

## SECOND DIVISION

[ G.R. NO. 152251, August 17, 2006 ]

**MANUEL VALDEZ, GIL VALDEZ, CARMELITA VALDEZ - BONSA TO,  
GENOVEVA BONALOS-BONILLA, ISAIAS BONALOS AND  
MAGDALENA BONALOS, PETITIONERS, VS. GUILLERMO REYES,  
JULIA REYES - BUSTAMANTE, PRUDENCIO GENOVEVA BONALOS  
- BONILLA, REYES, NEPOMUCENA REYES-BUSTAMANTE AND  
VIRGINIA REYES-NARAVAL, RESPONDENTS.**

### RESOLUTION

**SANDOVAL-GUTIERREZ, J.:**

Before us is a Petition for Review on Certiorari assailing the Decision<sup>[1]</sup> of the Court of Appeals dated January 30, 2002 in CA-G.R. CV No. 57088, entitled "Manuel Valdez, Gil Valdez, Carmelita Valdez-Bonsato, Genoveva Bonalos-Bonilla, Isaias Bonalos and Magdalena Bonalos, *plaintiffs-appellants, versus, Guillermo Reyes, Julia Reyes-Bustamante, Prudencio Reyes, Nepomucena Reyes-Bustamante and Virginia Reyes-Naraval, defendants-appellees.*"

The parties in this case are all heirs of Doroteo Bonalos who, during his lifetime, owned fourteen (14) parcels of land all situated in Burgos, Pangasinan. Doroteo was married thrice. His first wife was Macaria Bustamante with whom he has three children, namely: Fresca, Marcela and Basilio. After Macaria died, he married Pia Cudal who bore him one child, Genoveva. The third marriage was to Eugenia Buay, with whom he has three children, namely: Isaias, Maria and Magdalena. Doroteo died intestate in 1937.

On January 25, 1994, a complaint for Partition with Damages was filed with the Regional Trial Court (RTC), Branch 54, Alaminos, Pangasinan by his children Genoveva, Isaias and Magdalena, and grandchildren by his first wife, namely: Manuel, Gil and Carmelita, now petitioners. Impleaded as defendants were his grandchildren by his first wife, namely: Guillermo, Julia, Prudencio, Nepomucena and Virginia, now respondents. The complaint was docketed as Civil Case No. A-2070.

The complaint alleges that petitioners and respondents are co-owners *pro-indiviso* of the subject properties. Respondents have been in possession thereof and have been appropriating for themselves their produce. Despite demands by petitioners, respondents refused to deliver to them their shares.

In their answer, respondents specifically denied petitioners' allegations in their complaint and averred that at the time of the death of Doroteo in 1937, there were no more properties left as they were already partitioned among his heirs, including herein petitioners. In fact, petitioners sold their shares to them (respondents) and other persons. Respondents maintained that they have been in possession of the