

CIVIL LAW

DR. NIXON L. TREYES *v.* ANTONIO L. LARLAR, *et al.*
G.R. No. 232579, 08 September 2020, EN BANC (Caguioa, J.)

DOCTRINE OF THE CASE

Subject to the required proof, without any need of prior judicial determination, Larlar, et al., siblings of Rosie, by operation of law, are entitled to one-half of the inheritance of the decedent. Thus, in filing their Complaint, they do not seek to have their right as intestate heirs established, for the simple reason that it is the law that already establishes that right. What they seek is the enforcement and protection of the right granted to them under Article 1001 in relation to Article 777 of the Civil Code by asking for the nullification of the Affidavits of Self-Adjudication that disregard and violate their right as intestate heirs.

Unless there is a pending special proceeding for the settlement of the decedent's estate or for the determination of heirship, the compulsory or intestate heirs may commence an ordinary civil action to declare the nullity of a deed or instrument, and for recovery of property, or any other action in the enforcement of their ownership rights acquired by virtue of succession, without the necessity of a prior and separate judicial declaration of their status as such.

FACTS

Rosie Larlar Treyes (Rosie), the wife of Dr. Nixon Treyes (Dr. Nixon), died without any children and without a will. Rosie left behind seven siblings, Antonio, Emilio, Heddy, Rene, Celeste, Judy, and Yvonne (Larlar, *et al.*). At the time of her death, Rosie owned fourteen (14) real estate properties with Dr. Nixon as conjugal properties. Subsequently, Dr. Nixon executed two Affidavits of Self-Adjudication, transferring the estate of Rosie unto himself, claiming that he was the sole heir.

Hence, Larlar, *et al.* filed before the Regional Trial Court (RTC) a Complaint for annulment of the Affidavits, cancellation of TCTs, reconveyance of ownership and possession, partition, and damages.

Dr. Nixon filed a Motion to Dismiss on the ground, among others, of lack of jurisdiction over the subject matter and, corollarily, lack of real parties in interest. The RTC denied the Omnibus Motion, prompting Treyes to file before the Court of Appeals (CA) a petition for *Certiorari* under Rule 65. The CA, however, denied the same. Hence, the instant petition.

ISSUE

Is a prior determination of the status as a legal or compulsory heir in a separate special proceeding a prerequisite to an ordinary civil action for recovery of ownership and possession of property?

RULING

NO. That Larlar, *et al.* do not really seek in their Complaint the establishment of their rights as intestate heirs but, rather, the enforcement of their rights already granted by law as intestate heirs finds basis in Article 777 of the Civil Code, which states that “the rights of succession are transmitted from the moment of the death of the decedent.”

The operation of Article 777 occurs at the very moment of the decedent's death — the transmission by succession occurs at the precise moment of death and, therefore, the heir is legally deemed to have acquired ownership of his/her share in the inheritance at that very moment, "and not at the time of declaration of heirs, or partition, or distribution."

Hence, the Court has held that the "title or rights to a deceased person's property are immediately passed to his or her heirs upon death. The heirs' rights become vested without need for them to be declared 'heirs.'" In fact, in partition cases, even before the property is judicially partitioned, the heirs are already deemed co-owners of the property. Thus, the heirs are deemed real parties in interest without a prior separate judicial determination of their heirship.

The Civil Code identifies certain relatives who are deemed compulsory heirs and intestate heirs. They refer to relatives that become heirs by virtue of compulsory succession or intestate succession, as the case may be, by operation of law. Here, subject to the required proof, without any need of prior judicial determination, Larlar, *et al.*, siblings of Rosie, by operation of law, are entitled to one-half of the inheritance of the decedent. Thus, in filing their Complaint, they do not seek to have their right as intestate heirs established, for the simple reason that it is the law that already establishes that right. What they seek is the enforcement and protection of the right granted to them under Article 1001 in relation to Article 777 of the Civil Code by asking for the nullification of the Affidavits of Self-Adjudication that disregard and violate their right as intestate heirs.

To delay the enforcement of such rights until heirship is determined with finality in a separate special proceeding would run counter to Article 777 of the Civil Code which recognizes the vesting of such rights immediately — without a moment's interruption — upon the death of the decedent.

Moreover, jurisprudence supports the institution of an ordinary civil action by legal heirs arising out of a right based on succession without the necessity of a previous and separate judicial declaration of their status as such.

Henceforth, the rule is: unless there is a pending special proceeding for the settlement of the decedent's estate or for the determination of heirship, the compulsory or intestate heirs may commence an ordinary civil action to declare the nullity of a deed or instrument, and for recovery of property, or any other action in the enforcement of their ownership rights acquired by virtue of succession, without the necessity of a prior and separate judicial declaration of their status as such.