

MARIANO B. LOCSIN, JULIAN J. LOCSIN, JOSE B. LOCSIN, AUREA B. LOCSIN, MATILDE L. CORDERO, SALVADOR B. LOCSIN AND MANUEL V. DEL ROSARIO, PETITIONERS, VS. THE HON. COURT OF APPEAL...

G.R. No. 89783. February 19, 1992

Ponente: NARVASA, C.J.

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NARVASA, C.J.:

Reversal of the decision of the Court of Appeals in CA-G.R. No. CV-11186 --- affirming with modification the judgment of the Regional Trial Court of Albay in favor of the plaintiffs in Civil Case NO. 7152 entitled "Jose Jaucian, et al. v. Mariano B. Locsin, et al.," an action for recovery of real property with damages --- is sought in these proceedings initiated by petition for review on certiorari in accordance with Rule 45 of the Rules of Court.

The petition was initially denied due course and dismissed by this Court. It was however reinstated upon a second motion for reconsideration filed by the petitioners, and the respondents were required to comment thereon. The petition was thereafter given due course and the parties were directed to submit their memorandums. These, together with the evidence, having been carefully considered, the Court now decides the case.

First, the facts as the Court sees them in light of the evidence on record:

The late Getulio Locsin had three children named Mariano, Julian and Magdalena, all surnamed Locsin. He owned extensive residential and agricultural properties in the provinces of Albay and Sorsogon. After his death, his estate was divided among his three (3) children as follows:

(a) the coconut lands of some 700 hectares in Bual, Pilar, Sorsogon, were adjudicated to his daughter, Magdalena Locsin;

(b) 106 hectares of coconut lands were given to Julian Locsin, father of the petitioners Julian, Mariano, Jose, Salvador, Matilde, and Aurea, all surnamed Locsin;

(c) more than forty (40) hectares of coconut lands in Bogtong, eighteen (18) hectares of riceland in Daraga, and the residential lots in Daraga, Albay and in Legazpi City went to his son Mariano, which Mariano brought into his marriage to Catalina Jaucian in 1908. Catalina, for her part, brought into the marriage untitled properties which she had inherited from her parents, Balbino Jaucian and Simona Anson. These were augmented by other properties acquired by the spouses in the course of their union,[1] which however was not blessed with children.

Eventually, the properties of Mariano and Catalina were brought under the Torrens System. Those that Mariano inherited from his father, Getulio Locsin, were surveyed cadastrally and registered in the name of "Mariano Locsin married to Catalina Jaucian." [2]

Mariano Locsin executed a Last Will and Testament instituting his wife, Catalina, as the sole and universal heir of all his properties.[3] The will was drawn up by his wife's nephew and trusted legal adviser, Attorney Salvador Lorayes. Attorney Lorayes disclosed that the spouses being childless, they had agreed that their properties, after

both of them shall have died should revert to their respective sides of the family, i.e., Mariano's properties would go to his "Locsin relatives" (i.e., brothers and sisters or nephews and nieces), and those of Catalina to her "Jaucian relatives." [4]

Don Mariano Locsin died of cancer on September 14, 1948 after a lingering illness. In due time, his will was probated in Special Proceedings No. 138, CFI of Albay without any opposition from both sides of the family. As directed in his will, Doña Catalina was appointed executrix of his estate. Her lawyer in the probate proceedings was Attorney Lorayes. In the inventory of her husband's estate [5] which she submitted to the probate court for approval, [6] Catalina declared that "all items mentioned from Nos. 1 to 33 are the private properties of the deceased and form part of his capital at the time of the marriage with the surviving spouse, while items Nos. 34 to 42 are conjugal." [7]

Among her own and Don Mariano's relatives, Doña Catalina was closest to her nephew, Attorney Salvador Lorayes, her nieces, Elena Jaucian, Maria Lorayes-Cornelio and Maria Olbes-Velasco, and the husbands of the last two: Hostilio Cornelio and Fernando Velasco. [8] Her trust in Hostilio Cornelio was such that she made him custodian of all the titles of her properties; and before she disposed of any of them, she unfailingly consulted her lawyer-nephew, Attorney Salvador Lorayes. It was Atty. Lorayes who prepared the legal documents and, more often than not, the witnesses to the transactions were her nieces Elena Jaucian, Maria Lorayes-Cornelio, Maria Olbes-Velasco, or their husbands. Her niece, Elena Jaucian, was her life-long companion in her house.

