

FELIX G. CRUZ, PETITIONER, VS. ROBIN CRUZ, OSIAS G. CRUZ, AND JOHN DOES, RESPONDENTS.*G.R. Nos. 269039-41, February 19, 2026*

Ponente: LOPEZ, J., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-269039-41/>**LOPEZ, J., J.:**

This Court resolves three consolidated Petitions for Review on Certiorari[1] under Rule 45 of the Rules of Court assailing the Decision[2] and Resolution[3] of the Court of Appeals (CA) in CA-G.R. SP No. 08618-MIN, CA-G.R. CV No. 04942-MIN, and CA-G.R. SP No. 09848-MIN, filed by Felix G. Cruz (Felix) against Robin Cruz (Robin), Osias G. Cruz (Osias), and John Does.

In CA-G.R. CV No. 04942-MIN, the CA affirmed the denial of Felix's appeal from the October 23, 2017[4] and the February 1, 2017[5] Orders in Civil Case No. 34,818-2012 for declaration of nullity of an extrajudicial partition and settlement of estate, cancellation of transfer certificates of title, reconveyance, injunction, damages, and attorney's fees, with prayer for the issuance of a Temporary Restraining Order (TRO).[6]

The February 1, 2017 Order dismissed Felix's Complaint against Osias based on his affirmative defenses and denied Felix's motion to admit the 3[rd] amended complaint and motion to strike from the records the defendants' opposition.[7] On the other hand, the October 23, 2017 Order denied Felix's motion for reconsideration and dismissed the case against Robin on the same grounds as those raised by Osias.[8]

Meanwhile, CA-G.R. SP No. 08618-MIN involved a Petition for Certiorari[9] under Rule 65 of the Rules of Court filed by Felix to assail the January 3, 2018 Order[10] denying his Notice of Appeal[11] in Civil Case No. 34,818-2012.[12]

Lastly, the third case, docketed as CA-G.R. SP No. 09848-MIN is a Petition for Certiorari with prayer for the issuance of TRO and/or Writ of Preliminary Injunction (WPI) in the same Civil Case No. 34,818-2012, after it was re-raffled to Branch 10, Regional Trial Court (RTC), Davao City (RTC-Branch 10) after the inhibition of Judge Jill Rose Jaugan-Lo (Judge Jaugan-Lo)[13] of Branch 14, RTC, Davao City (RTC-Branch 14). Through the Petition, Felix assailed the September 17, 2019 Order that denied his motion to set aside the order and suspend proceedings, and the February 7, 2020 Order denying his motion for reconsideration, both issued by Judge Retrina E. Fuentes (Judge Fuentes) of RTC-Branch 10.[14]

Facts

Luis (Luis) and Rosita Cruz (Rosita) have six children: Felix, Robin, Osias, Henry, Doris, and Judy.[15]

On December 11, 2004, Judy died[16] single and intestate, leaving two parcels of land situated in Davao City. The first parcel of land (first lot) has an area of 690 square meters, covered by Transfer Certificate of Title (TCT) No. T-265567, and the second parcel of land (second lot) has an area of 536 square meters, covered by TCT No. T-265123.[17]

On May 16, 2005, Rosita executed a Waiver of Rights[18] relinquishing her rights, interests, and participation

over the first and second lots in favor of Robin and Osias.[19]

This was similarly done by Luis[20] on May 31, 2005, when he executed a waiver over the same lots in favor of Robin and Osias.[21] On the same day Luis executed his waiver, Robin and Osias entered into an Extrajudicial Partition and Settlement of Estate[22] enabling them to distribute the first and second lots among themselves. Later, on July 19, 2005, new titles over the subject properties were issued to them and registered under their names.[23]

The first lot under TCT No. T-265567 was placed under Robin's name and replaced with TCT No. T-387176, while the second lot under TCT No. T-265123 was placed under Osias' name and replaced with TCT No. T-387177.[24]

On May 9, 2005, Doris executed a waiver of rights relinquishing her rights, interests, and participation over the first and second lots in favor of Robin and Osias as her co-heirs. This was also done by Felix and Henry on October 4, 2007 with the same terms. All waiver instruments were admittedly prepared by Felix as the lawyer of the family.[25]

Meanwhile, on July 13, 2009, Rosita died.[26]

