



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

LOLITA BAS CAPABLANCA,  
Petitioner,

G.R. No. 224144

Present:

CARPIO,\**J.*,  
PERALTA,\*\* *Acting Chairperson*,  
MENDOZA,  
LEONEN, and  
MARTIRES, *JJ.*

-versus-

HEIRS OF PEDRO BAS,  
represented by JOSEFINA BAS  
ESPINOSA and REGISTER OF  
DEEDS OF THE PROVINCE OF  
CEBU,

Respondents.

Promulgated:

28 JUN 2017

*M. Sabatino Legaspi*

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DECISION

LEONEN, *J.*:

This resolves a Petition for Review<sup>1</sup> assailing the Decision<sup>2</sup> dated March 12, 2014 and Resolution<sup>3</sup> dated March 15, 2016 of the Court of Appeals, Nineteenth Division, Cebu City. The Court of Appeals reversed

\* On official leave.

\*\* Designated Acting Chairperson per S.O. No. 2445 dated June 16, 2017.

<sup>1</sup> *Rollo*, pp. 12-43. Filed under Rule 45.

<sup>2</sup> *Id.* at 49-64. The Decision, docketed as CA-G.R. CEB CV No. 03052, was penned by Associate Justice Ma. Luisa C. Quijano-Padilla and concurred in by Associate Justices Ramon Paul L. Hernando and Carmelita Salandanan-Manahan of the Nineteenth Division, Court of Appeals, Cebu City.

<sup>3</sup> *Id.* at 45-47. The Resolution was penned by Associate Justice Marilyn B. Lagura-Yap and concurred in by Associate Justices Gabriel T. Ingles and Germano Francisco D. Legaspi of the Special Former Nineteenth Division, Court of Appeals, Cebu City.

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the Decision<sup>4</sup> dated December 26, 2007 of Branch 8, Regional Trial Court, Cebu City and dismissed the petitioner's complaint.

The subject matter of this case is Lot 2535 of the Talisay-Minglanilla Friar Land's Estate located in "Biasong, Dumlog, Talisay, Cebu"<sup>5</sup> with an area of 6,120 square meters.<sup>6</sup>

Andres Bas (Andres) and Pedro Bas (Pedro) acquired Lot 2535, "and Patent No. 1724 was issued in their names on May 12, 1937."<sup>7</sup>

On November 28, 1939, Pedro sold to Faustina Manreal (Faustina), married to Juan Balorio, his portion of Lot 2535 "with a seeding capacity of four (4) chupas of corn."<sup>8</sup> The sale was evidenced by a notarized Deed of Sale dated November 28, 1939.<sup>9</sup>

After the death of Faustina and her husband, their heirs executed a notarized Extra-Judicial Declaration of Heirs and Deed of Absolute Sale dated March 13, 1963. Lot 2535 consisting of "1,000 square meters, more or less," was conveyed to one (1) of their heirs, Alejandra Balorio (Alejandra).<sup>10</sup>

Alejandra sold the land through a Deed of Absolute Sale dated June 13, 1967 to Edith N. Deen, who in turn sold it to Atty. Eddy A. Deen (Atty. Deen) on March 21, 1968.<sup>11</sup>

Upon Atty. Deen's death on December 18, 1978, an extra-judicial settlement of estate, which did not include Lot 2535, was executed by his heirs. Later, or on March 30, 1988, they executed an Additional Extra-Judicial Settlement with Absolute Deed of Sale, which sold the land for ₱10,000.00 to Norberto B. Bas (Norberto), who took possession of and built a house on it.<sup>12</sup>

On December 15, 1995, Norberto died without a will and was succeeded by his niece and only heir, Lolita Bas Capablanca (Lolita).<sup>13</sup>

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<sup>4</sup> Id. at 65-96. The Decision, docketed as Civil Case No. CEB-21348, was penned by Presiding Judge Macaundas M. Hadjirasul.

<sup>5</sup> Id. at 84. "Biasong and Dumlog eventually became two (2) separate Barangays . . . and Talisay, a City."

<sup>6</sup> Id. at 50 and 84.

<sup>7</sup> Id. at 50.

<sup>8</sup> Id. at 73 and 86.

<sup>9</sup> Id.