Don Mariano relied on Doña Catalina to carry out the terms of their compact, hence, nine (9) years after his death, as if in obedience to his voice from the grave, and fully cognizant that she was also advancing in years, Doña Catalina began transferring, by sale, donation or assignment. Don Mariano's, as well as her own, properties to their respective nephews and nieces. She made the following sales and donations of properties which she had received from her husband's estate, to his Locsin nephews and nieces:

EXHIBIT

DATE

PARTICULARS

AREA/SQ.M.

PRICE

WITNESSES

23

Jan. 26, 1957

Deed of Absolute Sale in favor of Mariana Locsin

962

P 481

1-JRL

Apr. 7, 1966

Deed of Sale in favor of Jose R. Locsin

430,203

P 20,000

1-JJL

Mar. 22, 1967

Deed of Sale in favor of Julian Locsin

5,000

(Lot 2020)

P 1,000

Hostilio Cornelio

Helen M. Jaucian

1

Nov. 29, 1974

Deed of Donation in favor of Aurea Locsin, Matilde L. Cordero and Salvador Locsin

26,509

2

Feb. 4, 1975

Deed of Donation in favor of Aurea Locsin, Matilde L. Cordero and Salvador Locsin

34,045

3

Sept. 9, 1975

Deed of Donation in favor of Aurea Locsin, Matilde L. Cordero and Salvador Locsin

(Lot 2059)

Hostilio Cornelio

Fernando Velasco

4

July 15, 1974

Deed of Absolute Sale in favor of Aurea B. Locsin

1,424

P 5,750

Hostilio Cornelio

Elena Jaucian

5

July 15, 1974

Deed of Absolute Sale in favor of Aurea B. Locsin

1,456

P 5,720

- ditto -

6

July 15, 1974

Deed of Absolute Sale in favor of Aurea B. Locsin

1,237

P 4,050

- ditto -

7

July 15, 1974

Deed of Absolute Sale in favor of Aurea B. Locsin

1,404

P 4,930

- ditto -

15

Nov. 26, 1974

Deed of Sale in favor of Aurea Locsin

261

P 2,000

Delfina Anson

M. Acabado

16

Oct. 17, 1975

Deed of Sale in favor of Aurea Locsin

533

P 1,000

Leonor Satuito

Mariano B. Locsin

17

Nov. 26, 1975

Deed of Sale in favor of Aurea Locsin

373

P 3,000

- ditto -

19

Sept. 1, 1975

Conditional Donation in favor of Mariano Locsin

1,130

1-MVRJ

Dec. 29, 1972

Deed of Reconveyance in favor of Manuel V. del Rosario whose maternal grandfather was Getulio Locsin

1,510.66

(Lot 2155)

P 1,000

Delfina Anson

Antonio Illegible

2-MVRJ

June 30, 1973

Deed of Reconveyance in favor of Manuel V. del Rosario but the rentals from bigger portion of Lot 2155 leased to Filoil Refinery were assigned to Maria Jaucian Lorayes Cornelio

319.34

(Lot 2155)

P 500

Antonio Illegible

Salvador Nical

Of her own properties, Doña Catalina conveyed the following to her own nephews and nieces and others:

EXHIBIT

DATE

PARTICULARS

AREA/SQ. M.

PRICE

2-JJL

July 16, 1964

Deed of Sale in favor Vicente Jaucian

5,000

(lot 2020) (6,825 sqm. when resurveyed)

P 1,000

24

Feb. 12, 1973

Deed of Absolute Sale in favor of Francisco M. Maquiniana

100

P 1,000

26

July 15, 1973

Deed of Absolute Sale in favor of Francisco Maquiniana

130

P 1,300

27

May 3, 1973

Deed of Absolute Sale in favor of Ireneo Mamia

100

P 1,000

28

May 3, 1973

Deed of Absolute Sale in favor of Zenaida Buiza

75

P 750

29

May 3, 1973

Deed of Absolute Sale in favor of Felisa Morjella

150

P 1,500

30

Apr. 3, 1973

Deed of Absolute Sale in favor of Inocentes Motocinos

31

P 1,000

31

Feb. 12, 1973

Deed of Absolute Sale in favor of Casimiro Mondevil

150

P 1,500

32

Mar. 1, 1973

Deed of Absolute Sale in favor of Juan Saballa

112

P 1,000

25

Dec. 28, 1973

Deed of Absolute Sale in favor of Rogelio Marticio

250

P 2,500

Doña Catalina died on July 6, 1977.