On December 17, 2012, Felix filed a Complaint[27] seeking the declaration of nullity of the extrajudicial partition and settlement of estate executed by Robin and Osias, cancellation of the titles issued to them, and other reliefs.[28] Later, the January 21, 2013 Amended Complaint[29] was filed by Felix to state that his cause of action to institute the suit was based on his being an heir of Rosita. Felix contended that the subject properties received by Luis and Rosita from Judy's estate were invalidly transferred to Robin and Osias based on the waivers executed by their parents. Felix argues that Robin and Osias had no authority to execute the extrajudicial settlement and partition the first and second lots to themselves. He asserted that the subject properties remained part of Rosita's estate upon her death, which Felix is entitled to as Robin and Osias' co-heirs. As heir and co-owner of the first and second lots, Felix argued that the extrajudicial settlement should be voided under Article 1410 of the Civil Code which provides that an action or defense for the declaration of the inexistence of a contract does not prescribe.[30]

In his Answer,[31] Osias disputed Felix's cause of action and prayed for the dismissal of the Complaint based on the following affirmative defenses: (1) failure to state a cause of action; (2) failure to comply with Article 151 of the Family Code; (3) estoppel; and (4) laches.[32]

In his Answer,[33] Robin averred that Felix's cause of action was already barred by prescription as the four-year period to file an action to annul the extrajudicial partition and settlement of estate already lapsed. More, Felix is also barred by laches as it took him more than seven years to file the amended complaint from 2005.[34]

Felix then filed a Motion for Leave to File and to Admit Second Amended Complaint,[35] where he raised that he was unaware of the waivers over the first and second lots that Luis and Rosita executed in favor of Robin and Osias. As such, he also sought for them to be declared void.[36] However, the RTC denied the motion in an Order due to procedural defects. Felix filed a motion for reconsideration, which was also denied.[37]

Still, Felix filed another Motion for Leave to File Third Amended Complaint[38] in the same civil case on August 20, 2013, raising the same grounds and praying for the same reliefs as in the Second Amended Complaint.[39]

In the February 1, 2017 Order,[40] the RTC denied the Motion to Admit the Third Amended Complaint and dismissed the case against Osias based on his affirmative defenses,[41] specifically, due to Felix's failure to comply with a condition precedent, that he exerted earnest efforts towards a compromise before instituting the

Complaint against Robin and Osias:

WHEREFORE, in view of the foregoing, the Verified Motion for Partial Reconsideration filed by defendant Osias G. Cruz is hereby GRANTED. This case is dismissed as to defendant Osias G. Cruz based on the affirmative defenses raised by the latter.

The Motion to Admit the 3rd Amended Complaint filed by plaintiff is DENIED. Likewise, the Motion to Strike from the Records the Defendants' Opposition to Plaintiff's Motion for Leave to File Third Amended Complaint is DENIED.

SO ORDERED.[42]

Although Felix submitted copies of the minutes of confrontation before the Lupong Tagapamayapa on August 23, 2010 and September 6, 2010 between the parties, the RTC found that what transpired was not connected to the present case but was, rather, in relation to an unlawful detainer case previously filed by Robin against Felix.[43]

Further, the RTC held that Felix was estopped from further questioning Osias' proprietary rights over the subject lots as he executed a waiver over it after Robin and Osias executed their extrajudicial settlement over the lots. The RTC emphasized that Felix failed to take immediate action after Osias registered the lots, which it deemed a notice to the whole world. Due to this, the RTC pronounced that Felix was barred by prescription and laches.[44]

Felix then filed a Motion for Reconsideration[45] against the RTC Order but this was denied by the RTC in another Order[46] for being filed out of time.[47] The RTC likewise held that the dismissal of the Complaint with respect to Osias was final and executory due to Felix's failure to interpose a motion for reconsideration or an appeal under the law.[48] More, the RTC found that the verdict contained in the February 1, 2017 Order applies to Robin as he had virtually the same defenses as Osias. The RTC then set the hearing for Robin and Osias' counterclaims.[49]

Subsequently, Felix filed a Notice of Appeal[50] assailing the dismissal of the Complaint against both Robin and Osias. With respect to Osias,[51] this was denied by the RTC emphasizing that its February 1, 2017 Order was final and executory considering that Felix failed to file a motion for reconsideration or an appeal within the reglementary period.[52] However, the RTC ruled that said Notice of Appeal was filed within the reglementary period with respect to Robin, and thus, this was given due course.[53] Hence, Felix's appeal against Robin was docketed as CA-G.R. CV No. 04942-MIN.

