

EIGHTH DIVISION

[CA-G.R. CV No. 100044, February 06, 2015]

**ALBERTO LUCAS, SR., PETER LUCAS, MARINA LUCAS-NAGUN,
VIOLETA LUCAS-LARA CRUZ, AND AMPARO LUCAS-TAPAOAN,
PLAINTIFFS-APPELLEE, VS. HEIRS OF DOMINGO LUCAS, DULY
REPRESENTED BY FLORA PISO-LUCAS, LOLY LUCAS-PISO,
FERDINAND LUCAS, DAISY LUCAS, NORADEL LUCAS, AND
MATILDA LUCAS, DEFENDANTS-APPELLANTS.**

D E C I S I O N

ANTONIO-VALENZUELA, J.:

This is the appeal from the Decision dated 24 April 2012 ("assailed Decision")^[1] rendered by the Regional Trial Court, Branch 45, Urdaneta City, Pangasinan ("RTC"), in Civil Case No. U-8230.

THE FACTS

The facts are as follows: Alberto Lucas Sr., Peter Lucas, Marina Lucas-Nagun, Violeta Lucas-Lara Cruz, and Amparo Lucas-Tapaoan (collectively, "plaintiffs-appellees") filed the Complaint^[2] for judicial partition against the Heirs of Domingo Lucas represented by Flora Piso-Lucas, Loly Lucas-Piso, Ferdinand Lucas, Daisy Lucas, Noradel Lucas, and Matilda Lucas (collectively, "defendants-appellants").

The Complaint alleged: Eugenio Lucas (father of the plaintiffs-appellees and Domingo Lucas) died a widower, intestate, and without obligation in favor of any person or entity, and left the 3,774 square meter parcel of land situated in Barrio Domanpot, Asingan, Pangasinan, covered by Transfer Certificate of Title ("TCT") No. T-1439 ("subject property"); after the death of their father, the plaintiffs-appellees decided to end their co-ownership over the subject property, and to partition the subject property equally among the heirs of Eugenio Lucas; the defendants-appellants refused to partition the subject property, claimed that they were the tenants, and insisted on working on the subject property; the plaintiffs-appellees took earnest efforts to settle the matter with the defendants-appellants, and brought the matter before the Sangguniang Barangay, Domanpot, Asingan, Pangasinan, but the parties did not reach a settlement; the plaintiffs-appellees were compelled to engage the services of counsel, and agreed to pay Php20,000.00 (acceptance fee), and Php2,000.00 for every scheduled hearing (appearance fee), and would incur litigation expenses because of the defendants-appellants' unjustified refusal to terminate their co-ownership and to partition the subject property in accordance with their corresponding shares.

The Complaint prayed that the RTC render judgment: 1) ordering the termination of the co-ownership of the parties over the subject property, and the subdivision and partition of the subject property among the children/heirs of the late Eugenio Lucas

with 1/6 portion to each of the plaintiffs-appellees, and 1/6 portion to the defendants-appellants (as heirs of Domingo Lucas); 2) ordering the defendants-appellants to pay the plaintiffs-appellees Php20,000.00 (acceptance fee), Php2,000.00 per scheduled hearing (appearance fee), and not less than Php20,000.00 (litigation expenses); and 3) ordering the defendants-appellants to pay the costs and expenses of the proceedings.

In the Answer and Motion to Dismiss,^[3] the defendants-appellants prayed that the RTC dismiss the Complaint, and alleged: Eugenio Lucas became a citizen of, permanently resided in, and died in, the United States of America ("U.S."), and did not have the chance to possess or cultivate the subject property; Domingo Lucas (father and husband of the defendants-appellants) was the actual tenant of the subject property, and the defendants-appellants acquired Domingo Lucas' tenancy and cultivation of the subject property; the subject property was an agricultural land, and was devoted to rice production; the Department of Agrarian Reform ("DAR") committed a mistake in awarding the property to Eugenio Lucas because Eugenio Lucas was permanently living in the U.S., and the DAR should have awarded the subject property to Domingo Lucas who was in actual possession of the subject property; the defendants-appellants were not able to oppose or correct the erroneous registration of the subject property because of their poor financial status; the defendants-appellants paid the real property tax on the subject property.

