

FIRST DIVISION

[G.R. No. 176422, March 20, 2013]

MARIA MENDOZA, IN HER OWN CAPACITY AND AS ATTORNEY-IN-FACT OF DEOGRACIAS, MARCELA, DIONISIA, ADORACION, ALL SURNAMED MENDOZA, REMEDIOS MONTILLA, FELY BAUTISTA, JULIANA GUILALAS AND ELVIRA MENDOZA, PETITIONERS, VS. JULIA POLICARPIO DELOS SANTOS, SUBSTITUTED BY HER HEIRS, CARMEN P. DELOS SANTOS, ROSA BUENAVENTURA, ZENAIDA P. DELOS SANTOS VDA. DE MATEO, LEONILA P. DELOS SANTOS, ELVIRA P. DELOS SANTOS VDA. DE JOSE, TERESITA P. DELOS SANTOS-CABUHAT, MERCEDITA P. DELOS SANTOS, LYDIA P. DELOS SANTOS VDA. DE HILARIO, PERFECTO P. DELOS SANTOS, JR., AND CECILIA M. MENDOZA, RESPONDENTS.

D E C I S I O N

REYES, J.:

Reserva troncal is a special rule designed primarily to assure the return of a reservable property to the third degree relatives belonging to the line from which the property originally came, and avoid its being dissipated into and by the relatives of the inheriting ascendant.^[1]

The Facts

The properties subject in the instant case are three parcels of land located in Sta. Maria, Bulacan: (1) Lot 1681-B, with an area of 7,749 square meters;^[2] (2) Lot 1684, with an area of 5,667 sq m;^[3] and (3) Lot No. 1646-B, with an area of 880 sq m.^[4] Lot Nos. 1681-B and 1684 are presently in the name of respondent Julia Delos Santos^[5] (respondent). Lot No. 1646-B, on the other hand, is also in the name of respondent but co-owned by Victoria Pantaleon, who bought one-half of the property from petitioner Maria Mendoza and her siblings.

Petitioners are grandchildren of Placido Mendoza (Placido) and Dominga Mendoza (Dominga). Placido and Dominga had four children: Antonio, Exequiel, married to Leonor, Apolonio and Valentin. Petitioners Maria, Deogracias, Dionisia, Adoracion, Marcela and Ricardo are the children of Antonio. Petitioners Juliana, Fely, Mercedes, Elvira and Fortunato, on the other hand, are Valentin's children. Petitioners alleged that the properties were part of Placido and Dominga's properties that were subject of an oral partition and subsequently adjudicated to Exequiel. After Exequiel's death, it passed on to his spouse Leonor and only daughter, Gregoria. After Leonor's death, her share went to Gregoria. In 1992, Gregoria died intestate and without issue. They claimed that after Gregoria's death, respondent, who is Leonor's sister, adjudicated unto herself all these properties as the sole surviving

heir of Leonor and Gregoria. Hence, petitioners claim that the properties should have been reserved by respondent in their behalf and must now revert back to them, applying Article 891 of the Civil Code on *reserva troncal*.

Respondent, however, denies any obligation to reserve the properties as these did not originate from petitioners' familial line and were not originally owned by Placido and Dominga. According to respondent, the properties were bought by Exequiel and Antonio from a certain Alfonso Ramos in 1931. It appears, however, that it was only Exequiel who was in possession of the properties.^[6]

The Regional Trial Court (RTC) of Malolos, Bulacan, Branch 6, found merit in petitioners' claim and granted their action for Recovery of Possession by *Reserva Troncal*, Cancellation of TCT and Reconveyance. In its Decision dated November 4, 2002, the RTC disposed as follows:

WHEREFORE, premised from the foregoing judgment [is] hereby rendered:

1. Ordering [respondents] (heirs of Julia Policarpio) to reconvey the three (3) parcels of land subject of this action in the name of the plaintiffs enumerated in the complaint including intervenor Maria Cecilia M. Mendoza except one-half of the property described in the old title[,] TCT No. T-124852(M) which belongs to Victorina Pantaleon;
2. Ordering the Register of Deeds of Bulacan to cancel the titles in the name of Julia Policarpio[,] TCT No. T-149033(M), T-183631(M) and T-149035(M) and reconvey the same to the enumerated plaintiffs; [and]
3. No pronouncement as to claims for attorney's fees and damages and costs.

SO ORDERED.^[7]

On appeal, the Court of Appeals (CA) reversed and set aside the RTC decision and dismissed the complaint filed by petitioners. The dispositive portion of the CA Decision dated November 16, 2006 provides:

WHEREFORE, premises considered, the November 4, 2002 *Decision* of the Regional Trial Court, Br. 6, Third Judicial Region, Malolos, Bulacan, is **REVERSED** and **SET ASIDE**. The Third Amended Complaint in Civil Case No. 609-M-92 is hereby **DISMISSED**. Costs against the Plaintiffs-Appellants.