This also led Felix to file a Petition for Certiorari, docketed as CA-G.R. SP No. 08618-MIN against public respondent Judge Jaugan-Lo of RTC-Branch 14 for issuing the Order denying his notice of appeal against Osias in Civil Case No. 34,818-2012.[54]

Meanwhile, the RTC conducted a hearing on Osias' compulsory counterclaim which sought the payment of moral and exemplary damages in the amounts of PHP 1,000,000.00 and PHP 500,000.00 respectively, as well as the payment of attorney's fees, miscellaneous expenses incurred from the case, and double the costs of the suit.[55] Felix then filed a motion to inhibit against public respondent, Judge Jaugan-Lo, which was granted. Consequently, the case was transferred to Judge Fuentes of RTC-Branch 10, Davao City to hear Osias' counterclaim.[56]

Felix then filed a motion to set aside order and suspend proceedings praying that Osias be prohibited from presenting evidence in view of the pendency of the cases in CA-G.R. CV No. 04942-MIN and the CA-G.R. SP No. 08618-MIN.[57]

In its Order, the RTC denied Felix's motion. Felix filed a motion for reconsideration, which was also denied by the RTC.[58]

Aggrieved, Felix filed a Petition for Certiorari with prayer for the issuance of a TRO and/or WPI and docketed as CA-G.R. SP No. 09848-MIN assailing the propriety of the September 17, 2019 and February 7, 2020 Orders against the continuation of the trial in Civil Case No. 34,818-2012.[59]

The CA consolidated the three Petitions and disposed as follows:

WHEREFORE, premises considered, the appeal in CA-G.R. CV No. 04942-MIN is DENIED, with respect to the dismissal of Civil Case No. 34,818-2012 against Robin G. Cruz, in the Order dated 23 October 2017 of the Regional Trial Court, 11[th] Judicial Region, Branch 14, Davao City, and such dismissal is AFFIRMED.

The Petitions for Certiorari under Rule 65 of the Rules of Court, as amended, in CA G.R. SP No. 08618-MIN and CA G.R. SP No. 09848-MIN are both DENIED for lack of merit.[60] (Emphasis in the original)

In CA-G.R. CV No. 04942-MIN, the CA dismissed Felix's appeal against RTC-Branch 14's Order for being filed out of time. It also upheld the RTC's ruling and found no error in its dismissal of his Complaint due to Felix's failure to comply with the provisions of Article 151 of the Family Code as regards the requirement of earnest efforts to compromise.[61] During the proceedings, Felix tried to convince the CA that he complied with this condition by submitting a copy of the minutes of confrontation before the Office of the Lupong Tagapamayapa dated August 23, 2010 and September 6, 2010. Yet, the same minutes showed that the parties who attended the barangay conciliation were only Robin and Felix and that it involved an unlawful detainer case filed by Robin against Felix.[62]

In CA-G.R. SP No. 08618-MIN, the CA dismissed Felix's Petition for Certiorari as his motion for reconsideration was filed out of time. It clarified that when Judy passed away leaving behind no heirs, by way of intestate succession, her rights and interests over the first and second lots were transferred to her parents, Luis and Rosita, by way of intestate succession. Yet, when they executed their waiver of rights to Robin and Osias over the first and second lots, the CA deemed the same as a donation inter vivos.[63]

Though Robin and Osias did not expressly show their acceptance of the donation, the CA found that they executed the extrajudicial settlement of estate on the very same day Luis made his waiver. After, Robin and Osias were able to apply for the registration and transfer of the properties under their names. Based on these circumstances, the CA deemed this substantial compliance with the rules on donations inter vivos and indicative of their acceptance.[64]

The CA also highlighted that the waivers of Felix and his other siblings over the first and second lots, which they believed formed part of Rosita's estate after her death, were ineffectual as they had no existing right over these lots considering that it was Luis and Rosita who succeeded to Judy's estate.[65] More, Felix was estopped from impugning the validity of the waivers of rights which he prepared.[66]

Further, the CA found no grave abuse of discretion on the part of public respondent Judge Jaugan-Lo of RTC-Branch 14 in denying Felix's motion for reconsideration and Notice of Appeal as both were filed beyond the reglementary period and that the February 1, 2017 Order had long attained finality.[67]