Trial on the merits proceeded.

The plaintiffs-appellees presented the following persons as witnesses: plaintiff-appellee Alberto Lucas Sr.; plaintiff-appellee Violeta Lucas-Lara Cruz.

The plaintiffs-appellees' evidence is summarized thus: Eugenio Lucas was the registered owner of the subject property;^[4] in 2003, Eugenio Lucas died and was survived by his six children (namely, plaintiff-appellee Alberto Lucas Sr., Peter Lucas, Marina Lucas-Nagun, Violeta Lucas-Lara Cruz, Amparo Lucas-Tapaoan, and Domingo Lucas); in 1994 Domingo Lucas died, and was survived by the defendants-appellants (namely, Domingo Lucas' wife defendant-appellant Flora Piso-Lucas, and Domingo Lucas' four children [defendant-appellant Loly Lucas, defendant-appellant Matilda Lucas, defendant-appellant Ferdinand Lucas, and defendant-appellant Daisy Lucas]); the plaintiffs-appellees went to the office of the Sangguniang Barangay in Domanpot because they wanted to partition the subject property among the heirs of Eugenio Lucas, but the defendants-appellants did not agree, thus the Sangguniang Barangay of Domanpot issued the Certification to File Action;^[5] the plaintiffs-appellees were constrained to secure the services of counsel, whom they agreed to pay Php20,000.00 (acceptance fee) and Php2,000.00 for every attended hearing (appearance fee), and incurred Php20,000.00 in expenses for filing the Complaint; plaintiff-appellee Alberto Lucas Sr., and plaintiff-appellee Violeta Lucas-Lara Cruz, suffered sleepless nights because of the adamant refusal of the defendants-appellants to subdivide and partition the subject property among the heirs of Eugenio Lucas.

The defendants-appellants presented the following persons as witnesses: defendant-appellant Flora Piso Lucas (mother of the defendants-appellants); defendant-appellant Ferdinand Lucas; Clarita Jover (Municipal Agrarian Reform Officer ["MARO"], Asingan, Pangasinan).

The defendants-appellants' evidence is summarized thus: Eugenio Lucas cultivated the subject property (which was previously owned by Maria Altre) until 1983, when Eugenio Lucas left the Philippines to reside in Hawaii;^[6] after Eugenio Lucas left the Philippines in 1983, Eugenio Lucas' son, Domingo Lucas, cultivated the subject property, and Domingo Lucas became the tenant of the subject property during Domingo's lifetime; in 1993, the subject property was covered by the Comprehensive Agrarian Reform Program ("CARP") of the government, and the government required Domingo Lucas, as tenant-beneficiary, to pay the price of the subject property so that Domingo Lucas could become the owner of the subject property; Domingo Lucas and his wife, defendant-appellant Flora Piso-Lucas, went to the MARO, Asingan, Pangasinan, and paid Php10,000.00 (as partial payment) for the subject property,^[7] and TCT T-1439 was issued bearing the name of Eugenio Lucas;^[8] Domingo Lucas and his wife inquired with the MARO as to why the certificate of title was in the name of Eugenio Lucas (and not in the name of Domingo Lucas), but the MARO informed them that the subject property would belong to Domingo Lucas in the future because Eugenio Lucas was the father of Domingo Lucas; Domingo Lucas cultivated the subject property from 1983 until Domingo's death in 1994, and on instructions from Eugenio Lucas, Domingo Lucas gave Maria Altre, and Raul de Mesa a share in the harvest; after Domingo Lucas died, Ferdinand Lucas (son of Domingo Lucas) succeeded his father in cultivating the subject property, and Ferdinand Lucas gave plaintiff-appellee Alberto Lucas Sr. a share in the harvest;^[9] after TCT No. T-1439 was issued, the defendants-appellants stopped giving shares from the produce of the subject property to anyone, and paid the realty tax on the subject property;^[10] in 2000, Eugenio Lucas went back to the Philippines, and stayed in the country until his death in 2003; plaintiff-appellee Alberto Lucas Sr. did not cultivate the subject property; the defendants-appellants paid their first lawyer Php10,000.00, and also paid their second lawyer Php10,000.00, plus Php1,500.00 for every court appearance, and incurred litigation expenses estimated at Php40,000.00;^[11] the title of the subject property should be registered under the name of the defendants-appellants because they were the ones who had been in possession of, and had been cultivating, the subject property.

