

NAPOLEON G. RAMA, PETITIONER, VS. SPOUSES EDUARDO AND CONCHITA JOAQUIN, RESPONDENTS.

G.R. No. 169400. September 12, 2008

Ponente: CORONA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-169400/>

CORONA, J.:

This petition for review on certiorari under Rule 45 of the Rules of Court seeks to set aside the March 29, 2005 decision[1] and July 28, 2005 resolution[2] of the Court of Appeals (CA) in CA-G.R. CV No. 77327.

During Lucia Rama Limchui's (Lucia's) lifetime, she executed a will designating petitioner Napoleon G. Rama as executor. When she died, a large portion of her estate went to her nephew, Jose Limchui, Jr. (Jose), including the real property subject of this controversy, Lot 3, Block 12 Guadalupe Heights, Cebu City (Guadalupe Heights property). It was eventually sold by Jose to respondent spouses Eduardo and Conchita Joaquin.

The dispute arose when Jose's wife and judicial guardian, Gladys I. Limchui (Gladys),[3] filed a complaint in the Regional Trial Court (RTC) of Cebu City, Branch 20 to nullify the deed of absolute sale executed by Jose to respondents. She averred that the assailed deed was forged as Jose did not appear before the notary public to subscribe to the same and that the residence certificate in the notarial acknowledgment was fake.

Petitioner filed a complaint in intervention in his capacity as executor of Lucia's will. He joined Gladys in praying for the nullification of the contentious document on the grounds cited by Gladys and on the additional ground that the sale was in violation of a provision in Lucia's will prohibiting her devisees from disposing of the properties given to them before they reached the age of 30. Jose sold the subject property to respondents when he was only 28 years old.

Respondents filed their answer to the complaint in intervention, alleging, among others, that the said prohibition did not apply to the Guadalupe Heights property.

After trial on the merits, the trial court rendered judgment declaring the sale void. The court a quo anchored its decision mainly on petitioner's and Gladys' contention that the contested property came within the purview of the aforementioned prohibition stated in the testatrix's will. The dispositive portion of the decision[4] read:

WHEREFORE, judgment is hereby rendered:

- Declaring the Conditional Deed of Sale dated June, 1985 (Exh. "6") and the Deed of Absolute Sale dated October 30, 1991 (Exh. "38") null and void ab initio;
- Ordering the Register of Deeds of Cebu City to cancel TCT No. 129699 in the name of Eduardo Joaquin, married to Conchita Aviles Joaquin, dated July 20, 1994 (Exh. "5");
- Declaring the parcel of land (covered by TCT No. 129699) as well as the house constructed thereon (covered by Tax Declaration No. 07080) as the property of the estate of the late Lucia R. Limchui; [and]
- Ordering the defendants to pay the plaintiff the sum of P250,000.00 as moral and compensatory damages; the

sum of P100,000.00 as exemplary damages; the sum of P100,000.00 as attorney's fees and litigation expenses in the sum of P20,000.00.

SO ORDERED.

On appeal, however, the CA reversed the decision of the trial court:

WHEREFORE, in view of the foregoing premises, the assailed decision of the lower court is hereby REVERSED and SET ASIDE and a new one entered DISMISSING the complaint in Civil Case No. CEB-15453.

SO ORDERED.

Hence, this petition.

The issue before us is simple: was the sale of the contested property valid or void?

Petitioner contends that the CA erred in its decision as the sale was in violation of Lucia's will, which, according to him, expressly prohibited Jose from disposing of his inherited properties before he reached the age of 30.

The petition has no merit.

Preliminarily, it should be noted that the issue before us necessitates an inquiry into the facts. Time and again, we have held that the jurisdiction of this Court in a petition for review on certiorari under Rule 45 is limited only to questions of law, save for certain exceptions, such as when the findings of fact of the RTC and the CA are conflicting.[5]

In the instant case, as between the conflicting rulings of the RTC and the CA, that of the latter commends itself for adoption as it was more in accord with the evidence on hand and the applicable laws and jurisprudence.

We agree with the CA that Lucia's will indeed contained a provision, found under the third disposition on page 3, prohibiting her heirs from disposing of the properties devised to them before they reached the age of 30:

xxx xxx xxx

It is my express will that the said real properties shall not be sold and disposed of or encumbered in any manner by the devisees until after they have reach[ed] their respective thirtieth (30[th]) birthday...

xxx xxx xxx

We also agree with the CA that the prohibition was applicable only to those real properties listed under the third disposition on pages 1, 2 and 3 of the will. The use by the testatrix of the phrase "the said real properties" showed her intention to prohibit the alienation only of those real properties that she had specifically identified and listed.[6]

The property in question was not yet part of Lucia's estate at the time of the execution of her will on February 17, 1976 and could not have been among those listed under the third disposition on pages 1, 2 and 3 to be bequeathed in favor of her devisees. Instead, it formed part of her residual estate which carried no such prohibition and whose controlling provision was the fourth disposition of the will stating that:

FOURTH. All the rest, residue and remainder of my estate, which I may own at the time of my death, both real and personal, and of any kind and description wherever the same may be situated, I give, bequeath and devise to my nephew, JOSE LIMCHIU, JR. In the event Jose Limchui, Jr. shall predecease me then in such eventuality I bequeath and devise the said residue of my estate to my sister Milagros L. Kimseng, or to her children in equal share should she predecease Jose Limchui, Jr. (Emphasis supplied)

Worthy of note is the fact that the aforequoted fourth disposition did not contain the same prohibition as that so clearly provided for in the third. Thus, it can reasonably be concluded that no prohibition on selling existed with regard to Lucia's residual properties. As the Guadalupe Heights property clearly formed part of her residual estate, there was no prohibition for its alienation by Jose.

Petitioner, however, insists that if the CA's interpretation of the testament is upheld, the intent of the decedent (for her devisees to hold on to their inheritance until they reached 30) will be violated. According to him, there was no sense in prohibiting the alienation of the listed properties under the third disposition, on the one hand, and in allowing the sale of the residual ones under the fourth disposition, on the other.

It is well-settled that in construing the provisions of a will, the intent of the testator is controlling.[7] In this case, had it been Lucia's intention to prohibit the disposition of all her properties (listed and residual alike), she could have easily said so, specially since, as pointed out by petitioner himself, the will itself was replete with limiting provisions allegedly pointing to the inescapable conclusion that she wanted the properties to remain in her heirs' hands until they reached 30.

Indeed, the will did resonate convincingly with said intention, and more. A perusal of the will also reveals that it was specifically tailored to the testatrix's wishes. For instance, the seventh disposition of her will provided:

SEVENTH. That I hereby nominate, constitute and appoint ATTY. NAPOLEON G. RAMA, as sole executor of this my Last Will and Testament x x x and hereby manifest that it is not my wish and desire that any of my brothers Jose R. Limchiu, Luis R. Limchiu and Carmelo R. Limchiu be appointed administrator as substitute for Atty. Napoleon G. Rama.

Furthermore, in the eighth disposition, the testatrix expressly stated that:

EIGHT. If any heir, devisee or legatee hereunder contest this will or any part or provisions hereof, any share given to such devisee or legatee is hereby revoked and shall become void, and the property or properties bequeathed to him/her/them shall become a part of the residue of my estate and shall be disposed of as it is provided herein for the disposition of such residue. Moreover, if any other person shall contest this will or object to any of the provisions hereof, I give to such person so contesting or objecting the sum of ONE PESO (P1.00) and no more.

As can be seen, Lucia not only controlled the manner in which her estate was to be distributed among her heirs, she also saw it fit to include in her will the foregoing provisions to ensure that her every wish would be followed to the last detail. Thus, had it been her intention to subject the remaining estate to the same prohibition covering the listed real properties, she could have easily done so. She did not. In any case, it was not entirely impossible for her to have allowed the rest of her properties to be alienated by her heirs as necessary.

Finally, petitioner insists that the sale of the property was void in other aspects as well (i.e., that the assailed deed of absolute sale was a forgery and that the residence certificate entered in the notarial acknowledgment thereof was fake). There is no need to pass upon these issues. By virtue of our ruling that the prohibition did not apply to the Guadalupe Heights property, Lucia's estate which petitioner represents and which is the real party in interest[8] no longer has the personality to assail the validity of the sale. Legally speaking, petitioner has become a stranger to the transaction as he does not stand to benefit from its annulment.

WHEREFORE, the petition is hereby DENIED. The March 29, 2005 decision and July 28, 2005 resolution of the Court of Appeals in CA-G.R. CV No. 77327 are AFFIRMED.

Costs against petitioner.

SO ORDERED.

Puno, C.J., (Chairperson), Carpio Morales, Nachura, and Leonardo-De Castro, JJ., concur.

[*] As replacement of Justice Antonio T. Carpio who is on official leave per Special Order No. 515.

[**] As replacement of Justice Adolfo S. Azcuna who is on official leave per Special Order No. 518.

[1] Penned by Associate Justice Isaias P. Dicdican and concurred in by Associate Justices Vicente L. Yap (retired) and Enrico A. Lanzas of the Twentieth Division of the Court of Appeals. Rollo, pp. 49-57.

[2] Id., pp. 64-65.

[3] She was appointed Jose's judicial guardian only on October 7, 1993, almost two years after the latter alienated the Guadalupe Heights property to respondents on October 30, 1991.

She did not join petitioner in filing a petition for review on certiorari in this Court.

[4] Rollo, pp. 31-47.

[5] B & I Realty Co., Inc. v. Spouses Caspe, G.R. No. 146972, 29 January 2008.