Four years before her death, she had made a will on October 22, 1973 affirming and ratifying the transfers she had made during her lifetime in favor of her husband's and her own relatives. After the reading of her will, all the relatives agreed that there was no need to submit it to the court for probate because the properties devised to them under the will had already been conveyed to them by the deceased when she was still alive, except some legacies which the executor of her will or estate. Attorney Salvador Lorayes, proceeded to distribute.

In 1989, or six (6) years after Doña Catalina's demise, some of her Jaucian nephews and nieces who had already received their legacies and hereditary shares from her estate, filed action in the Regional Trial Court of Legaspi City (Branch VIII, Civil Case No. 7152) to recover the properties which she had conveyed to the Locsin during her lifetime, alleging that the conveyances were inofficious, without consideration, and intended solely to circumvent the laws on succession. Those who were closest to Doña Catalina did not join the action.

After the trial, judgment was rendered on July 8, 1985 in favor of the plaintiffs (Jaucian), and against the Locsin defendants, the dispositive part of which reads:

"WHEREFORE, this Court renders judgment for the plaintiffs and against the defendants:

"(1) declaring the plaintiffs, except the heirs of Josefina J. Borja and Eduardo Jaucian, who withdrew, the rightful heirs and entitled to the entire estate, in equal portions, of Catalina Jaucian Vda. de Locsin, being the nearest collateral heirs by right of representation of Juan and Gregorio, both surnamed Jaucian, and full-blood brothers of Catalina;

"(2) declaring the deeds of sale, donations, reconveyance and exchange and all other instruments conveying any part of the estate of Catalina J. Vda. de Locsin including, but not limited to those in the inventory of known properties (Annex B of the complaint) as null and void ab-initio;

"(3) ordering the Register of Deeds of Albay and/or Legazpi City to cancel all certificates of title and other transfers of the real properties, subject of this case, in the name of defendants, and derivatives therefrom, and issue new ones to the plaintiffs;

"(4) ordering the defendants, jointly and severally, to reconvey ownership and possession of all such properties to the plaintiffs, together with all muniments of title properly endorsed and delivered, and all the fruits and incomes received by the defendants from the estate of Catalina, with legal interest from the filing of this action; and where reconveyance and delivery cannot be effected for reasons that might have intervened and prevent the same, defendants shall pay for the value of such properties, fruits and incomes received by them, also with legal interest from the filing of this case;

"(5) ordering each of the defendants to pay the plaintiffs the amount of P30,000.00 as exemplary damages; and the further sum of P20,000.00 each as moral damages; and

"(6) ordering the defendants to pay the plaintiffs attorney's fees and litigation expenses, in the amount of P30,000.00 without prejudice to any contract between plaintiffs and counsel.

"Costs against the defendants."[9]

The Locsins appealed to the Court of Appeals (CA--G.R. No. CV-11186) which rendered its now appealed judgment on March 14, 1989, affirming the trial court's decision.

The petition has merit and should be granted.

The trial court and the Court of Appeals erred in declaring the private respondents, nephews and nieces of Doña Catalina J. Vda. de Locsin, entitled to inherit the properties which she had already disposed of more than ten (10) years before her death. For those properties did not form part of her hereditary estate, i.e., "the property and

transmissible rights and obligations existing at the time of (the decedent's) death and those which have accrued thereto since the opening of the succession.”[10] The rights to a person's succession are transmitted from the moment of his death, and do not vest in his heirs until such time.[11] Property which Doña Catalina had transferred or conveyed to other persons during her lifetime no longer formed part of her estate at the time of her death to which her heirs may lay claim. Had she died intestate, only the property that remained in her estate at the time of her death devolved to her legal heirs; and even if those transfers were, one and all, treated as donations, the right arising under certain circumstances to impugn and compel the reduction or revocation of a decedent's gifts inter vivos does not inure to the respondents since neither they nor the donees are compulsory (or forced) heirs.[12]

There is thus no basis for assuming an intention on the part of Doña Catalina, in transferring the properties she had received from her late husband to his nephews and nieces, an intent to circumvent the law in violation of the private respondents' rights to her succession. Said respondents are not her compulsory heirs, and it is not pretended that she had any such, hence there were no legitimes that could conceivably be impaired by any transfer of her property during her lifetime. All that the respondents had was an expectancy that in nowise restricted her freedom to dispose of even her entire estate subject only to the limitation set forth in Art. 750, Civil Code which, even if it were breached, the respondents may not invoke:

