

THIRD DIVISION

[G.R. No. 180730, December 11, 2008]

CARLOS GONZALEZ, PETITIONER, VS. HON. JUDGE MERCEDES POSADA LACAP, REGIONAL TRIAL COURT, BRANCH 15, MANILA CITY; AND ESTRELLA G. MEDRANO, RESPONDENTS.

RESOLUTION

NACHURA, J.:

For resolution is a Petition^[1] for *certiorari* under Rule 65 of the Rules of Court assailing the Order^[2] dated August 28, 2007 and the Order^[3] dated October 16, 2007 of the Regional Trial Court (RTC), Branch 15, Manila, in Civil Case No. 06-115100 entitled *Estrella G. Medrano v. Zenaida B. Gonzalez*.

The antecedent facts are as follows:

Plaintiff Estrella G. Medrano and defendant Zenaida B. Gonzalez are sisters, being the daughters of Spouses Conrado B. Gonzalez and Miguela B. Gonzalez (now both deceased). On May 19, 2006, plaintiff filed a Complaint^[4] against defendant alleging, among others, that:

x x x x

3. On 10 January 1953, Spouses Conrado and Miguela Gonzalez, bought, out of their conjugal funds, two (2) parcels of land (Lot No. 11 and Lot No. 13) which were then covered by TCT No. 19593/T-372. A Transfer Certificate of Title No. 31206 was issued under the name of one of their children, herein Defendant Zenaida B. Gonzalez. Copy of said Transfer Certificate of Title is hereto attached and marked as Annex "A";
4. Thereafter, or on 14 August 1957, Spouses Conrado and Miguela Gonzalez bought the remaining lots described in TCT No. 19593/T-372. Again, the subject lots were placed under the name of herein Defendant Zenaida B. Gonzalez as shown by TCT Nos. 48477 and 48478. Copy of said Transfer Certificates of Titles are hereto attached and marked as Annexes "B" and "C," respectively;
5. At the time the aforementioned Deeds of Sale were executed, the intention of the buyers is that herein defendant will only be considered as trustee while the Spouses Gonzalez, being the real buyers, hold the beneficial interest over the said properties;
6. In fact, the improvements made on the subject lot, which likewise came from the spouses' conjugal funds, remain to be the residence

of one of the brothers of herein parties, Asterio Gonzalez, and his family. Also, whenever Plaintiff and her family, or any other sibling, would visit the Philippines, they would stay in the said ancestral house;

7. During the lifetime of Spouses Conrado and Miguela, and until the time of their death, there was never an intention on their part to have the subject properties transferred solely to Defendant Zenaida Gonzalez. The residential house built on the said land remains to be the ancestral house of the family;
8. However, sometime in March 2005, plaintiff Medrano and her family went to the Philippines for a vacation.^[5] As always, they proceeded to their ancestral house in Instruccion, Sampaloc. But to her great surprise, they were not allowed to stay there, much less come in, as herein defendant claims sole ownership over the subject property, to the exclusion of the other siblings. To date, defendant continues to refuse plaintiff's entry to the said property despite several repeated demands;
9. Defendant's claim is malicious, baseless and unfounded. As previously stated, the aforesaid properties were owned by their parents, Spouses Conrado and Miguela. As such, after the death of the latter, Plaintiff Estrella became a successor-in-interest by operation of law, to the extent of 1/7 of the entire property.^[6]

Plaintiff prayed that the RTC, after trial, issue an Order --

1. Declaring that 1/7 of the property described in Transfer Certificates of Title Nos. 31206, 48477 and 48478, together with all the improvements thereon, belong to plaintiff Estrella Medrano;
2. Ordering the partition of the afore-described properties;
3. Directing the reconveyance and transfer of 1/7 part of the aforementioned property in the name of the plaintiff.^[7]

She also prayed that defendant be directed to pay her P200,000.00 as attorney's fees, P500,000.00 as moral damages, P500,000.00 as exemplary damages, litigation expenses, and the costs of suit.^[8]

In her Answer,^[9] defendant denied the allegations in the complaint claiming that the subject properties are owned exclusively by her; that plaintiff admitted in a Deed of Extra-Judicial Settlement that the only property left by their deceased parents was a parcel of land located in Quezon City and did not include defendant's duly registered real properties; that the right of action of plaintiff had already prescribed, the complaint being one for reconveyance; and that plaintiff was already barred by laches.

On September 2, 2006, defendant executed a Deed of Assignment^[10] in favor of her elder brother Carlos B. Gonzalez over the subject properties, including a parcel