription considering that she is aware that he has been in possession of the lot as owner for more than ten (10) years; and that the lot was sold to him by his father, hence, respondent can no longer claim her legitime.

The trial court found that the Deed of Absolute Sale was not signed by the parties nor was it registered in the Registry of Deeds. Thus, it is not a valid contract. What is valid is the deed of donation as it was duly executed by the parties and registered.

The trial court then held that since Gregorio did not own any other property, the donation to petitioner is inofficious because it impaired respondent's legitime.

The dispositive portion of the trial court's Decision reads:

"WHEREFORE, premises considered, judgment is hereby rendered declaring the Deed of Donation inofficious

insofar as it impair the legitime of the plaintiff which is ½ the of the subject property.

The Registry of Deeds of Manila is hereby ordered to cancel the entry in TCT No. 14278 of the Deed of Donation dated January 16, 1978 and to cancel TCT No. 144706 issued based on said entry.

The parties are enjoined to institute the proper action for the settlement of the Estate of Gregorio Santos and for the eventual partition of the estate."[2]

On appeal, the Court of Appeals affirmed the trial court's Decision, holding that:

"There are in the instant case two documents by which the subject property was purportedly transferred to the defendant - a deed of donation and a deed of sale.

x x x

There can, therefore, be no way by which the appellant may successfully convince us that Gregorio Santos sold the property in dispute to him and such sale can bind the appellee so as to remove the case from the realm of the law on donations.

Moreover, as aptly put by the trial court:

'In general one who has disposed his property would not and could not have disposed the same again unless the previous act was rendered invalid or ineffective.

The validity of the Deed of Donation was never assailed by the defendant. In fact, it was impliedly recognized as valid by defendant by registering the same to the Registry of Deeds.

It is the honest belief of this Court, given the circumstances, i.e., the existence of the vendor and the vendee in the Deed of Absolute Sale and the registration of the Deed of Donation despite the supposed previous execution of (the) Deed of Absolute Sale, that there was no valid deed of sale executed and that the true and real agreement between Gregorio Santos and Rolando Santos was that of a donation.

Furthermore, considering that defendant himself registered the Deed of Donation, he cannot now close his eyes and deny the existence of the same by alleging that there had been a deed of sale executed previously." (Appealed Decision, supra, at pp. 238-239)

x x x

While a person may dispose of his property by donation, there is a limitation to the same. The law provides that no person may give or receive, by way of donation, more than he may give or receive by will, and any donation which may exceed the foregoing is considered inofficious. x x x The donation shall be inofficious in all that it may exceed this limitation. (Article 752, Civil Code) The said donation may correspondingly be reduced insofar as it exceeds the portion that may be freely disposed of by will (ART. 761).

x x x

It has been undisputedly shown that the subject property was the only property of the deceased Gregorio Santos at the time of his death on March 10, 1986 (Exhibit "K", Original Record, p. 163); and that he made no reservation for the legitime of the plaintiff-appellee, his daughter (See paragraph 2, Complaint and paragraph 2, Answer, Ibid., at pp 1 and 12) and compulsory heir. Clearly, the rule on officiousness applies. x x x

x x x

Defendant-appellant finally argues that since plaintiff-appellee knew of the donation since 1978, while the donor Gregorio Santos was still alive, her assailing the said donation only on January 11, 1991 or thirteen years after, has effectively barred her from instituting the present action. The foregoing is apparently groundless and without

merit.

The inofficiousness of a donation cannot be determined until after the death of the donor because prior to his death, the value of his estate cannot be determined or computed. Determination of the value of the deceased's estate will require the collation of all properties or rights, donated or conveyed by gratuitous title to the compulsory heirs in order that they may be included in the computation for the determination of the legitime of each heir and for the account of partition (Art. 1061, Civil Code)."[3]

Hence, the instant petition.