"Art 750. The donation may comprehend all the present property of the donor, or part thereof, provided he reserves in full ownership or in usufruct, sufficient means for the support of himself, and of all relatives who, at the time of the acceptance of the donation, are by law entitled to be supported by the donor. Without such reservation, the donation shall be reduced on petition of any person affected. (634a)

The lower court capitalized on the fact that Doña Catalina was already 90 years old when she died on July 6, 1977. It insinuated that because of her advanced years she may have been imposed upon, or unduly influenced and morally pressured by her husband's nephews and nieces (the petitioners) to transfer to them the properties which she had inherited from Don Mariano's estate. The records do not support that conjecture.

For as early as 1957, or twenty-eight (28) years before her death, Doña Catalina had already begun transferring to her Locsin nephews and nieces the properties which, she received from Don Mariano. She sold a 962-sq.m. lot on January 26, 1957 to his nephew and namesake Mariano Locsin II.[13] On April 7, 1966, or 19 years before she passed away, she also sold a 43-hectare land to another Locsin nephew, Jose R. Locsin.[14] The next year, or on March 22, 1967, she sold a 5,000-sq. m. portion of Lot 2020 to Julian Locsin.[15]

On March 27, 1967, Lot 2020[16] was partitioned by and among Doña Catalina, Julian Locsin, Vicente Jaucian and Agapito Lorete.[17] At least Vicente Jaucian, among the other respondents in this case, is estopped from assailing the genuineness and due execution of the sale of portions of Lot 2020 to himself, Julian Locsin, and Agapito Lorete, and the partition agreement that he (Vicente) concluded with the other co-owners of Lot 2020.

Among Doña Catalina's last transactions before she died in 1977 were the sales of property which she made in favor of Aurea Locsin and Mariano Locsin in 1975.[18]

There is not the slightest suggestion in the record that Doña Catalina was mentally incompetent when she made those dispositions. Indeed, how can any such suggestion be made in light of the fact that even as she was transferring properties to the Locsins, she was also contemporaneously disposing of her other properties in favor of the Jaucians? She sold to her nephew, Vicente Jaucian, on July 16, 1964 (21 years before her death) one-half (or 5,000 sq. m.) of Lot 2020. Three years later, or on March 22, 1967, she sold another 5,000 sq. m. of the same lot to Julian Locsin.[19]

From 1972 to 1973 she made several other transfers of her properties to her relatives and other persons, namely:

Francisco Maquiniana, Ireneo Mamia, Zenaida Buiza, Feliza Morjella, Inocentes Motocinos, Casimiro Mondevil, Juan Saballa and Rogelio Marticio.[20] None of those transactions was impugned by the private respondents.

In 1975, or two years before her death, Doña Catalina sold some lots not only to Don Mariano's niece, Aurea Locsin, and his nephew, Mariano Locsin II,[21] but also to her niece, Mercedes Jaucian Arboleda.[22] If she was competent to make that conveyance to Mercedes, how can there be any doubt that she was equally competent to transfer her other pieces of property to Aurea and Mariano II?

The trial court's belief that Don Mariano Locsin bequeathed his entire estate to his wife, from a "consciousness of its real origin" which carries the implication that said estate consisted of properties which his wife had inherited from her parents, flies in the teeth of Doña Catalina's admission in her inventory of that estate, that "items 1 to 33 are the private properties of the deceased (Don Mariano) and forms (sic) part of his capital at the time of the marriage with the surviving spouse, while items 34 to 42 are conjugal properties, acquired during the marriage." She would have known better than anyone else whether the listing included any of her paraphernal property so it is safe to assume that none was in fact included. The inventory was signed by her under oath, and was approved by the probate court in Special Proceedings No. 138 of the Court of First Instance of Albay. It was prepared with the assistance of her own nephew and counsel, Atty. Salvador Lorayes, who surely would not have prepared a false inventory that would have been prejudicial to his aunt's interest and to his own, since he stood to inherit from her eventually.

This Court finds no reason to disbelieve Attorney Lorayes' testimony that before Don Mariano died, he and his wife (Doña Catalina), being childless, had agreed that their respective properties should eventually revert to their respective lineal relatives. As the trusted legal adviser of the spouses and a full-blood nephew of Doña Catalina, he would not have spun a tale out of thin air that would also prejudice his own interest.