<sup>10</sup> Id. at 86.

<sup>11</sup> Id. at 51.

<sup>12</sup> Id.

<sup>13</sup> Id.

Subsequently, Lolita learned that a Transfer Certificate of Title (TCT) No. T-96676 dated June 6, 1996 was issued in the names of Andres and Pedro on the basis of a reconstituted Deed of Conveyance No. 96-00004.<sup>14</sup>

In October 1996, Josefina Bas Espinosa (Josefina) represented the Heirs of Pedro Bas to file a complaint for Clarification of Ownership of Lot 2535 against Lolita before the Lupong Tagapamayapa of Barangay Biasong, Talisay, Cebu.<sup>15</sup> The conflict between the parties was not resolved and resulted to the issuance of a Certification to file Action.<sup>16</sup>

On December 16, 1996, a notarized Partition Agreement of Real Property, Quitclaim and Waiver of Rights was executed between the heirs of Andres and Lolita, representing Norberto, whereby they partitioned Lot 2535 among themselves.<sup>17</sup>

Lolita sought to register her portion in Lot 2535 but was denied by the Register of Deeds of Cebu, citing the need for a court order.<sup>18</sup> Lolita then learned that TCT No. T-96676 had been partially cancelled and TCT Nos. T-100181, T-100182, T-100183, and T-100185 had been issued in the name of the Heirs of Pedro Bas, represented by Josefina, on May 29, 1997.<sup>19</sup>

On December 16, 1997, Lolita filed a complaint before the Regional Trial Court of Cebu City for the cancellation of the titles with prayer for moral and exemplary damages, attorney's fees, and litigation expenses.<sup>20</sup>

In their Answer, the Heirs of Pedro Bas claimed that "the sale between Pedro Bas and Faustina Manreal [was] fake, spurious and invalid because [Pedro] who [was] an illiterate never learned how to write his name so that the signature appearing thereon could not have been made by Pedro Bas."<sup>21</sup> They further claimed that the cancellation of TCT No. T-96676 was made pursuant to a final judgment in Civil Case No. 840<sup>22</sup> for Partition, Damages, and Attorney's Fees.<sup>23</sup>

After trial, Branch 8, Regional Trial Court, Cebu City rendered a Decision<sup>24</sup> on December 26, 2007, in favor of Lolita. The trial court held

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<sup>14</sup> Id.

<sup>15</sup> Id. at 52.

<sup>16</sup> Id.

<sup>17</sup> Id. at 74.

<sup>18</sup> Id. at 52.

<sup>19</sup> Id. at 54-55.

<sup>20</sup> Id. at 55.

<sup>21</sup> Id.

<sup>22</sup> Id. at 85. The case was entitled *Heirs of Pedro Bas, represented by Josefina Bas-Espinosa v. Sps. Araceli Patatag and Nida Jervacio*. A judgment on compromise was rendered by the court on May 13, 1997.

<sup>23</sup> Id. at 55.

<sup>24</sup> Id. at 65-96.

that there was substantial evidence to prove that Lolita had been in long possession of the lot under a claim of ownership as the heir of Norberto and that it was not necessary for her to be first declared as his heir before filing the complaint.<sup>25</sup> It further ruled that to dismiss the case on the ground that Lolita should first be declared an heir would be too late as the Heirs of Pedro Bas did not raise the issue in a motion to dismiss or as an affirmative defense in their complaint.<sup>26</sup>

On the substantive issues, the trial court upheld the validity of the 1939 Deed of Sale executed by Pedro in favor of Faustina. It found Josefina's uncorroborated testimony of Pedro's illiteracy as self-serving and unconvincing to contradict the regularity of the notarized deed. Moreover, her testimony was controverted by the notarized Assignment of Sale Certificate 195, which bore the same signature of Pedro, and by the Heirs of Pedro Bas' answers in Civil Case No. R-10602, another case which contained allegations that Pedro sold his share in the lot to Faustina.<sup>27</sup>

