

AMELIA B. HEBRON, PETITIONER, VS. FRANCO L. LOYOLA, ANGELO L. LOYOLA, RAFAEL L. LOYOLA, ARMANDO L. LOYOLA, SENEN L. LOYOLA, MA. VENUS L. RONQUILLO, PERLA L. ABAD AND THE INTESTA...

G.R. No. 168960. July 05, 2010

Ponente: DEL CASTILLO, J.

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DEL CASTILLO, J.:

Courts, not being omniscient, can only strive to determine what actually and truly transpired based on the evidence before it and the imperfect rules that were designed to assist in establishing the truth in disputed situations. Despite the difficulties in ascertaining the truth, the courts must ultimately decide. In civil cases, its decision must rest on preponderance of admissible evidence.

This petition for review assails the February 22, 2005 Decision[1] and the July 7, 2005 Resolution[2] of the Court of Appeals (CA) in CA-G.R. CV. No. 64105. The CA partially granted the appeal before it and modified the June 22, 1999 Decision[3] of the Regional Trial Court (RTC) of Cavite, Branch 20, which ordered the partition of two parcels of land among the seven sets of plaintiffs (respondents herein).

Factual Antecedents

This case originated from a suit for partition and damages concerning the two parcels of land denominated as Lot Nos. 730 and 879 of the Carmona cadastre. Lot No. 730, with an area of 17,688 square meters, was owned by Remigia Baylon who was married to Januario Loyola. Lot No. 879, with an area of 10,278 square meters was owned by Januario Loyola, the husband of Remigia Baylon. Januario and Remigia had seven children, namely Conrado, Jose, Benjamin, Candida, Soledad, Cristeta and Encarnacion, all surnamed Loyola.

The administration of the said lots was entrusted to Encarnacion Loyola-Bautista. All the heirs of Januario and Remigia received their shares in the fruits of the subject properties during Encarnacion's administration thereof. With the latter's death on September 15, 1969, administration of the subject properties was assumed by her daughter, Amelia Bautista-Hebron, who, after some time, started withholding the shares of Candida and the heirs of Conrado. By the time partition of the said properties was formally demanded on November 4, 1990, Candida was the only one still living among the children of Januario and Remigia. The rest were survived and represented by their respective descendants and children, to wit:

- Conrado Loyola, by his children, Ruben Loyola, now substituted by his heirs, namely, Josefina, Edgardo, Evelyn, Marina, Aure, Corazon and Joven Francisco, all surnamed Loyola, and respondents Lorenzo Loyola, Candelaria Loyola, Flora Loyola, Nicardo Loyola, Teresita Loyola-Alonza, Vicente Loyola and Rosario Loyola-Lontoc;
- Jose Loyola, by his children, respondents Serafin Loyola, Bibiano Loyola, Roberto Loyola, Purita Loyola-Lebrudo and Estela Loyola;

- Benjamin Loyola, by his children, respondents Franco Loyola, Angelo Loyola, Rafael Loyola, Senen Loyola, Perla Loyola-Abad, Ma. Venus Loyola-Ronquillo, Armando Loyola as well as his daughter-in-law by his son, Eduardo Loyola, respondent Carmen Hermosa;
- Soledad Loyola, by her children, respondents Ester Danico, Eduardo Danico, Mercedita Danico, Honesto Danico, Emelita Danico and Dante Danico;
- Cristeta Loyola, by her children, respondents Efren Cabigan and Isidro Cabigan; and
- Encarnacion Loyola-Bautista, by her son, respondent Alfredo Bautista, by petitioner Amelia Bautista-Hebron, and by her daughter-in-law by her son, Alberto Bautista, respondent Felicidad Bautista, and the latter's children, respondents Anjanet, Agnes, Ayren and Joseph Anthony, all surnamed Bautista.

For petitioner's failure to heed their formal demand, respondents filed with the RTC of Imus, Cavite, Branch 20, the complaint for partition and damages from which the instant suit stemmed. While manifesting her conformity to the partition demanded by her co-heirs, petitioner claimed in her amended answer that Candida and the heirs of Conrado have already relinquished their shares in consideration of the financial support extended them by her mother, Encarnacion. In the pre-trial order, the trial court consequently limited the issue to be resolved to the veracity of the aforesaid waiver or assignment of shares claimed by petitioner.