Lastly, in CA-G.R. SP No. 09848-MIN, the CA held that the RTC did not err when it proceeded to hear Osias' compulsory counterclaim as it was not dependent on the outcome of the certiorari case. More, there was no basis to show that the issue on the propriety of the Order denying Felix's Notice of Appeal would be rendered moot and academic by its continuation of the hearing of the compulsory counterclaim.[68] Therefore, there was no grave abuse of discretion in issuing the September 17, 2019 and February 7, 2020 Orders.[69]

Felix moved for reconsideration[70] which was denied by the CA in a Resolution.[71]

Hence, these consolidated Petitions.

In his Petitions, Felix raises that it was erroneous for the RTC to have dismissed his claim.

Felix argues that the waivers executed by Rosita and Luis in favor of Robin and Osias were void as these were executed renouncing their right to inherit from Judy but were not valid conveyances of ownership over the subject properties.[72] As such, Felix points out that the extrajudicial partition and settlement of estate by Robin and Osias cannot be construed as an acceptance of their supposed inheritance as they cannot inherit what they are not entitled to. Thus, it did not vest any right and title in their favor.[73]

More, Felix contends that even if the waivers are treated as a donation, the requisites for the donation of an immovable property were not met and the element of animus donandi was not established. For Felix, the waivers merely renounced Robin and Osias' right, interest, and participation over the two parcels of land.[74] However, there was no indication as to the cause of their renunciation and therefore, it cannot be said that they intended to donate it.[75] There was also no acceptance by Robin and Osias of the subject properties.[76] In effect, the properties remained part of Rosita's estate after her death, to which they may inherit as heirs.

Meanwhile, in their Comments, both Robin[77] and Osias[78] maintain that the CA was correct in upholding the validity of the transfer of ownership and title over the subject properties in their favor through the waivers executed by their parents. They argue that the subject properties never formed part of Rosita's estate at the time Felix filed his Amended Complaint and therefore, he is not a real party-in-interest.[79]

Robin and Osias also contend that Felix is estopped from assailing the validity of the extrajudicial partition and settlement of estate in view of the waiver he executed with their other siblings over the subject properties, Doris and Henry.[80] Further, Robin and Osias emphasize that laches is applicable as regards their ownership over the properties, having been settled as early as July 19, 2005 through the transfer of the titles under their names.[81]

More, Robin and Osias both raised that the CA did not err in affirming the RTC's denial of Felix's appeal due to the finality of the February 1, 2017 Order that dismissed Felix's complaint, and in the RTC's Decision to proceed and hear Osias' compulsory counterclaim, as its resolution is not dependent on the outcome of the main case.[82]

Issues

First, whether the CA erred in affirming the RTC's denial of Felix's appeal on the ground that the RTC's February 1, 2017 Order had already attained finality;

Second, whether Felix is estopped from impugning the validity of the extrajudicial settlement on the ground of prescription and laches;

Third, whether the waiver of rights executed by Luis and Rosita effectively transferred ownership of the subject lots in favor of Robin and Osias;

Fourth, if in the affirmative, whether the subsequent execution of the Extrajudicial Settlement and Partition by Robin and Osias was valid; and,

Fifth, whether the CA erred in upholding the RTC's September 17, 2019 Order which set aside petitioner's motion to set aside order and suspend proceedings and the February 7, 2020 Order which denied his motion for reconsideration and allowed for the hearing of Osias' compulsory counterclaim in Civil Case No. 34,818-2012.

This Court's Ruling

We deny the consolidated Petitions.

Foremost, the consolidated Petitions question the CA's appreciation of facts and assessment of the evidence

presented by the parties. Settled is the rule that petitions under Rule 45 are limited to the review of errors of law and this Court is not obliged to review all over again the evidence which the parties adduced in the court a quo. Indeed, this rule admits of certain exceptions. However, none are present here.

The first and second issues will be discussed jointly.

At the forefront, the failure of Felix to file a timely motion for reconsideration clothes the RTC Order with finality.