Little significance, it seems, has been attached to the fact that among Doña Catalina's nephews and nieces, those closest to her: (a) her lawyer-nephew Attorney Salvador Lorayes; (b) her niece and companion Elena Jaucian; (c) her nieces Maria Olbes-Velasco and Maria Lorayes-Cornelio and their respective husbands, Fernando Velasco and Hostilio Cornelio, did not join the suit to annul and undo the dispositions of property which she made in favor of the Locsins, although it would have been to their advantage to do so. Their desistance persuasively demonstrates that Doña Catalina acted as a completely free agent when she made the conveyances in favor of the petitioners. In fact, considering their closeness to Dona Catalina it would have been well-nigh impossible for the petitioners to employ "fraud, undue pressure, and subtle manipulations" on her to make her sell or donate her properties to them. Doña Catalina's niece, Elena Jaucian, daughter of her brother, Eduardo Jaucian, lived with her in her house. Her nephew-in-law, Hostilio Cornelio, was the custodian of the titles of her properties. The sales and donations which she signed in favor of the petitioners were prepared by her trusted legal adviser and nephew, Attorney Salvador Lorayes. The (1) deed of donation dated November 29, 1974[23] in favor of Aurea Locsin, (2) another deed of donation dated February 4, 1975[24] in favor of Matilde Cordero, and (3) still another deed dated September 9, 1975[25] in favor of Salvador Lorayes, were all witnessed by Hostilio Cornelio (who is married to Doña Catalina's niece, Maria Lorayes) and Fernando Velasco who is married to another niece, Maria Olbes.[26] The sales which she made in favor of Aurea Locsin on July 15, 1974[27] were witnessed by Hostilio Cornelio and Elena Jaucian. Given those circumstances, said transactions could not have been anything but free and voluntary acts on her part.

Apart from the foregoing considerations, the trial court and the Court of Appeals erred in not dismissing this action for annulment and reconveyance on the ground of prescription. Commenced decades after the transactions had been consummated, and six (6) years after Doña Catalina's death, it prescribed four (4) years after the subject transactions were recorded in the Registry of Property,[28] whether considered an action based on fraud, or one to

redress an injury to the rights of the plaintiffs. The private respondents may not feign ignorance of said transactions because the registration of the deeds was constructive notice thereof to them and the whole world.[29]

WHEREFORE, the petition for review is granted. The decision dated March 14, 1989 of the Court of Appeals in CA-G.R. CV No. 11186 is REVERSED and SET ASIDE. The private respondents' complaint for annulment of contracts and reconveyance of properties in Civil Case No. 7152 of the Regional Trial Court, Branch VIII of Legazpi City, is DISMISSED, with costs against the private respondents, plaintiffs therein.

SO ORDERED.

Cruz, Griño-Aquino, and Medialdea, JJ., concur.

[1] Exhibit S.

[2] p. 3, Annex A, RTC Decision in Civil Case No. 7152.

[3] Exhibit A.

[4] p. 5, Ibid

[5] Exh. 20

[6] Exh. 20-A

[7] p. 4, Ibid

[8] p. 4, Ibid

[9] pp. 83-84, Rollo

[10] Art. 781, Civil Code; emphasis supplied

[11] Art. 777, Civil Code; Mijares vs. Nery, 3 Phil. 195; Uson v. Del Rosario, 92 Phil. 530; Edades vs. Edades, 99 Phil. 675

[12] Art. 752, in relation to Arts. 1061, et seq., Civil Code

[13] Exh. 23

[14] Exh. 1-JRL

[15] Exh. 1-JJL

[16] Exh. 3-JJL

[17] Exhs. 1-JJL and 2-JJL

[18] Exhs. 16, 17 and 19

[19] Exh. 1-JJL

[20] Exhs. 1-MVRJ, 2-MVRJ, 24-32.

[21] Exhs. 16, 17 & 19

[22] Exhs. S-9 and S-10

[23] Exh. 1

[24] Exh. 2

[25] Exh. 3

[26] pp. 35-38, Rollo

[27] Exhs. 4 to 7

[28] Art. 1146, Civil Code; Alarcon vs. Bidin, 120 SCRA 390; Esconde vs. Barlongay, 152 SCRA 613

[29] Heirs of Maria Marasigan vs. IAC, 152 SCRA 152; Board of Liquidators, et al. vs. Roxas, 179 SCRA 809 (1989)

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