The trial court further held that the object of the sale was determinate, i.e., Pedro's share in Lot 2535 was specified by the boundaries indicated in the Deed of Sale.<sup>28</sup> It concluded that Norberto acquired the entire share of Pedro in Lot 2535, which was found only after survey in 1996,<sup>29</sup> to actually consist of 3,060 square meters and not 1,000 square meters as insisted by the Heirs of Pedro Bas. The trial court gave credence to Lolita's testimony that before the survey, Pedro's portion was estimated to be 1,000 square meters; hence, the area indicated in the successive transfers of the lot from the heirs of Faustina down to Norberto was "1,000 square meters, more or less."<sup>30</sup> Consequently, with Pedro's sale of his share in Lot 2535, his heirs acquired no portion by inheritance and their titles were null and void and should be cancelled.<sup>31</sup>

Finally, the trial court affirmed that the Judgement of the Municipal Trial Court of Talisay in Civil Case No. 840 for Partition, Damages and Attorney's fees was not binding on Lolita, who was not a party to the case.<sup>32</sup>

The *fallo* of the Decision read:

WHEREFORE, premises considered, a judgment is hereby rendered in favor of the plaintiff and against the defendants, declaring as

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<sup>25</sup> Id. at 92.

<sup>26</sup> Id. at 91.

<sup>27</sup> Id. at 93.

<sup>28</sup> Id. at 94.

<sup>29</sup> Id. at 89.

<sup>30</sup> Id. at 95.

<sup>31</sup> Id.

<sup>32</sup> Id. at 93.

null and void and ordering the Register of Deeds of the Province of Cebu to cancel the following transfer certificates of title:

- 1) Transfer Certificate of Title No. T-100181, of the Register of Deeds of the Province of Cebu, in the name of Heirs of Pedro Bas, represented by Josefina Bas, covering Lot 2535-J, Psd-07-037377, being a portion of Lot 2535, Flr-133, situated in the Barrio of Dumlog, Mun. of Talisay, Prov. of Cebu, Island of Cebu, containing an area of 304 square meters;
- 2) Transfer Certificate of Title No. T-100182, of the Register of Deeds of the Province of Cebu, in the name of Heirs of Pedro Bas, represented by Josefina Bas, covering Lot 2535-B, Psd-07-037377, being a portion of Lot 2535, Flr-133, situated in the Barrio of Dumlog, Mun. of Talisay, Prov. of Cebu, Island of Cebu, containing an area of 1,554 square meters;
- 3) Transfer Certificate of Title No. T-100183, of the Register of Deeds of the Province of Cebu, in the name of Heirs of Pedro Bas, represented by Josefina Bas, covering Lot 2535-A, Psd-07-037377, being a portion of Lot 2535, Flr-133, situated in the Barrio of Dumlog, Mun. of Talisay, Prov. of Cebu, Island of Cebu, containing an area of 965 square meters; and
- 4) Transfer Certificate of Title No. T-100185, of the Register of Deeds of the Province of Cebu, in the name of Heirs of Pedro Bas, represented by Josefina Bas, covering Lot 2535-A Psd-07-037377, being a portion of Lot 2535, Flr-133, situated in the Barrio of Dumlog, Mun. of Talisay, Prov. of Cebu, Island of Cebu, containing an area of 187 square meters.

Costs against the defendants.<sup>33</sup>

The Regional Trial Court subsequently denied the Heirs of Pedro Bas' motion for reconsideration.<sup>34</sup>

Hence, the Heirs of Pedro Bas appealed to the Court of Appeals, making the following lone assignment of error:

The trial court seriously erred in not dismissing the case for plaintiff's lack of cause of action pursuant to (the) doctrinal jurisprudential case of Guido and Isabel Yaptinchay vs. Del Rosario (304 SCRA 18) considering that plaintiff in her complaint alleged, she is the sole heir of Norberto Bas.<sup>35</sup>

The Court of Appeals reversed the Regional Trial Court Decision and dismissed the complaint.<sup>36</sup> According to the Court of Appeals, Lolita must

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<sup>33</sup> Id. at 95-A-96.

<sup>34</sup> Id. at 59-60.

<sup>35</sup> Id. at 60.