It is well-established that a judgment or final order of the RTC is deemed final and executory when no motion for reconsideration or appeal is taken within 15 days from receipt of the questioned ruling.[83] Given that Felix was unable to timely file a motion for reconsideration, the February 1, 2017 Order of the RTC already attained finality and the dismissal of the initial complaint in Civil Case No. 34,818-2012 became final and executory. As the CA found, Felix failed to adduce proof that he adequately moved for reconsideration of the said order, thus:

Records disclosed that the February 01, 2017 Order has already attained finality on account of Felix's failure to file a motion for reconsideration or appeal within the prescribed period. Contrary to Felix's claim, there is no evidence showing that the Verified Motion for Reconsideration on the February 01, 2017 Order was indeed filed on March 08, 2017. The registry receipts bearing RD 652 776 856 ZZ and RD 652 776 860 ZZ that indicate March 08, 2017 as the date of posting pertain only to the date of mailing of the said Motion to the counsels of Osias and Robin, respectively. Neither is the Certification from the Davao City Central Post Office certifying that said office was closed on March 16, 2017 sufficient proof to establish that the Motion for Reconsideration was filed on March 08, 2017. Hence, in the absence of proof to the contrary, the Court is of the opinion that the February 01, 2017 Order was already final and executory at the time Felix submitted the Verified Motion for Reconsideration, and the consequent denial of due course to the Notice of Appeal is proper.[84]

As the CA found, the registry receipts only establish the date of mailing to the opposing counsel and not filing with the court. Also, the post office certification, by itself, does not establish timely filing. Absent competent proof of timely filing, the RTC Order is deemed final. This factual determination binds this Court.

More, Felix instituted the nullity complaint more than seven years after the execution of the Extrajudicial Settlement and Partition, well beyond the two-year period contemplated under Rule 74, Section 4[85] of the Rules of Court.

Even setting aside these procedural issues, We find that there was sufficient proof to establish that Luis and Rosita donated the lots to Robin and Osias.

On the third issue, it is undisputed that Judy, the owner of the subject properties formerly under TCT No. T-265567 and TCT No. T-265123, died unmarried and thus, the rule on intestacy applies. Upon her death and by operation of law, Judy's parents, Luis and Rosita, succeeded to her estate as her legal and secondary compulsory heirs.[86] Under the Civil Code, the title or rights to a deceased person's property are immediately passed to his or her heirs upon death and the heirs' rights become vested without need for them to be declared "heirs." [87]

It is beyond cavil that the owner of property has the right to dispose of a thing without limitations other than those established by law.[88] Here, Luis and Rosita already succeeded to the estate of Judy, by operation of law, when they executed the waivers as owners of the subject properties. It is without doubt that they had the right and capacity to dispose the same.

Petitioner contests the validity of the waivers executed by Luis and Rosita over the subject properties in favor of Robin and Osias in that they did not validly transfer ownership and cannot be considered donations, in turn,

voiding the extrajudicial settlement executed by Robin and Osias for being executed without authority.

We disagree.

Under the Civil Code, in order for a donation of an immovable property to be valid, the following elements must be present: (a) the essential reduction of the patrimony of the donor; (b) the increase in the patrimony of the donee; (c) the intent to do an act of liberality or animus donandi; (d) the donation must be contained in a public document; and (e) that the acceptance thereof be made in the same deed or in a separate public instrument; if acceptance is made in a separate instrument, the donor must be notified thereof in an authentic form, to be noted in both instruments.[89]

Though the documents executed by Luis and Rosita were denominated as "Waivers of Rights" or waivers of inheritance rights, this Court finds that what they executed were donations inter vivos. A reading of the waiver shows their intent to donate the property in favor of Robin and Osias, thus:

[T]hat I am the heir of the late Judy G. Cruz, who died last December 11, 2004, in Davao City, Philippines, without any will;

That the decedent left two (2) parcels of land, covered by Transfer Certificate of Title Nos. T-265123 and T-265567 issued by the Registry of Deeds for Davao City;

That I have no interest whatsoever to inherit any portion of said lands; hence, I hereby renounce, relinquish, and abandon forever whatever right, interest and participation over said two (2) parcels of land and its improvement thereon in favor of my sons, Robin G. Cruz and Osias G. Cruz, who are likewise heirs to inherit the belongings of the decedent.

That I allow the transfer of ownership over said two (2) parcels of land and its improvements thereon in favor of my said sons and authorize the Register of Deeds of Davao City to effect the transfer to them.[90] (Emphasis supplied)

The CA correctly found that these requisites were sufficiently complied with.

