

DOLORES L. HACBANG AND BERNARDO J. HACBANG, PETITIONERS, VS. ATTY. BASILIO H. ALO, RESPONDENT.

G.R. No. 191031. October 05, 2015

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BRION, J.:*

This petition for review on certiorari seeks to reverse the 13 October 2009 Decision and the 21 January 2010 resolution of the Court of Appeals (CA) in CA-G.R CV No. 83137.[1] The CA affirmed the Quezon City Regional Trial Court's (RTC) dismissal of the petitioners' complaint in Civil Case No. Q 99-36660[2] for lack of cause of action.

ANTECEDENTS

On 3 April 1937, Bishop Sofronio Hacbang (Bishop Sofronio) died leaving several properties behind. Among these was Lot No. 8-A of subdivision Plan Psd-6227 located at España Street, San Juan, Rizal,[3] covered by Transfer Certificate of Title (TCT) No. (19896) 227644 (the subject lot).

Bishop Sofronio was survived by his parents, Basilio and Maria Hacbang, and his siblings: Perfecto Hacbang, Joaquin Hacbang, Lucia Teresita Hacbang, and Dolores Hacbang Alo. Petitioner Dolores L. Hacbang is the grandchild of Perfecto while petitioner Bernardo Hacbang (Bernardo) is a son of Joaquin. The respondent Basilio Alo is the son of Dolores.

Bishop Sofronio left a will denominated as Ultima Voluntad y Testamento. He left one-half of his properties to his parents and devised the other half - including the subject lot - to his sister Dolores. The pertinent portions of his will read:

FOURTH: By these presents I give, name, declare and institute as heirs my parents BASILIO HACBANG and MARIA GABORNY DE HACBANG of one-half of all my properties, whether real, personal or mixed, in whatever place they may be found, whether they were acquired before or after the execution of this testament, including all the properties that at the time of my death I may have the power to dispose of by will, and which properties consist of the following:

Fifty (50) percent of the shares of stock that I own in the "SAMAR NAVIGATION CO. INC."

A parcel of land with its camarin situated in the Municipality of Carigara, Province of Leyte.

A parcel of land in the Barrio of Pinamopuan, of the Municipality of Capoocan, Province of Leyte.

A parcel of land with house and planted to coconuts in the Barrio of Sorsogon, Municipality of Sta. Margarita, Province of Samar.

FIFTH: The other remaining half of my properties wherever they may be located, by these presents I give, cede and hand over to my sister Dolores Hacbang, which properties are more particularly described as follows:

Fifty (50) percent of my stockholdings in the "SAMAR NAVIGATION CO. INC."

A piece of land with one house where the Botica San Antonio is located, in the Municipality of Calbayog, Province of Samar.

A piece of land with house in Acedillo St., Municipality of Calbayog, Province of Samar.

A piece of land with 1 camarin in the barrio of Sorsogon, Municipality of Sta. Margarita, Province of Samar.

Six (6) Parcels of land located in "NEW MANILA," Municipality of San Juan, Province of Rizal, in 7[th] St., described as follows: Block 7, Lots 16, 18, 20 and 22, and in 3rd Street, Block 3, Lots 4 and 6.

A piece of land situated in Espana St., Municipality of San Juan del Monte of the Province of Rizal, marked as Lot 8-A, Block 17, of 1,403 square meters in area.[4]

On 16 April 1937, a petition for the probate of Bishop Sofronio's will and the settlement of his estate was filed before the then Court of First Instance (CFI) of Manila. The petition was docketed as SP. PROC. No. 51199.

On 21 May 1937, the CFI admitted Bishop Sofronio's will to probate.[5]

The records are bare with respect to what happened next. They show, however, that the CFI ordered the proceedings to be archived on 2 November 1957.

On 24 September 1971, the Register of Deeds of Quezon City appears to have issued TCT No. 169342 over the subject lot in the name of respondent Basilio H. Alo. TCT No. 169342 cancelled TCT No. 117322/T-500. However, this Court cannot determine the circumstances surrounding the issuance of TCT No. 169342 or the relationship between TCT No. 117322/T-500 and TCT No. (19896) 227644 due to the inadequacy of the documents on record.

On 17 March 1975, Dolores Hacbang Alo moved to revive the settlement proceedings because the CFI had not yet completed adjudicating the properties.

