



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

**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,

G.R. No. 176422

Present:

**SERENO, C.J.,
Chairperson,
LEONARDO-DE CASTRO,
BERSAMIN,
VILLARAMA, JR., and
REYES, JJ.**

- versus -

**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.

Promulgated:

MAR 20 2019

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A

DECISION

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 Santos⁵ (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*.

¹ *De Papa v. Camacho*, 228 Phil. 269, 274-275 (1986).

² Covered by TCT No. T-149035 (M) (formerly TCT No. T-101248 [M]).

³ Covered by TCT No. T-183631 (M) (formerly TCT No. T-139184 [M]).

⁴ Covered by TCT No. T-149033 (M) (formerly TCT No. T-124852 [M]).

⁵ Respondent was subsequently substituted by her heirs.

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 Resolution⁹ dated January 17, 2007.

⁶ *Rollo*, p. 38.

⁷ *Id.* at 50.

⁸ *Id.* at 40.

⁹ *Id.* at 42-43.

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.

¹⁰ Id. at 37.

¹¹ Id. at 39.

¹² Id. at 19.

¹³ Id. at 19-25.

¹⁴ *Maglana Rice and Corn Mill, Inc. v. Tan*, G.R. No. 159051, September 21, 2011, 658 SCRA 58, 64-65.

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 resorvor (*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 resorvor.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). After his death, Gregoria (descendant/*prepositus*) acquired the properties as inheritance.

¹⁶ Id. at 12-13.

¹⁷ Tolentino, A.M., COMMENTARIES AND JURISPRUDENCE ON THE CIVIL CODE OF THE PHILIPPINES, Vol. III, 2003 ed., p. 276, citing 6 *Manresa* 273, 6 *Sanchez Roman* 1020.

¹⁸ *Chua v. CFI of Negros Occidental, Br. V*, 168 Phil. 571, 575 (1977).

Ascendants, descendants and collateral relatives under Article 964 of the Civil Code

Article 891 provides that the person obliged to reserve the property should be an ascendant (also known as the reservor/*reservista*) of the descendant/*prepositus*. Julia, however, is not Gregoria's ascendant; rather, she is Gregoria's collateral relative.

Article 964 of the Civil Code provides for the series of degrees among ascendants and descendants, and those who are not ascendants and descendants but come from a common ancestor, *viz*:

Art. 964. A series of degrees forms a line, which may be either direct or collateral.

A *direct line* is that constituted by the series of degrees among ascendants and descendants.

A *collateral line* is that constituted by the series of degrees among persons **who are not ascendants and descendants**, but who come from a common ancestor. (Emphasis and italics ours)

Gregoria's ascendants are her parents, Exequiel and Leonor, her grandparents, great-grandparents and so on. On the other hand, Gregoria's descendants, if she had one, would be her children, grandchildren and great-grandchildren. Not being Gregoria's ascendants, both petitioners and Julia, therefore, are her collateral relatives. In determining the collateral line of relationship, ascent is made to the common ancestor and then descent to the relative from whom the computation is made. In the case of Julia's collateral relationship with Gregoria, ascent is to be made from Gregoria to her mother Leonor (one line/degree), then to the common ancestor, that is, Julia and Leonor's parents (second line/degree), and then descent to Julia, her aunt (third line/degree). Thus, Julia is Gregoria's *collateral* relative within the third degree and not her ascendant.

First cousins of the descendant/*prepositus* are fourth degree relatives and cannot be considered reservees/*reservatarios*

Moreover, petitioners cannot be considered reservees/*reservatarios* as they are not relatives within the third degree of Gregoria from whom the properties came. The person from whom the degree should be reckoned is the descendant/*prepositus*—the one at the end of the line from which the

property came and upon whom the property last revolved by descent.¹⁹ It is Gregoria in this case. Petitioners are Gregoria's fourth degree relatives, being her first cousins. **First cousins of the *prepositus* are fourth degree relatives and are not reservees or *reservatarios*.**²⁰

They cannot even claim representation of their predecessors Antonio and Valentin as Article 891 grants a personal right of reservation only to the relatives up to the third degree from whom the reservable properties came. The only recognized exemption is in the case of nephews and nieces of the *prepositus*, who have the right to represent their ascendants (fathers and mothers) who are the brothers/sisters of the *prepositus* and relatives within the third degree.²¹ In *Florentino v. Florentino*,²² the Court stated:

Following the order prescribed by law in legitimate succession, when there are relatives of the descendant within the third degree, the right of the nearest relative, called *reservatario*, over the property which the *reservista* (person holding it subject to reservation) should return to him, excludes that of the one more remote. The right of representation cannot be alleged when the one claiming same as a *reservatario* of the reservable property is not among the relatives within the third degree belong to the line from which such property came, inasmuch as **the right granted by the Civil Code in [A]rticle 811 [now Article 891] is in the highest degree personal and for the exclusive benefit of the designated persons who are the relatives, within the third degree, of the person from whom the reservable property came. Therefore, relatives of the fourth and the succeeding degrees can never be considered as *reservatarios*, since the law does not recognize them as such.**

x x x [N]evertheless there is right of representation on the part of *reservatarios* who are within the third degree mentioned by law, as in the case of nephews of the deceased person from whom the reservable property came. x x x.²³ (Emphasis and underscoring ours)

The conclusion, therefore, is that while it may appear that the properties are reservable in character, petitioners cannot benefit from *reserva troncal*. *First*, because Julia, who now holds the properties in dispute, is not the other ascendant within the purview of Article 891 of the Civil Code and *second*, because petitioners are not Gregoria's relatives within the third degree. Hence, the CA's disposition that the complaint filed with the RTC should be dismissed, only on this point, is correct. If at all, what should apply in the distribution of Gregoria's estate are Articles 1003 and 1009 of the Civil Code, which provide:

¹⁹ Supra note 15, at 14.