The donations were made during the lifetime of Luis and Rosita, resulting in the reduction of their properties as donors and an increase in the patrimonies of Robin and Osias as donees. The wording of the waivers reveal that Luis and Rosita acknowledged their being heirs to Judy and that they freely and voluntarily relinquished and waived their rights and interests over the subject properties in favor of Robin and Osias without consideration. Luis and Rosita also expressly authorized the transfer to their sons of the ownership over the properties, as well as its improvements and registration. These waivers were also contained in a public document, having been acknowledged before a notary public.

Verily, the language and tenor of the instruments evince that Luis and Rosita executed the waivers with the intention of donating the subject properties to Robin and Osias. After, Robin and Osias executed a notarized Extrajudicial Settlement and Partition over the same properties and proceeded to register the properties and secure new titles in their names which are acts consistent with acceptance embodied in a public instrument. The CA further found that such acceptance was made known to the donors, Luis and Rosita, who were the very parties who executed the notarized waivers expressly authorizing the transfer.

This Court finds no reason to disturb these factual findings.

It is worthy to note that Felix and respondents' other siblings, Henry and Doris, admitted to executing their respective waivers over their interests to the subject properties. However, as the subject properties were already donated by Luis and Rosita, Felix, Henry, and Doris' subsequent execution of waivers reflects their intention to

relinquish any interest over the subject properties, including the pursuit of any right or claim in connection with the properties.

More, Felix is estopped from impugning Robin and Osias' valid titles over the subject properties given the fact that he admitted that he prepared the instruments for himself and his siblings, Doris and Henry. He cannot disclaim the instrument's true import by characterizing it as a donation of future inheritance. The waivers, in substance, amounted to a donation of properties already acquired by Luis and Rosita from Judy.

For the above reasons, Felix failed to establish a right superior to that of respondents over the subject properties.

Finally, this Court finds no reversible error on the CA's pronouncement that the RTC properly proceeded to hear Osias' compulsory counterclaim in CA-G.R. SP No. 09848-MIN.

A compulsory counterclaim arises out of the same transaction constituting the subject matter of the opposing party's claim. With the dismissal of the main complaint having attained finality, the RTC properly proceeded to hear Osias' counterclaim.

Here, Osias' counterclaim is not dependent on the survival of the main Complaint for the declaration of nullity of the extrajudicial settlement and partition, since it can stand for independent adjudication by the court. Again, this sought the payment of damages, attorney's fees, and costs arising from the filing of the action and may be adjudicated based on evidence independent of the merits of Felix's complaint.

The pendency of the CA proceedings invoked by Felix does not, by itself, warrant suspension, especially absent a clear showing that continuation would render the issues before the higher court moot.

In view of the foregoing, this Court finds no reason to overturn the assailed decision and resolution.

ACCORDINGLY, the consolidated Petitions are DENIED. The April 16, 2021 Decision and July 26, 2023 Resolution of the Court of Appeals in CA-G.R. SP No. 08618-MIN, CA-G.R. CV No. 04942-MIN, and CA-G.R. SP No. 09848-MIN are AFFIRMED.

The Complaint filed by Felix G. Cruz in Civil Case No. 34,818-2012 for declaration of nullity of an extrajudicial partition and settlement of estate, cancellation of transfer certificates of title, reconveyance, injunction, damages, and attorney's fees, with prayer for the issuance of a Temporary Restraining Order is DISMISSED.

SO ORDERED.

Leonen, SAJ. (Chairperson), Lazaro-Javier, Kho, Jr., and Villanueva, JJ., concur.

[1] Rollo, pp. 14-148.

[2] Id. at 151-170. The April 16, 2021 Decision in CA-G.R. SP No. 08618-MIN, CA-G.R. CV No. 04942-MIN, and CA-G.R. SP No. 09848-MIN was penned by Associate Justice Lily V. Biton and concurred in by Associate Justices Oscar V. Badelles and Anisah B. Amanodin-Umpa of the Twenty-Third Division, Court of Appeals, Cagayan de Oro City.

[3] Id. at 173-176. The July 26, 2023 Resolution in CA-G.R. SP No. 08618-MIN, CA-G.R. CV No. 04942-MIN, and CA-G.R. SP No. 09848-MIN was penned by Associate Justice Lily V. Biton and concurred in by Associate Justices Oscar V. Badelles and Anisah B. Amanodin-Umpa of the Former Twenty-Third Division, Court of Appeals, Cagayan de Oro City.