On 23 May 1975, the CFI denied the motion for revival because the order to archive "had long become final and executory." [6]

On 1 February 1999, petitioners Dolores L. Hacbang and Bernardo filed a petition to cancel TCT No. 169342 on the ground that it was fraudulently secured. In support of their allegations, they submitted the 5 March 1997 Investigation Report of Land Registration Authority (LRA) Investigator Rodrigo I. Del Rosario. The report concluded that TCT No. 117322 was of "doubtful authenticity" and was neither derived from TCT No. 117322 nor issued by the Registry of Deeds of Quezon City on 24 September 1971 at 2:30 PM.

In his Answer dated 18 August 1999, Basilio denied all allegations of irregularity and wrongdoing. He also moved to dismiss the petition because the petitioners were neither heirs nor devisees of Bishop Sofronio and had no legal interest in the subject lot.

On 7 January 2003, the RTC dismissed the petition because the petitioners had no right to prosecute the case on the subject lot. The RTC noted that Bishop Sofronio's will had already been admitted into probate in 1937; thus, the intrinsic validity of the will is no longer in question. Though the settlement proceedings were archived, Bishop Sofronio already designated his heirs: Bishop Sofronio's parents were compulsory heirs entitled to half of his estate while the respondent's mother, Dolores Hacbang Alo, was devised the remaining half (the free portion). Thus, the petitioners, who are neither compulsory nor testamentary heirs, are not real parties in interest.

The petitioners moved for reconsideration which the RTC denied on 19 August 2003.

The petitioners appealed to the CA, arguing that: (1) Bishop Sofronio's will did not validly transfer the subject

property to Dolores Hacbang Alo; (2) the probate of the will is not conclusive as to the validity of its intrinsic provisions; and (3) only a final decree of distribution of the estate vests title on the properties from the estate on the distributees.[7] The appeal was docketed as CA-G.R CV No. 83137.

They further argued that the distribution of the estate should be governed by intestate succession because: (1) the subject property was not adjudicated; and (2) the settlement proceedings were archived and dismissed. Thus, all the properties passed on to and became part of the estate of Bishop Sofronio's parents. The petitioners concluded that they had legal interest in the subject lot as representatives of their ascendants, the other children of Bishop Sofronio's parents.

In his appeal brief, the respondent insisted that the petitioners do not have a clear legal right to maintain the suit because: (1) as collateral relatives, they cannot invoke the right of representation to the estate of Bishop Sofronio; and (2) they are not real parties in interest and have no right of action over the subject lot.

On 13 October 2009, the CA affirmed the RTC's order of dismissal. The CA held that the admission of Bishop Sofronio's will to probate precluded intestate succession unless the will was intrinsically invalid or failed to completely dispose of his estate. Contrary to the petitioners' contention, the settlement proceedings were not dismissed but archived; the will did not lose its validity merely because the proceedings were archived. Undoubtedly, Bishop Sofronio did not die intestate.

The CA denied the petitioners' claim to a right of inheritance by representation. It held that the presence of Bishop Sofronio's parents during his death excluded his brothers and sisters from being compulsory heirs; the petitioners cannot represent those who are not entitled to succeed. Considering that they are neither compulsory nor testamentary heirs, petitioners have no legal interest in the subject property.

The petitioners moved for reconsideration which the CA denied on 21 January 2010. The denial paved the way for the petitioners to file the present petition for review on certiorari.

THE PETITION

The petitioners argue: (1) that the CA erred when it failed to rule on the validity of TCT No. 169342; (2) that the probate proceedings of the estate was dismissed, not archived; and (3) that the CA erred when it used Bishop Sofronio's will as basis to declare that they are not real parties in interest.

In his Comment, the respondent maintained that the petitioners had no right over the property and moved to dismiss the present petition.

OUR RULING

At the outset, this Court observes that the parties and even the lower courts erroneously applied the provisions of the present Civil Code to the will and the estate of Bishop Sofronio. The law in force at the time of the decedent's death determines the applicable law over the settlement of his estate.[8] Bishop Sofronio died in 1937 before the enactment of the Civil Code in 1949. Therefore, the correct applicable laws to the settlement of his estate are the 1889 Spanish Civil Code and the 1901 Code of Civil Procedure.

In any case, under both the Spanish Code and our Civil Code, successional rights are vested at the precise moment of the death of the decedent. Section 657 of the Spanish code provides:

Art. 657. Los derechos a la sucesion de una persona se transmiten desde el momento de su muerte.[9]

The inheritance vests immediately upon the decedent's death without a moment's interruption. This provision was later on translated and adopted as Article 777 of our Civil Code.[10]

As a consequence of this principle, ownership over the inheritance passes to the heirs at the precise moment of

death - not at the time the heirs are declared, nor at the time of the partition, nor at the distribution of the properties. There is no interruption between the end of the decedent's ownership and the start of the heir/legatee/devisee's ownership.