On 24 April 2012, the RTC issued the assailed Decision,^[12] which ruled in favor of plaintiffs-appellees. The dispositive portion of the assailed Decision read:

WHEREFORE, premises considered, judgment is hereby rendered:

1. Ordering the partition of the property covered by TCT No. T-1439 in six (6) equal parts with the heirs getting their shares as follows:

- a) Alberto Lucas, Sr. - one-sixth (1/6) portion;
- b) Peter Lucas - one-sixth (1/6) portion;
- c) Marina Lucas-Nagun - one-sixth (1/6) portion;
- d) Violeta Lucas-Lara Cruz - one-sixth (1/6) portion;
- e) Amparo Lucas-Tapaoan - one-sixth (1/6) portion;
- f) Heirs of Domingo Lucas - one-sixth (1/6) portion; and

2. Denying plaintiffs' claim for damages and attorney's fees.

No pronouncement as to costs.

SO ORDERED.

Aggrieved, defendants-appellants filed the Notice of Appeal.^[13]

In the Appellants' Brief,^[14] the defendants-appellants make the following assignment of errors:

ASSIGNMENT OF ERRORS

- 1. IN FAILING TO RULE THAT THE DAR/MARO COMMITTED AN ERRONEOUS ISSUANCE OF TRANSFER CERTIFICATE OF TITLE NO. T-1439 IN THE NAME OF EUGENIO LUCAS.**
- 2. IN FAILING TO RULE THAT EUGENIO LUCAS WAS NOT QUALIFIED AS TENANT BENEFICIARY OF THE SUBJECT LANDHOLDING.**
- 3. IN FAILING TO RULE THAT DOMINGO LUCAS WAS THE QUALIFIED BENEFICIARY OF THE SUBJECT LANDHOLDING.**
- 4. IN FINDING THAT THE PROPERTY COVERED BY TCT NO. 1439 WAS OWNED BY THE LATE EUGENIO LUCAS.**
- 5. IN ORDERING THE PARTITION OF THE SUBJECT LANDHOLDING AMONG THE HEIRS OF EUGENIO LUCAS.**

The issue is whether the RTC erred in ordering the partition of the subject property among the heirs of Eugenio Lucas.

APPELLANTS' BRIEF

The defendants-appellants answer in the affirmative. The RTC erred in ordering the partition of the subject property among the heirs of Eugenio Lucas.

The Appellants' Brief^[15] thrusts: Domingo Lucas was the qualified beneficiary of the subject property because he cultivated it from 1983 until his death in 1994; the MARO erred in awarding the subject property in favor of Eugenio Lucas because Eugenio Lucas was not qualified as tenant-beneficiary of the subject property; TCT No. T-1439 was erroneously registered in the name of Eugenio Lucas.

BRIEF FOR THE APPELLEES

The plaintiffs-appellees answer in the negative. The RTC did not err in ordering the partition of the subject property among the heirs of Eugenio Lucas.

The Brief for the Appellees^[16] parries: the registered owner of the subject property was Eugenio Lucas; the plaintiffs-appellees and defendants-appellants are the co-owners of the subject property, which they inherited from Eugenio Lucas, thus the the RTC correctly ruled that partition of the subject property was proper; the action for partition was not the proper venue to question the ownership of the registered