- [4] Id. at 456-457.
- [5] Id. at 431-436.
- [6] Id. at 152-153.
- [7] Id. at 436.
- [8] Id. at 457.
- [9] Id. at 728-776. Dated June 4, 2020.
- [10] Id. at 461-462.
- [11] Id. at 458-459.
- [12] Id. at 153.
- [13] Now an Associate Justice of the Court of Appeals.
- [14] Rollo, p. 153.
- [15] Id.
- [16] Id. at 256-260.
- [17] Id. at 17.
- [18] Id. at 262.
- [19] Id. at 154.
- [20] Id. at 268.
- [21] Id. at 154.
- [22] Id. at 264-266.
- [23] Id. at 154.
- [24] Id.
- [25] Id. at 154-155.
- [26] Id.
- [27] Id. at 155.
- [28] Id.
- [29] Id. at 294-320.
- [30] Id. at 275.
- [31] Id. at 375-391.
- [32] Id. at 155.
- [33] Id. at 400-410.
- [34] Id. at 155.

- [35] Id. at 321-348.
- [36] Id. at 156.
- [37] Id.
- [38] Id. at 349-374.
- [39] Id. at 156.
- [40] Id. at 431-436.
- [41] Id. at 392-399.
- [42] Id. at 436.
- [43] Id. at 156.
- [44] Id.
- [45] Id. at 437-453.
- [46] Id. at 456-457. Dated October 23, 2017.
- [47] Id. at 157.
- [48] Id. at 456.
- [49] Id. at 157.
- [50] Id. at 458.
- [51] Id. at 797.
- [52] Id. at 157.
- [53] Id.
- [54] Id. at 157.
- [55] Id. at 390.
- [56] Id. at 157.
- [57] Id.
- [58] Id. at 158. Dated February 7, 2020.
- [59] Id.
- [60] Id. at 169.
- [61] Id. at 161.
- [62] Id.
- [63] Id. at 162-163.
- [64] Id. at 164.
- [65] Id.

[66] Id.

[67] Id. at 166.

[68] Id. at 169.

[69] Id.

[70] Id. at 178-249.

[71] Id. at 174-176.

[72] Id. at 42.

[73] Id.

[74] Id. at 44.

[75] Id. at 45.

[76] Id.

[77] Id. at 1042-1053.

[78] Id. at 1139-1173.

[79] Id. at 1047.

[80] Id. at 1048.

[81] Id.

[82] Id. at 1050.

[83] RULES OF COURT, Rule 37, sec. 1.

[84] Rollo, pp. 166-167.

[85] RULES OF COURT. Rule 74, sec. 4. Liability of distributees and estate. — If it shall appear at any time within two (2) years after the settlement and distribution of an estate in accordance with the provisions of either of the first two sections of this rule, that an heir or other person has been unduly deprived of his lawful participation in the estate, such heir or such other person may compel the settlement of the estate in the courts in the manner hereinafter provided for the purpose of satisfying such lawful participation. And if within the same time of two (2) years, it shall appear that there are debts outstanding against the estate which have not been paid, or that an heir or other person has been unduly deprived of his lawful participation payable in money, the court having jurisdiction of the estate may, by order for that purpose, after hearing, settle the amount of such debts or lawful participation and order how much and in what manner each distributee shall contribute in the payment thereof, and may issue execution, if circumstances require, against the bond provided in the preceding section or against the real estate belonging to the deceased, or both. Such bond and such real estate shall remain charged with a liability to creditors, heirs, or other persons for the full period of two (2) years after such distribution, notwithstanding any transfers of real estate that may have been made.

[86] CIVIL CODE, art. 887.

[87] *Heirs of Gregorio Lopez v. Development Bank of the Philippines*, 747 Phil. 427, 437 (2014) [Per J. Leonen, Second Division], citing *Bonilla, et al. v. Barcena, et al.*, 163 Phil. 516, 520 (1976) [Per J. Martin, First Division].

[88] CIVIL CODE, art. 428.

[89] CIVIL CODE, art. 749; Heirs of Florencio v. Heirs of De Leon, 469 Phil. 459, 474 (2004) [Per J. Callejo, Sr., Second Division].

[90] Rollo, pp. 262 and 268.

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