

THIRD DIVISION

[G.R. No. 125715, December 29, 1998]

RICARDO F. MARQUEZ, AUREA M. CABEZAS, EXEQUIEL F. MARQUEZ, SALVADOR F. MARQUEZ, ANTONIO F. MARQUEZ, AND RAFAEL F. MARQUEZ, JR., PETITIONERS, VS. COURT OF APPEALS, ALFREDO F. MARQUEZ AND BELEN F. MARQUEZ, RESPONDENTS.

DECISION

ROMERO, J.:

In our society, tradition and law enshrine the family as a basic social institution. In prose, poetry and song, it is lyrically extolled. What a person becomes in adulthood, for good or ill, is attributed to the influence of the home and family during his formative years. In the family one imbibes desirable values and personality traits. No matter how far one roams, he invariably turns to his family for security, approbation and love. Against the whole world, members of the family stand solid as Gibraltar. It is thus heartrending to find members of the same family at odds with each other, each playing one against the other.

The facts of the instant case illustrates the inglorious and unedifying spectacle of a "family feud," all because of a property dispute.

During their lifetime, the spouses Rafael Marquez, Sr. and Felicidad Marquez begot twelve children, namely: (1) Natividad; (2) Aurea; (3) Herminigildo; (4) Filomena; (5) Exequiel; (6) Salvador; (7) Guadencio; (8) Rafael, Jr.; (9) Belen; (10) Alfredo; (11) Ricardo; and (12) Antonio. Sometime in 1945, the spouses acquired a parcel of land with a lot area of 161 square meters in San Juan Del Monte, Rizal, more particularly described in TCT No. 47572,^[1] wherein they constructed their conjugal home.

In 1952, Felicidad Marquez died intestate. Thirty years later or in 1982, Rafael Marquez, Sr. executed an "Affidavit of Adjudication" vesting unto himself sole ownership to the property described in TCT No. 47572. Consequently, TCT No. 47572 was cancelled and TCT No. 33350^[2] was issued in his name on June 16, 1982.

Thereafter, on December 29, 1983 Rafael Marquez, Jr. executed a "Deed of Donation Inter Vivos"^[3] covering the land described in TCT No. 33350 as well as the house constructed thereon to three of his children, namely: (1) petitioner Rafael Jr.; (2) Alfredo; and (3) Belen, both private respondents herein, to the exclusion of his other children, petitioners herein. As a result of the donation, TCT No. 33350 was cancelled and TCT No. 47572 was issued in private respondents name.

From 1983 to 1991, private respondents were in actual possession of the land.

However, when petitioners learned about the existence of TCT No. 47572 they immediately demanded that since they are also the children of Rafael Marquez, Sr., they are entitled to their respective share over the land in question. Unfortunately, efforts to settle the dispute proved unavailing since private respondents ignored petitioners' demands.

In view of the private respondents' indifference, petitioners, now joined by Rafael Jr., filed a complaint on May 31, 1991 for "Reconveyance and Partition with Damages" before the trial court^[4] alleging that both the "Affidavit of Adjudication" and "Deed of Donation Inter Vivos" were fraudulent since the private respondents took advantage of the advanced age of their father in making him execute the said documents.

In their Answer, private respondents argued that petitioner's action was already barred by the statute of limitations, since the same should have been filed within four years from the date of discovery of the alleged fraud.^[5]

After due proceedings, the trial court on April 29, 1993, rendered its decision^[6] in favor of the petitioners, in this wise:

"Prescription cannot set in because an action to set aside a document which is void ab initio does not prescribe. Both the 'Affidavit of Adjudication' and the 'Donation Inter Vivos' did not produce any legal effect and did not confer any right whatsoever. Equally, Transfer Certificate of Title No. 33350 and 46461 issued pursuant thereto, are likewise null and void ab initio. Therefore, the inexistence of these documents and certificates of title is permanent and cannot be the subject of prescription."

Private respondents, dissatisfied with the trial court's ruling, sought recourse before the Court of Appeals. On April 29, 1996, the said court reversed the trial court's finding, thus:^[7]

"In line with the decision of the Supreme Court in *Gerona v. de Guzman*, 11 SCRA 143, 157, the action therefor may be filed within four (4) years from the discovery of the fraud. Such discovery is deemed to have taken place in the case at bar on June 16, 1982, when the affidavit of self-adjudication was filed with the Register of Deeds and new certificate of title (No. 33350) was issued in the name of Rafael Marquez, Sr. (Exhibits E and 5, page 16, record). Considering that the period from June 16, 1982, when TCT No. 33350 was issued in the name of Rafael Marquez, Sr., to May 31, 1991, when appellees' complaint was filed in court, is eight (8) years, eleven (11) months and fifteen (15) days, appellants' action to annul the deed of self-adjudication is definitely barred by the statute of limitation."

Petitioner's motion for reconsideration proved unavailing.^[8] Hence, they are now before this Court to raise the issue of whether their action for reconveyance had prescribed.

Petitioners, in contending that the action had not yet prescribed, assert that by virtue of the fraudulent "Affidavit of Adjudication" and "Deed of Donation," wherein