²⁰ Id.

²¹ *Florentino v. Florentino*, 40 Phil. 480, 490 (1919).

²² 40 Phil. 480 (1919).

²³ Id. at 489-490.

Art. 1003. If there are no descendants, ascendants, illegitimate children, or a surviving spouse, the collateral relatives shall succeed to the entire estate of the deceased in accordance with the following articles.

Art. 1009. Should there be neither brothers nor sisters, nor children of brothers or sisters, the other collateral relatives shall succeed to the estate.

The latter shall succeed without distinction of lines or preference among them by reason of relationship by the whole blood.

Nevertheless, the Court is not in the proper position to determine the proper distribution of Gregoria's estate at this point as the cause of action relied upon by petitioners in their complaint filed with the RTC is based solely on *reserva troncal*. Further, any determination would necessarily entail reception of evidence on Gregoria's entire estate and the heirs entitled thereto, which is best accomplished in an action filed specifically for that purpose.

A *reservista* acquires ownership of the reservable property until the reservation takes place or is extinguished

Before concluding, the Court takes note of a palpable error in the RTC's disposition of the case. In upholding the right of petitioners over the properties, the RTC ordered the reconveyance of the properties to petitioners and the transfer of the titles in their names. What the RTC should have done, assuming for argument's sake that *reserva troncal* is applicable, is have the reservable nature of the property registered on respondent's titles. In fact, respondent, as *reservista*, has the duty to reserve and to annotate the reservable character of the property on the title.²⁴ In *reserva troncal*, the *reservista* who inherits from a *prepositus*, whether by the latter's wish or by operation of law, acquires the inheritance by virtue of a title perfectly transferring absolute ownership. All the attributes of ownership belong to him exclusively.²⁵

The reserver has the legal title and dominion to the reservable property but subject to the resolutive condition that such title is extinguished if the reserver predeceased the reservee. The reserver is a usufructuary of the reservable property. He may alienate it subject to the reservation. The transferee gets the revocable and conditional ownership of the reserver. The transferee's rights are revoked upon the survival of the reservees at the time of the death of the reserver but become indefeasible when the reservees predecease the reserver.²⁶ (Citations omitted)

²⁴ *Sumaya v. Intermediate Appellate Court*, 278 Phil. 201, 210-211 (1991).

²⁵ *Edroso v. Sablan*, 25 Phil. 295, 307-308 (1913).

²⁶ *Supra* note 15, at 15.

It is when the reservation takes place or is extinguished,²⁷ that a *reservatario* becomes, by operation of law, the owner of the reservable property.²⁸ In any event, the foregoing discussion does not detract from the fact that petitioners are not entitled to a reservation of the properties in dispute.

WHEREFORE, the petition is **DENIED**. The Decision dated November 16, 2006 and Resolution dated January 17, 2007 of the Court of Appeals in CA-G.R. CV No. 77694 insofar as it dismissed the Third Amended Complaint in Civil Case No. 609-M-92 are **AFFIRMED**. This Decision is without prejudice to any civil action that the heirs of Gregoria Mendoza may file for the settlement of her estate or for the determination of ownership of the properties in question.

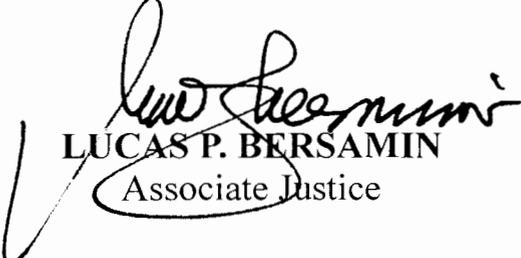
SO ORDERED.

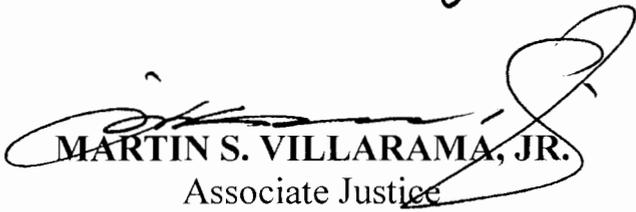

BIENVENIDO L. REYES
 Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
 Chief Justice
 Chairperson


TERESITA J. LEONARDO-DE CASTRO
 Associate Justice


LUCAS P. BERSAMIN
 Associate Justice

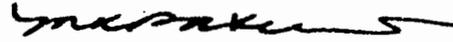

MARTIN S. VILLARAMA, JR.
 Associate Justice

²⁷ *Dizon and Dizon v. Galang*, 48 Phil. 601, 603-604 (1926).

²⁸ *Supra* note 15, at 17.

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARIA LOURDES P. A. SERENO

Chief Justice