For intestate heirs, this means that they are immediately entitled to their hereditary shares in the estate even though they may not be entitled to any particular properties yet. For legatees and devisees granted specific properties, this means that they acquire ownership over the legacies and devises at that immediate moment without prejudice to the legitimes of compulsory heirs.

Undoubtedly, Bishop Sofronio did not die intestate. He left a will that was probated in 1937. He left half of his properties to his parents and the remaining half to his sister Dolores Hachang Alo. The admission of his will to probate is conclusive with respect to its due execution and extrinsic validity.[11]

Unfortunately, the settlement proceedings were never concluded; the case was archived without any pronouncement as to the intrinsic validity of the will or an adjudication of the properties. Because of this, the petitioners posit that intestate succession should govern. They maintain that the entire inheritance should have gone to Bishop Sofronio's parents, the petitioners' ascendants. Thus, they claim to have a legal interest in the subject lot as representatives of the other children of Bishop Sofronio's parents.

We do not find the petitioners' argument meritorious.

Our jurisdiction has always respected a decedent's freedom to dispose of his estate, whether under the Spanish Civil Code or under the present Civil Code. Article 763 of the Spanish Code provides:

Art. 763. El que no tuviere herederos forzosos puede disponer por testamento de todos sus bienes o de parte de ellos en favor de cualquiera persona que tenga capacidad para adquirirlos. El que tuviere herederos forzosos solo podra disponer de sus bienes en la forma y con las limitaciones que se establecen en la section quinta de este capitulo.

This provision states that a person without compulsory heirs may dispose of his estate, either in part or in its entirety, in favor of anyone capacitated to succeed him; if the testator has compulsory heirs, he can dispose of his property provided he does not impair their legitimes. This provision was later translated and adopted as Article 842 of our Civil Code.[12]

Our jurisdiction accords great respect to the testator's freedom of disposition. Hence, testate succession has always been preferred over intestacy.[13] As much as possible, a testator's will is treated and interpreted in a way that would render all of its provisions operative.[14] Hence, there is no basis to apply the provisions on intestacy when testate succession evidently applies.

Even though the CFI archived the settlement proceedings, there is no indication that it declared any of the dispositions in the will invalid. The records are understandably bare considering the probate proceedings were initiated as early as 1937. Nonetheless, we find no reason to doubt the intrinsic validity of the will.

Bishop Sofronio was free to dispose of his estate without prejudice to the legitimes of his compulsory heirs. Bishop Sofronio's only compulsory heirs were his parents.[15] Their legitime was one-half of Bishop Sofronio's estate.[16] Considering that Bishop Sofronio gave his parents half of his estate, then he was free to dispose of the free portion of his estate in favor of his sister, Dolores Hachang Alo. Thus, his will was intrinsically valid.

The CFI's failure to adjudicate the specific properties is irrelevant because Bishop Sofronio did not just name his heirs; he also identified the specific properties forming part of their inheritance. The dispositions in the will rendered court adjudication and distribution unnecessary.

The petitioners' contention that only a final decree of distribution of the estate vests title to the land of the estate in the distributees is also incorrect. Again, ownership over the inheritance vests upon the heirs, legatees, and devisees immediately upon the death of the decedent.

At the precise moment of death, the heirs become owners of the estate pro-indiviso. They become absolute owners of their undivided aliquot share but with respect to the individual properties of the estate, they become co-owners. This co-ownership remains until partition and distribution. Until then, the individual heirs cannot claim any rights over a specific property from the estate. This is because the heirs do not know which properties will be adjudicated to them yet. Hence, there is a need for a partition before title over particular properties vest in the distributee-heirs.

However, heirs, legatees, and devisees bequeathed specific properties do not require Court adjudication to identify which particular properties become theirs; the testator had already identified these. From the very moment of the testator's death, title over these particular properties vests on the heir, legatee, or devisee.

On 3 April 1937, title over the subject lot passed on to the respondent's mother, Dolores Hacbang Alo, at the exact moment of her brother's death. From that moment on, she was free to dispose of the subject lot as a consequence of her ownership.