SO ORDERED.^[8]

Petitioners filed a motion for reconsideration but the CA denied the same per Resolution^[9] dated January 17, 2007.

In dismissing the complaint, the CA ruled that petitioners failed to establish that

Placido and Dominga owned the properties in dispute.^[10] The CA also ruled that even assuming that Placido and Dominga previously owned the properties, it still cannot be subject to *reserva troncal* as neither Exequiel predeceased Placido and Dominga nor did Gregoria predecease Exequiel.^[11]

Now before the Court, petitioners argue that:

A.

THE HONORABLE [CA] GRIEVOUSLY ERRED IN HOLDING THAT THE SUBJECT PROPERTIES ARE NOT RESERVABLE PROPERTIES, COMING AS THEY DO FROM THE FAMILY LINE OF THE PETITIONERS MENDOZAS.

B.

THE HONORABLE [CA] GRIEVOUSLY ERRED IN HOLDING THAT THE PETITIONERS MENDOZAS DO NOT HAVE A RIGHT TO THE SUBJECT PROPERTIES BY VIRTUE OF THE LAW ON *RESERVA TRONCAL*.^[12]

Petitioners take exception to the ruling of the CA, contending that it is sufficient that the properties came from the paternal line of Gregoria for it to be subject to *reserva troncal*. They also claim the properties in representation of their own predecessors, Antonio and Valentin, who were the brothers of Exequiel.^[13]

Ruling of the Court

This petition is one for review on *certiorari* under Rule 45 of the Rules of Court. The general rule in this regard is that it should raise only questions of law. There are, however, admitted exceptions to this rule, one of which is when the CA's findings are contrary to those of the trial court.^[14] This being the case in the petition at hand, the Court must now look into the differing findings and conclusion of the RTC and the CA on the two issues that arise – *one*, whether the properties in dispute are reservable properties and *two*, whether petitioners are entitled to a reservation of these properties.

Article 891 of the Civil Code on *reserva troncal*

The principle of *reserva troncal* is provided in Article 891 of the Civil Code:

Art. 891. The ascendant who inherits from his descendant any property which the latter may have acquired by gratuitous title from another ascendant, or a brother or sister, is obliged to reserve such property as he may have acquired by operation of law **for the benefit of relatives who are within the third degree and belong to the line from which said property came.** (Emphasis ours)

There are three (3) lines of transmission in *reserva troncal*. The **first transmission**

is by gratuitous title, whether by inheritance or donation, from an ascendant/brother/sister to a descendant called the *prepositus*. The **second transmission** is by operation of law from the *prepositus* to the other ascendant or reservor, also called the *reservista*. The **third and last transmission** is from the *reservista* to the reservees or *reservatarios* who must be relatives within the third degree from which the property came.^[15]

The lineal character of the reservable property is reckoned from the ascendant from whom the *prepositus* received the property by gratuitous title

Based on the circumstances of the present case, Article 891 on *reserva troncal* is not applicable. ([please see image, Decision G.R. No. 176422, p. 5](#))

The fallacy in the CA's resolution is that it proceeded from the erroneous premise that Placido is the ascendant contemplated in Article 891 of the Civil Code. From thence, it sought to trace the origin of the subject properties back to Placido and Dominga, determine whether Exequiel predeceased Placido and whether Gregoria predeceased Exequiel.

The persons involved in *reserva troncal* are:

- (1) The ascendant or brother or sister from whom the property was received by the descendant by lucrative or gratuitous title;
- (2) The descendant or *prepositus* (*propositus*) who received the property;
- (3) The reservor (*reservista*), the other ascendant who obtained the property from the *prepositus* by operation of law; and
- (4) The reservee (*reservatario*) who is within the third degree from the *prepositus* and who belongs to the (*linea o tronco*) from which the property came and for whom the property should be reserved by the reservor.^[16]

It should be pointed out that the ownership of the properties should be reckoned only from Exequiel's as he is the ascendant from where the first transmission occurred, or from whom Gregoria inherited the properties in dispute. The law does not go farther than such ascendant/brother/sister in determining the lineal character of the property.^[17] It was also immaterial for the CA to determine whether Exequiel predeceased Placido and Dominga or whether Gregoria predeceased Exequiel. What is pertinent is that Exequiel owned the properties and he is the ascendant from whom the properties in dispute originally came. Gregoria, on the other hand, is the descendant who received the properties from Exequiel by gratuitous title.

Moreover, Article 891 simply requires that the property should have been acquired by the descendant or *prepositus* from an ascendant by gratuitous or lucrative title. A transmission is gratuitous or by gratuitous title when the recipient does not give anything in return.^[18] At risk of being repetitious, what was clearly established in this case is that the properties in dispute were owned by Exequiel (ascendant).