

## FIRST DIVISION

[ G.R. No. 168960, July 05, 2010 ]

**AMELIA B. HEBRON, PETITIONER, VS. FRANCO L. LOYOLA, ANGELO L. LOYOLA, RAFAEL L. LOYOLA, ARMANDO L. LOYOLA, SENEN L. LOYOLA, MA. VENUS L. RONQUILLO, PERLA L. ABAD AND THE INTESTATE ESTATE OF EDUARDO L. LOYOLA, CARMELITA A. MANABO, HERMINIA AGUINALDO-ROSAS, DIGNA AGUINALDO-VALENCIA, ROGELIO AGUINALDO, MILA AGUINALDO-DIAZ, BABY AGUINALDO, RUBEN LOYOLA SUBSTITUTED BY JOSEFINA C. LOYOLA, GLESILDA A. LEGOSTO, EVELYN C. LOYOLA, MARINA C. LOYOLA, AURE C. LOYOLA, CORAZON C. LUGARDA AND JOVEN FRANCISCO C. LOYOLA, LORENZO LOYOLA, CANDELARIA LOYOLA, NICANDRO LOYOLA, FLORA LOYOLA, TERESITA L. ALZONA, VICENTE LOYOLA, ROSARIO L. LONTOC, SERAFIN LOYOLA, ROBERTO LOYOLA, BIBIANO LOYOLA, PURITA LOYOLA, ESTELA LOYOLA, ESTER DANICO, EDUARDO DANICO, EMELITA DANICO, MERCEDITA DANICO, HONESTO DANICO, DANTE DANICO, ERLINDA DANICO-DOMINGUEZ REPRESENTED BY TEODORO DOMINGUEZ AND BEVERLY ANNE DOMINGUEZ, EFREN CABIGAN AND ISIDRO CABIGAN, RESPONDENTS. ALBERTO L. BAUTISTA REPRESENTED BY FELICIDAD G. BAUTISTA, AGNES B. ZULUETA, AYREEN B. ALBA, JOSEPH ANTHONY G. BAUTISTA, ANN-JANET G. BAUTISTA AND ALFREDO L. BAUTISTA, UNWILLING RESPONDENTS.**

## D E C I S I O N

### **DEL CASTILLO, J.:**

Courts, not being omniscient, can only strive to determine what actually and truly transpired based on the evidence before it and the imperfect rules that were designed to assist in establishing the truth in disputed situations. Despite the difficulties in ascertaining the truth, the courts must ultimately decide. In civil cases, its decision must rest on preponderance of admissible evidence.

This petition for review assails the February 22, 2005 Decision<sup>[1]</sup> and the July 7, 2005 Resolution<sup>[2]</sup> of the Court of Appeals (CA) in CA-G.R. CV. No. 64105. The CA partially granted the appeal before it and modified the June 22, 1999 Decision<sup>[3]</sup> of the Regional Trial Court (RTC) of Cavite, Branch 20, which ordered the partition of two parcels of land among the seven sets of plaintiffs (respondents herein).

### ***Factual Antecedents***

This case originated from a suit for partition and damages concerning the two parcels of land denominated as Lot Nos. 730 and 879 of the Carmona cadastre. Lot

No. 730, with an area of 17,688 square meters, was owned by Remigia Baylon who was married to Januario Loyola. Lot No. 879, with an area of 10,278 square meters was owned by Januario Loyola, the husband of Remigia Baylon. Januario and Remigia had seven children, namely Conrado, Jose, Benjamin, Candida, Soledad, Cristeta and Encarnacion, all surnamed Loyola.

The administration of the said lots was entrusted to Encarnacion Loyola-Bautista. All the heirs of Januario and Remigia received their shares in the fruits of the subject properties during Encarnacion's administration thereof. With the latter's death on September 15, 1969, administration of the subject properties was assumed by her daughter, Amelia Bautista-Hebron, who, after some time, started withholding the shares of Candida and the heirs of Conrado. By the time partition of the said properties was formally demanded on November 4, 1990, Candida was the only one still living among the children of Januario and Remigia. The rest were survived and represented by their respective descendants and children, to wit:

1. Conrado Loyola, by his children, Ruben Loyola, now substituted by his heirs, namely, Josefina, Edgardo, Evelyn, Marina, Aure, Corazon and Joven Francisco, all surnamed Loyola, and respondents Lorenzo Loyola, Candelaria Loyola, Flora Loyola, Nicardo Loyola, Teresita Loyola-Alonza, Vicente Loyola and Rosario Loyola-Lontoc;
2. Jose Loyola, by his children, respondents Serafin Loyola, Bibiano Loyola, Roberto Loyola, Purita Loyola-Lebrudo and Estela Loyola;
3. Benjamin Loyola, by his children, respondents Franco Loyola, Angelo Loyola, Rafael Loyola, Senen Loyola, Perla Loyola-Abad, Ma. Venus Loyola-Ronquillo, Armando Loyola as well as his daughter-in-law by his son, Eduardo Loyola, respondent Carmen Hermosa;
4. Soledad Loyola, by her children, respondents Ester Danico, Eduardo Danico, Mercedita Danico, Honesto Danico, Emelita Danico and Dante Danico;
5. Cristeta Loyola, by her children, respondents Efren Cabigan and Isidro Cabigan; and
6. Encarnacion Loyola-Bautista, by her son, respondent Alfredo Bautista, by petitioner Amelia Bautista-Hebron, and by her daughter-in-law by her son, Alberto Bautista, respondent Felicidad Bautista, and the latter's children, respondents Anjanet, Agnes, Ayren and Joseph Anthony, all surnamed Bautista.