Trial on the merits then ensued. While conceding their receipt of financial assistance from Encarnacion, Candida and the heirs of Conrado maintained that adequate recompense had been effectively made when they worked without pay at the former's rice mill and household or, in the case of Carmelita Aguinaldo-Manabo, when she subsequently surrendered her earnings as a public school teacher to her said aunt.

Ruling of the Regional Trial Court

On June 22, 1999, the trial court rendered a Decision granting the partition sought. The dispositive portion of the Decision states:

WHEREFORE, in view of the foregoing, judgment is hereby rendered ordering the partition of the following real properties, to wit:

1. The parcel of land known as Lot 730 of the Carmona Cadastre with an area of 17,688 sq. meters more or less; and
 2. the parcel of land known as Lot 879 of the Carmona Cadastre with an area of 10,278 sq. meters, more or less
- among all the seven (7) sets of plaintiffs in seven (7) equal parts.

In this regard, the parties are directed within thirty (30) days from receipt hereof to make the partition of the two (2) lots among themselves should they agree, and thereafter, to submit in Court their deed of partition for its confirmation.

SO ORDERED.[4]

Ruling of the Court of Appeals

Petitioner, the defendant in the case before the RTC, appealed the Decision to the CA. The CA found the petitioner entitled to participate in the partition of the subject properties. It stated that petitioner's inadvertent exclusion from the partition of the subject properties arose from the trial court's use of the phrase "seven (7) sets of plaintiffs" in the dispositive portion of the appealed Decision instead of the more accurate "seven (7) sets of heirs."

The CA however, like the trial court, found that petitioner was not able to prove the existence of the waiver or assignment of their shares by Candida and the heirs of Conrado. The dispositive portion of the Decision states:

WHEREFORE, the appeal is PARTIALLY GRANTED and the appealed June 22, 1999 decision is, accordingly, MODIFIED to include appellant's participation in the partition of the subject parcels as one of the heirs of Encarnacion Loyola-Bautista. The rest is AFFIRMED in toto.[5]

The CA denied the motion for reconsideration filed by petitioner. Hence, petitioner elevated the case to us via the present petition for review.

Issues

Petitioner raises the following issues:

I

WHETHER X X X THE APPELLATE COURT ERRED IN AFFIRMING THE RULING OF THE TRIAL COURT THAT THE BURDEN OF PROOF WAS SHIFTED TO DEFENDANT-APPELLANT AMELIA B. HEBRON AND THAT THE LATTER FAILED TO SUBSTANTIATE HER CLAIM WITH PREPONDERANCE OF EVIDENCE.

II

WHETHER X X X THE APPELLATE COURT ERRED IN AFFIRMING THE RULING OF THE TRIAL COURT THAT A SPOUSE PRESENT CANNOT RELINQUISH THE SHARES IN THE PARCELS OF LAND IF IT WILL DEPRIVE MINOR CHILDREN OF THEIR HEREDITARY RIGHTS.

III

WHETHER X X X THE APPELLATE COURT ERRED IN AFFIRMING THE RULING OF THE TRIAL COURT THAT NO CONCRETE PROOF EVIDENCING THE SALE OR ASSIGNMENT OF SHARES OF CANDIDA LOYOLA-AGUINALDO AND CONRADO LOYOLA IN THE TWO PARCELS OF LAND IN FAVOR OF PETITIONER'S MOTHER, ENCARNACION LOYOLA-BAUTISTA, HAD BEEN PRESENTED BY PETITIONER DURING THE TRIAL DESPITE THE EXISTENCE OF PAROL EVIDENCE BY WAY OF AN EXCEPTION TO THE STATUTE OF FRAUDS.

IV

WHETHER X X X THE APPELLATE COURT COMMITTED A REVERSIBLE ERROR IN NOT CONSIDERING THAT CANDIDA LOYOLA-AGUINALDO AND THE HEIRS OF CONRADO LOYOLA ARE BARRED BY ESTOPPEL IN ASSERTING THAT THEY ARE STILL ENTITLED TO SHARE IN THE QUESTIONED PARCELS OF LAND.[6]

Petitioner's Arguments

Petitioner contends that she has no affirmative allegation to prove, hence, the burden of proof is on respondents and not on her. And if at all, she has proven that Candida and the heirs of Conrado have relinquished their respective shares.