<sup>36</sup> Id. at 63-64.

first be declared as the sole heir to the estate of Norberto in a proper special proceeding. Thus:

WHEREFORE, premises considered, the Decision dated December 26, 2007, of the Regional Trial Court, 7<sup>th</sup> Judicial Region, Branch 8, Cebu City in Civil Case No. CEB-21348 for Ownership, Nullity of Deeds, Cancellation of TCT Nos. T-100181, T-100182, T-100183[,] and T-100185, covering portions of Lot No. 2535, damages, etc., ordering the cancellation of Transfer Certificates of Title Nos. T-100181, T-100182, T-100183[,] and T-100185 is hereby REVERSED and SET ASIDE.

The complaint of plaintiff-appellee is hereby DISMISSED, without prejudice to any subsequent proceeding to determine the lawful heirs of the late Norberto Bas and the rights concomitant therewith.<sup>37</sup>

Lolita sought reconsideration but was denied in the Court of Appeals Resolution dated March 15, 2016.

Hence, Lolita filed this Petition principally contending that the Court of Appeals committed a reversible error in reversing the Regional Trial Court Decision and dismissing the complaint.

Petitioner argues that the 1999 case of the *Heirs of Yaptinchay v. Del Rosario*<sup>38</sup> cited in the Court of Appeals Decision does not apply to this case because the factual circumstances are different.<sup>39</sup> In that case, the claims of the opposing parties were anchored on their alleged status as heirs of the original owner.<sup>40</sup> “Hence there may have been the need for a previous judicial declaration of heirship in a special proceeding.”<sup>41</sup> Here, petitioner does not claim to be an heir of Pedro, the original owner. Rather, her interest over the property is derived from a series of transactions starting from the sale executed by Pedro.<sup>42</sup>

Petitioner further contends that respondents neither raised the ground “lack of cause of action” as an affirmative defense nor filed a motion to dismiss before the court *a quo*. Instead, they allowed the trial to proceed with their full participation all throughout. Petitioner asserts that respondents’ action or inaction should be constituted a waiver.<sup>43</sup> Otherwise, respondents’ “failure to properly act on its perceived defect” in the complaint hampers the speedy disposition of the action “and would only promote multiplicity of suits.”<sup>44</sup>

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<sup>37</sup> Id. at 63–64.

<sup>38</sup> 363 Phil. 393 (1999) [Per J. Purisima, Third Division].

<sup>39</sup> *Rollo*, p. 24.

<sup>40</sup> Id. at 24–25.

<sup>41</sup> Id. at 25.

<sup>42</sup> Id. at 26.

<sup>43</sup> Id. at 31.

<sup>44</sup> Id. at 32.

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In their two (2)-page Comment,<sup>45</sup> respondents contend that the findings of the Court of Appeals were duly supported by evidence and jurisprudence.

This Court grants the petition.

Contrary to the erroneous conclusion of the Court of Appeals, this Court finds no need for a separate proceeding for a declaration of heirship in order to resolve petitioner's action for cancellation of titles of the property.

The dispute in this case is not about the heirship of petitioner to Norberto but the validity of the sale of the property in 1939 from Pedro to Faustina, from which followed a series of transfer transactions that culminated in the sale of the property to Norberto. For with Pedro's sale of the property in 1939, it follows that there would be no more ownership or right to property that would have been transmitted to his heirs.

Petitioner's claim is anchored on a sale of the property to her predecessor-in-interest and not on any filiation with the original owner. What petitioner is pursuing is Norberto's right of ownership over the property which was passed to her upon the latter's death.<sup>46</sup>

This Court has stated that no judicial declaration of heirship is necessary in order that an heir may assert his or her right to the property of the deceased.<sup>47</sup> In *Marabilles v. Quito*:<sup>48</sup>

*The right to assert a cause of action as an heir, although he has not been judicially declared to be so, if duly proven, is well settled in this jurisdiction. This is upon the theory that the property of a deceased person, both real and personal, becomes the property of the heir by the mere fact of death of his predecessor in interest, and as such he can deal with it in precisely the same way in which the deceased could have dealt, subject only to the limitations which by law or by contract may be imposed upon the deceased himself. Thus, it has been held that "[t]here is no legal precept or established rule which imposes the necessity of a previous legal declaration regarding their status as heirs to an intestate on those who, being of age and with legal capacity, consider themselves the legal heirs of a person, in order that they may maintain an action arising out of a right*

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<sup>45</sup> Id. at 111-112.