For petitioner's failure to heed their formal demand, respondents filed with the RTC of Imus, Cavite, Branch 20, the complaint for partition and damages from which the instant suit stemmed. While manifesting her conformity to the partition demanded by her co-heirs, petitioner claimed in her amended answer that Candida and the heirs of Conrado have already relinquished their shares in consideration of the financial support extended them by her mother, Encarnacion. In the pre-trial order, the trial court consequently limited the issue to be resolved to the veracity of the aforesaid waiver or assignment of shares claimed by petitioner.

Trial on the merits then ensued. While conceding their receipt of financial assistance from Encarnacion, Candida and the heirs of Conrado maintained that adequate recompense had been effectively made when they worked without pay at the former's rice mill and household or, in the case of Carmelita Aguinaldo-Manabo, when she subsequently surrendered her earnings as a public school teacher to her said aunt.

### ***Ruling of the Regional Trial Court***

On June 22, 1999, the trial court rendered a Decision granting the partition sought. The dispositive portion of the Decision states:

WHEREFORE, in view of the foregoing, judgment is hereby rendered ordering the partition of the following real properties, to wit:

1. The parcel of land known as Lot 730 of the Carmona Cadastre with an area of 17,688 sq. meters more or less; and
2. the parcel of land known as Lot 879 of the Carmona Cadastre with an area of 10,278 sq. meters, more or less

among all the seven (7) sets of plaintiffs in seven (7) equal parts.

In this regard, the parties are directed within thirty (30) days from receipt hereof to make the partition of the two (2) lots among themselves should they agree, and thereafter, to submit in Court their deed of partition for its confirmation.

SO ORDERED.<sup>[4]</sup>

### ***Ruling of the Court of Appeals***

Petitioner, the defendant in the case before the RTC, appealed the Decision to the CA. The CA found the petitioner entitled to participate in the partition of the subject properties. It stated that petitioner's inadvertent exclusion from the partition of the subject properties arose from the trial court's use of the phrase "seven (7) sets of **plaintiffs**" in the dispositive portion of the appealed Decision instead of the more accurate "seven (7) sets of **heirs**."

The CA however, like the trial court, found that petitioner was not able to prove the existence of the waiver or assignment of their shares by Candida and the heirs of Conrado. The dispositive portion of the Decision states:

WHEREFORE, the appeal is **PARTIALLY GRANTED** and the appealed June 22, 1999 decision is, accordingly, **MODIFIED** to include appellant's participation in the partition of the subject parcels as one of the heirs of Encarnacion Loyola-Bautista. The rest is **AFFIRMED in toto**.<sup>[5]</sup>

The CA denied the motion for reconsideration filed by petitioner. Hence, petitioner elevated the case to us via the present petition for review.

### **Issues**

Petitioner raises the following issues:

#### **I**

WHETHER X X X THE APPELLATE COURT ERRED IN AFFIRMING THE RULING OF THE TRIAL COURT THAT THE BURDEN OF PROOF WAS SHIFTED TO DEFENDANT-APPELLANT AMELIA B. HEBRON AND THAT THE LATTER FAILED TO SUBSTANTIATE HER CLAIM WITH PREPONDERANCE OF EVIDENCE.

#### **II**

WHETHER X X X THE APPELLATE COURT ERRED IN AFFIRMING THE RULING OF THE TRIAL COURT THAT A SPOUSE PRESENT CANNOT RELINQUISH THE SHARES IN THE PARCELS OF LAND IF IT WILL DEPRIVE MINOR CHILDREN OF THEIR HEREDITARY RIGHTS.

#### **III**

WHETHER X X X THE APPELLATE COURT ERRED IN AFFIRMING THE RULING OF THE TRIAL COURT THAT NO CONCRETE PROOF EVIDENCING THE SALE OR ASSIGNMENT OF SHARES OF CANDIDA LOYOLA-AGUINALDO AND CONRADO LOYOLA IN THE TWO PARCELS OF LAND IN FAVOR OF PETITIONER'S MOTHER, ENCARNACION LOYOLA-BAUTISTA, HAD BEEN PRESENTED BY PETITIONER DURING THE TRIAL DESPITE THE EXISTENCE OF PAROL EVIDENCE BY WAY OF AN EXCEPTION TO THE STATUTE OF FRAUDS.

#### **IV**

WHETHER X X X THE APPELLATE COURT COMMITTED A REVERSIBLE ERROR IN NOT CONSIDERING THAT CANDIDA LOYOLA-AGUINALDO AND THE HEIRS OF CONRADO LOYOLA ARE BARRED BY ESTOPPEL IN ASSERTING THAT THEY ARE STILL ENTITLED TO SHARE IN THE QUESTIONED PARCELS OF LAND.<sup>[6]</sup>

### ***Petitioner's Arguments***

Petitioner contends that she has no affirmative allegation to prove, hence, the burden of proof is on respondents and not on her. And if at all, she has proven that Candida and the heirs of Conrado have relinquished their respective shares.

She further contends that ownership of inherited properties does not fall under Articles 321 and 323 of the Civil Code and thus, the properties inherited by the