[6] THIRD. I hereby give, devise and bequeath:

(a) To my nephew JOSE LIMCHIU, JR., the following described properties:

1.

LOT NO.

T.C.T.

TD NO.

A.V.

AREA

LOCATION

18, Blk. 7

23439

35695

P 480.00

240

Mandaue

Res. Hse.

35710

8,000.00

"

3491

8091

21878

2,120.00

6,701

Talisay

2714-A

37837

33134

5,920.00

1,973

V. Rama

Apt. Hse.

34452

10,000.00

"

2714-A-8 (1/2)

37839

34998

650.00

654

"

2.

ONE HALF (1/2) undivided share of:

LOT NO.

T.C.T.

TD NO.

A.V.

AREA

LOCATION

2542-B-1

20012

34626

P 6,190.00

4,127

Mandaue

5183 (1/2)

8408

30238

35,040.00

258

Magallanes

864 (1/2)

8409

"

331

"

5059 (1/2)

8739

30243

32,970.00

91

"

866 (1/2)

8407

"

380

"

861 (1/2)

8405

30242

20,000.00

571

"

865 (1/2)

8404

30244

16,920.00

443

"

975 (1/2)

8406

30240

9,480.00

237

"

867 (1/2)

8741

30237

4,100.00

82

"

5185 (1/2)

8740

30239

180.00

2

"

5184 (1/2)

11374

30241

810.00

9

"

House (1/2)

016515-R

6,000.00

"

subject to the express condition that if he dies before reaching his thirtieth (30th) birthday, then and in that event all said real properties shall pass to and vested in absolute ownership to my sister Milagros L. Kimseng, or her heirs in equal shares, to whom I devise the same.

3. All my shares of stocks with PICOP, HIXBAR, PHIL. OIL, SAN MIGUEL BREWERY, and PLANTERS PRODUCTS, stock certificate of which are placed in a safety box deposit of the Philippine Bank of Communications, Cebu Branch, Cebu City;

4. Automobile and other personal properties;

5. 4/5 undivided interest in the grape farms at Cansojong, Talisay, Cebu.

(b) To my sister MILAGROS L. KIMSENG, the following described property:

ONE HALF (1/2) undivided share of:

LOT NO.

T.C.T.

TD NO.

A.V.

AREA

LOCATION

2542-B-1

20012

34626

P 6,190.00

4,127

Mandaue

5183

(1/2)

8408

30238

35,040.00

258

Magallanes

864

(1/2)

8409

"

331

"

5059

(1/2)

8739

30243

32,970.00

91

866

(1/2)

8407

"

380

"

861

(1/2)

8405

30242

20,000.00

571

"

865

(1/2)

8404

30244

16,920.00

443

"

975

(1/2)

8406

30240

9,480.00

237

867

(1/2)

8741

30237

4,100.00

82

5185

(1/2)

8740

30239

180.00

2

5184

(1/2)

11374

30241

810.00

9

House

(1/2)

016515-R

6,000.00

(c) To my nephew JOSEPH KIMSENG, the following described real property:

LOT NO.

T.C.T.

TD NO.

A.V.

AREA

LOCATION

3470-A

30178

31844

P 8,190.00

1,463

Talisay

(d) To my nieces SUSANA KIMSENG and MARIAN KIMSENG, in equal share, the following described real property:

LOT NO.

T.C.T.

TD NO.

A.V.

AREA

LOCATION

2-882

40515

28808

P 1,090.00

181

Gonzales Cpd.

House

28230

7,000.00

"

(e) To my nephew ARTURO KIMSENG, the following described real property:

LOT NO.

T.C.T.

TD NO.

A.V.

AREA

LOCATION

5053

(1/3)

1793

00064

P 3,660.00

12,384

Lapulapu

4301

(1/3)

3370

00847

1,930.00

5,918

"

4495

(1/3)

2962

(illegible)

(f) To my nieces MARIAN KIMSENG and SUSANA KIMSENG, share and share alike, all my jewelry.
(Rollo, pp. 15-17.)

[7] *Seangio v. Reyes*, G.R. Nos. 140371-72, 27 November 2006, 508 SCRA 177, 187, citing III A. Tolentino, *Commentaries and Jurisprudence on the Civil Code of the Philippines* 38 (1979). In said case, we held that "it is a fundamental principle that the intent or the will of the testator, expressed in the form and within the limits prescribed by law, must be recognized as the supreme law in succession. All rules of construction are designed and give effect to that intention. It is only when the intention of the testator is contrary to law, morals or public policy that it cannot be given effect."

[8] Section 2, Rule 3 of the Rules of Court provided:

Sec. 2. Parties in interest. - A real party in interest is the party who stands to be benefited or injured by the judgment in the suit, or the party entitled to the avails of the suit. Unless otherwise authorized by law or these Rules, every action must be prosecuted or defended in the name of the real party in interest.

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.