On the other hand, Bishop Sofronio's parents, Basilio and Maria Gaborny Hacbang, never acquired the title over the subject lot. Thus, it never became part of their estate. Clearly, the petitioners - who claim to represent the children of Basilio and Maria Gaborny in the spouses' estate - have no legal right or interest over the subject lot.

Every ordinary civil action must be based on a cause of action - an act or omission that violates the rights of the plaintiff.[17] A cause of action requires:

- (1) a legal right in favor of the plaintiff;
- (2) a correlative duty of the defendant to respect the plaintiff's right; and
- (3) an act or omission of the defendant in violation of the plaintiff's right.[18]

Every action must also be prosecuted or defended in the name of the real party in interest: the party who stands to be benefited or injured by the judgment.[19] These fundamental requirements are not merely technical matters; they go into the very substance of every suit.

The petitioners came to the courts praying for the annulment of the respondent's title yet they failed to show that they are entitled to even ask for such relief. They have no right over the subject lot and the respondent has no legal obligation to them with respect to the subject lot. Even if we assume that the respondent fraudulently or irregularly secured his certificate of title, the bottom-line is that the petitioners have no legal standing to sue for the cancellation of this title. This right only belongs to the rightful owner of the subject lot.

Judicial power is the duty of the courts to settle actual controversies involving rights which are legally demandable and enforceable.[20] Courts settle real legal disputes involving the rights and obligations between parties. If either of the parties is not the real party in interest, the Court cannot grant the reliefs prayed for because that party has no legal right or duty with respect to his opponent. Further litigation becomes an academic exercise in legal theory that eventually settles nothing - a waste of time that could have been spent resolving actual justiciable controversies.

WHEREFORE, premises considered, the petition is DENIED for lack of merit. Costs against the petitioners.

SO ORDERED.

Peralta,**] Del Castillo, Leonen, and Jardeleza,***] JJ., concur.

[*] Designated as Acting Chairperson, per Special Order No. 2222 dated September 29, 2015.

[**] Designated as Acting Member in lieu of Associate Justice Antonio T. Carpio, per Special Order No. 2223 dated September 29, 2015.

[***] Designated as Acting Member in lieu of Associate Justice Jose C. Mendoza, per Special Order No. 2246 dated October 5, 2015.

[1] Both penned by Associate Romeo F. Barza and concurred in by Associate Justices Remedios A. Salazar-Fernando and Isaias P. Dicdican.

[2] Penned by Judge Thelma A. Ponferrada.

[3] Now E. Rodriguez Sr. Avenue, Quezon City.

[4] Rollo, pp. 93-97, 370-378.

[5] Id. at 98.

[6] Id. at 104.

[7] Citing *Salandanan v. Court of Appeals*, G.R. No. 127783, June 5, 1998, 290 SCRA 671 and *Reyes v. Barrato-Datu*, G.R. No. L-17818, January 25, 1967, 19 SCRA 85.

[8] *Uson v. Del Rosario*, 92 Phil. 530 (1953).

[9] CODIGO CIVIL DE ESPAÑA, Art. 657 (1889).

[10] Article 777. The rights to the succession are transmitted from the moment of the death of the decedent.

[11] An Act Providing a Code of Procedure in Civil Actions and Special Proceedings in the Philippine Islands [CODE OF CIVIL PROCEDURE], Act No. 190, Sec. 625 (1901). This provision was subsequently adopted in Art. 838 of the Civil Code.

[12] Art. 842. One who has no compulsory heirs may dispose by will of all his estate or any part of it in favor of any person having capacity to succeed.

One with compulsory heirs may dispose of his estate provided he does not contravene the provisions of this Code with regard to the legitime of said heirs.

[13] See Section 657, CODE OF CIVIL PROCEDURE and Rule 82, Section 1 of the 1997 Rules of Court which revoke letters of administration and suspend intestate proceedings upon the discovery and probate of the decedent's will; See also *Cuenco v. Court of Appeals*, 153 Phil. 115, 129 (1973) citing *Uriarte v. CFI of Negros Occidental*, 144 Phil. 205 (1970).

[14] Articles 788 and 791, CIVIL CODE.

[15] Art. 807, CODIGO CIVIL DE ESPAÑA adopted as Art. 887, Civil Code.

[16] Art. 809, CODIGO CIVIL DE ESPAÑA adopted as Art. 889, Civil Code.

[17] Rule 2, Sections 1 and 2 of the Rules of Court.

[18] 424 Phil. 617,623(2002).

[19] Rule 3, Section 2 of the Rules of Court.

[20] Art. VIII, Section 1, PHIL. CONST.

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