She further contends that ownership of inherited properties does not fall under Articles 321 and 323 of the Civil Code and thus, the properties inherited by the children of Conrado can be alienated by their mother, Victorina, in favor of petitioner's mother.

Petitioner also contends that her parol evidence proved the alleged executed agreement of waiver of shares in the two subject inherited properties in consideration of the educational and other financial support extended by

Encarnacion to Candida and Conrado's respective families.

Finally, petitioner posits that Candida and the heirs of Conrado are estopped by laches from asserting their entitlement to shares in the subject properties.

Respondents' Arguments

On the other hand, respondents argue that Candida and the heirs of Conrado have not relinquished their shares in the litigated properties. They insist that the alleged agreement of relinquishment of shares cannot be proved by parol evidence.

They also contend that all the issues raised are factual in nature, and the findings of fact of the CA are final and conclusive and thus, may not be the subject of review by the Supreme Court, absent any of the recognized exceptions to the said rule.

Our Ruling

The petition has no merit.

Burden of Proof

Rule 131 of the Rules of Court states:

Section 1. Burden of Proof.- Burden of proof is the duty of a party to present evidence on the facts in issue necessary to establish his claim or defense by the amount of evidence required by law. (Emphasis supplied)

From the above provision it is clear that the defendant, not only the plaintiff, also has a burden of proof. The plaintiffs have the duty to establish their claims. And, it is the defendants who have the duty to establish their defenses.

Children of the deceased, like Candida and her siblings, are compulsory heirs who are entitled to a share in the properties of the deceased. Art. 980 of the Civil Code states: "The children of the deceased shall always inherit from him in their own right, dividing the inheritance in equal shares." The heirs of Conrado are also heirs of Remigia and Januario, being the children of a child of Remigia and Januario; and as such are entitled to their shares in the estate of Remigia and Januario.[7]

Petitioner has admitted in her answer that respondents are heirs of Remigia and Januario;[8] and that the two subject properties were left behind by Remigia and Januario.[9] "An admission, verbal or written, made by a party in the course of the proceedings in the same case, does not require proof." [10] Hence, we find no error committed by the CA when it affirmed the ruling of the trial court that the burden was on petitioner to establish her affirmative defense of waiver or sale of the shares of Candida and the heirs of Conrado.

The defense of petitioner is that Candida and the heirs of Conrado have waived or sold their shares in the subject properties. This alleged fact is denied by the respondents. Hence, this is the fact that is at issue and this alleged fact has to be proven by petitioner, who is the one who raised the said alleged fact. The burden of proof of the defense of waiver or sale is on petitioner.

Whether petitioner has been able to prove the said fact is undoubtedly a question of fact, not of law. It involves the weighing and calibration of the evidence presented. In the absence of any of the exceptions that call for the Court to do so, the Court will not disturb the factual findings of the RTC that were affirmed by the CA in the present case.

Shares of Minor Children

The minor children of Conrado inherited by representation in the properties of their grandparents Remigia and Januario. These children, not their mother Victorina, were the co-owners of the inherited properties. Victorina had no authority or had acted beyond her powers in conveying, if she did indeed convey, to the petitioner's mother the undivided share of her minor children in the property involved in this case. "The powers given to her by the laws as the natural guardian covers only matters of administration and cannot include the power of disposition. She should have first secured the permission of the court before she alienated that portion of the property in question belonging to her minor children." [11] In a number of cases, where the guardians, mothers or grandmothers, did not seek court approval of the sale of properties of their wards, minor children, the Court declared the sales void. [12]

Although the CA inaccurately cited Articles 321 and 323 of the Civil Code, its conclusion that Victorina had no capacity to relinquish her children's shares in the inherited properties was, nevertheless, correct.