The findings of the courts below that (1) Gregorio donated to petitioner the subject lot; (2) the Deed of Absolute Sale is void; and (3) Gregorio's only property is the said lot - are all factual in nature which are not within the domain of this Court for it is not a trier of facts.[4] Basic is it that findings of fact by the trial court, especially when affirmed on appeal, as in this case, are conclusive and binding upon this Court. [5]

The issues which involve questions of law are: (1) whether the donation is inofficious; and (2) whether the respondent's action has prescribed.

I. Whether the donation is inofficious.

It bears reiterating that under Article 752 of the Civil Code, the donation is inofficious if it exceeds this limitation - no person may give or receive, by way of donation, more than he may give or receive by will. In *Imperial vs. Court of Appeals*,[6] we held that inofficiousness may arise only upon the death of the donor as the value of donation may then be contrasted with the net value of the estate of the donor deceased.

At this point, we emphasize that as found by the trial court, Gregorio did not sell the lot to petitioner. He donated it. The trial court also found that the donation is inofficious as it impairs respondent's legitime; that at the time of Gregorio's death, he left no property other than the lot now in controversy he donated to petitioner; and that the deceased made no reservation for the legitime of respondent, his daughter and compulsory heir. These findings were affirmed by the Court of Appeals.

Pursuant to Article 752 earlier cited, Gregorio could not donate more than he may give by will. Clearly, by donating the entire lot to petitioner, we agree with both lower courts that Gregorio's donation is inofficious as it deprives respondent of her legitime, which, under Article 888 of the Civil Code, consists of one-half (1/2) of the hereditary estate of the father and the mother. Since the parents of both parties are already dead, they will inherit the entire lot, each being entitled to one-half (1/2) thereof.

II. Whether respondent's suit is barred by prescription.

In *Imperial vs. Court of Appeals*,[7] we held that "donations, the reduction of which hinges upon the allegation of impairment of legitime (as in this case), are not controlled by a particular prescriptive period, for which reason, we must resort to the ordinary rules of prescription. Under Article 1144 of the Civil Code, actions upon an obligation created by law must be brought within ten years from the time the right of action accrues. Thus, the ten-year prescriptive period applies to the obligation to reduce inofficious donations, required under Article 771 of the Civil Code,[8] to the extent that they impair the legitime of compulsory heirs.

From when shall the ten-year period be reckoned? In *Mateo vs. Laguna*,[9] involving the reduction, for inofficiousness, of a donation propter nuptias, we held that the cause of action to enforce a legitime accrues upon the death of the donor-decedent. Clearly so, since it is only then that the net estate may be ascertained and on which basis, the legitimes may be determined.

Here, Gregorio died in 1986. Consequently, respondent had until 1996 within which to file the action. Records

show that she filed her suit in 1992, well within the prescriptive period.

WHEREFORE, the petition is DENIED. The challenged Decision and Resolution of the Court of Appeals in CA-G.R. CV No. 40728 are hereby AFFIRMED, with modification in the sense that the subject deed of donation being inofficious, one half (1/2) of the lot covered by TCT No. 14278 of the Registry of Deeds of Manila is awarded to Constancia Santos Alana, respondent, the same being her legitime. The remaining one-half (1/2) shall be retained by petitioner, Rolando Santos, as his legitime and by virtue of the donation.

Costs against petitioner.

SO ORDERED.

Panganiban, (Chairman), Corona, Carpio Morales, and Garcia JJ., concur.

[1] Penned by Associate Justice Salvador J. Valdez, Jr. and concurred in by Associate Justices Mercedes Gozo-Dadole and Juan Q. Enriquez, Jr.

[2] Rollo at 41-42.

[3] Rollo at 76.

[4] Barbacina vs. Court of Appeals, G.R. No. 135365, August 31, 2004, 437 SCRA 300.

[5] Bordalba vs. Court of Appeals, G.R. No. 112443, January 25, 2002, 374 SCRA 555; Ocampo-Paule vs. Court of Appeals, G.R. No. 145872, February 4, 2002, 376 SCRA 83.

[6] G.R. No. 112483, October 8, 1999, 316 SCRA 393.

[7] Supra.

[8] "Art. 771. 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 Articles 911 and 912 of this Code shall govern."

[9] L-26270, October 30, 1969, 29 SCRA 864.

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