Evidence of Sale/Waiver of Shares in Real Properties

On this factual issue too, we find no reason to disturb the finding of the CA affirming that of the RTC that petitioner failed to prove by preponderance of evidence her alleged fact of relinquishment, by sale or waiver, of the shares of Candida and the heirs of Conrado. Again, the court has no duty to delve into and weigh the pieces of evidence presented by the parties and passed upon by both the RTC and the CA with consistent conclusions on this matter and absent the other exceptions to the general rule. Nevertheless, we did so, but find no error in the findings of the RTC and the CA on this issue.

The very sketchy and partly hearsay testimony of petitioner was resoundingly rebutted by the testimonies of the respondents. The hearsay letter of Soledad, self-serving entries of relinquishment in the notebook of accounts and tampered notebook of educational expenses hinting at a relinquishment of shares cannot be given weight. Moreover, these were refuted by the presentation of document embodying the notarized extrajudicial partition establishing no such relinquishment. The evidence does not preponderate in favor of petitioner.

Absent a preponderance of evidence on the fact in issue of relinquishment of shares, then Candida and the heirs of Conrado, as admitted heirs of Remigia and Januario, are entitled to their shares in the two subject properties.

Laches

Laches is the failure of or neglect for an unreasonable and unexplained length of time to do that which by exercising due diligence, could or should have been done earlier, or to assert a right within reasonable time, warranting a presumption that the party entitled thereto has either abandoned it or declined to assert it. [13]

In the present case, the book of accounts, showing the record of receipts of some heirs of their shares, has repeated entries in Amelia's handwriting that Candida and the heirs of Conrado are no longer entitled to shares in the fruits of the properties in litigation because they have sold or given their share in the said properties to Encarnacion. These entries only prove that Amelia no longer recognized the entitlement of Candida and the heirs of Conrado to their respective shares. It is relevant to note however that the entries in the book of accounts started only on July 17, 1986. Hence, there is definite proof of non-recognition by petitioner of Candida and the heirs of Conrado's entitlement to shares in the subject properties starting only on July 17, 1986. Before this time, during the administration of the properties by Encarnacion Loyola-Bautista and some undetermined number of years after her death, Candida and the heirs of Conrado were proven to have been receiving their shares in the fruits of the subject properties.

On record is the written demand letter for partition of the litigated properties signed by Candida and the heirs of

Conrado dated November 4, 1990. The complaint for partition was subsequently filed on February 23, 1993.

From July 17, 1986, to November 4, 1990 only 4 years have elapsed. Even from July 17, 1986 to February 23, 1993 just six years have passed. Considering that the parties are closely related to each other and considering also that the parties are many different heirs, some of whom reside outside the Philippines, the passage of six years before the respondents asked for partition through the court is not unreasonable. We find respondents not guilty of laches.

WHEREFORE the petition for review is DENIED. The February 22, 2005 Decision and the July 7, 2005 Resolution of the Court of Appeals in CA-G.R. CV. No. 64105 are AFFIRMED.

Costs against petitioner.

SO ORDERED.

Corona, C.J., (Chairperson), Velasco, Jr., Leonardo-De Castro, and Perez, JJ. , concur.

[1] Rollo, pp. 39-52; penned by Associate Justice Rebecca De Guia-Salvador and concurred in by Associate Justices Conrado M. Vasquez, Jr. and Aurora Santiago-Lagman.

[2] Id. at 35-36.

[3] Records, pp. 262-266; penned by Judge Lucenito N. Tagle

[4] Id. at 266.

[5] Rollo, p. 51.

[6] Id. at 106.

[7] Art. 981. Should children of the deceased and the descendants of other children who are dead, survive, the former shall inherit in their own right, and the latter by right of representation.

[8] Records, p. 74.

[9] Id. at 75.

[10] RULES OF COURT, Rule 130, Section 4.

[11] Badillo v. Soromero, 236 Phil 438,448-449 (1987). See also Nario v. Philippine American Life Ins. Co. 126 Phil. 793, 801 (1967).

[12] Laforga v. Laforga, 22 Phil. 374 (1912); Ledesma Hermanos v. Castro, 55 Phil. 136 (1930); Inton v. Quintana, 81 Phil. 97, 101 (1948).

[13] Velez, Sr. v. Rev. Demetrio, 436 Phil. 1, 7-8 (2002).

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