<sup>46</sup> CIVIL CODE, art. 777. The rights to the succession are transmitted from the moment of the death of the decedent.

<sup>47</sup> *Bordalba v. Court of Appeals*, 425 Phil. 407, 416 (2002) [Per J. Ynares-Santiago, First Division]; *Heirs of Conti v. Court of Appeals*, G.R. No. 118464, [December 21, 1998], 360 Phil. 536, 545 (1998) [Per J. Bellosillo, Second Division].

<sup>48</sup> 100 Phil. 64 (1956) [Per J. Angelo Bautista, En Banc].

which belonged to their ancestor” . . . A recent case wherein this principle was maintained is *Cabuyao vs. [C]aagbay*.<sup>49</sup> (Emphasis supplied)

The Court of Appeals’ reliance on the ruling in *Heirs of Yaptinchay v. Del Rosario*<sup>50</sup> was misplaced. In that case, the motion to dismiss was filed immediately after the second Amended Complaint was filed.<sup>51</sup> The trial court granted the motion to dismiss, holding that the Heirs of Yaptinchay “have not shown any proof or even a semblance of it—except the allegations that they are the legal heirs of the above-named Yaptinchays—that they have been declared the legal heirs of the deceased couple.”<sup>52</sup>

Here, respondents never raised their objection to petitioner’s capacity to sue either as an affirmative defense or in a motion to dismiss.<sup>53</sup> Rule 9, Section 1 of the Rules of Court states, “[d]efenses and objections not pleaded either in a motion to dismiss or in the answer are deemed waived.” Thus, it was erroneous for the Court of Appeals to dismiss the complaint on the ground that there was no prior judicial declaration of petitioner’s heirship to Norberto.<sup>54</sup>

Moreover, the pronouncement in the *Heirs of Yaptinchay* that a declaration of heirship must be made only in a special proceeding and not in an ordinary civil action for reconveyance of property was based on *Litam, etc., et. al. v. Rivera*<sup>55</sup> and *Solivio v. Court of Appeals*,<sup>56</sup> which involved different factual milieus.

The facts of the case in *Litam, etc., et. al. v. Rivera*<sup>57</sup> show that during the pendency of the special proceedings for the settlement of the intestate estate of the deceased Rafael Litam, the plaintiffs-appellants filed a civil action. They claimed that as the children of the deceased by a previous marriage to a Chinese woman, they were entitled to inherit his one-half (1/2) share of the conjugal properties acquired during his marriage to Marcosa Rivera (Marcosa).<sup>58</sup> The trial court in the civil case declared, among others,

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<sup>49</sup> Id. at 65–66, citing *Suiliong & Co. vs. Marine Insurance Co., Ltd., et al.*, 12 Phil. 13, 19 (1908) [Per J. Carson, En Banc], *Hernandez vs. Padua*, 14 Phil. 194 (1909) [Per C.J. Arellano, First Division], *Cabuyao v. Caagbay*, 95 Phil. 614 (1954) [Per J. Concepcion, En Banc].

<sup>50</sup> 363 Phil. 393 (1999) [Per J. Purisima, Third Division].

<sup>51</sup> Id. at 396.

<sup>52</sup> Id. at 397.

<sup>53</sup> *Rollo*, p. 91.

<sup>54</sup> In *Aldemita v. Heirs of Silva*, 537 Phil. 97 (2006) [Per J. Austria-Martinez, First Division], petitioner insisted that without respondents having been first declared as heirs of the owner in a special proceeding, the case for quieting of title must be dismissed for lack of cause of action citing the *Heirs of Yaptinchay v. Del Rosario*. The Court held that petitioner could no longer raise the issue of respondent’s capacity to sue after the case had been submitted for decision in the trial court or on appeal before the Court of Appeals.

<sup>55</sup> 100 Phil. 364 (1956) [Per J. Concepcion, En Banc].

<sup>56</sup> 261 Phil. 231 (1990) [Per J. Medialdea, First Division].

<sup>57</sup> 100 Phil. 364 (1956) [Per J. Concepcion, En Banc].

<sup>58</sup> Id. at 366.

that the plaintiffs-appellants were not children of the deceased and that Marcosa was his only heir.<sup>59</sup> On appeal, this Court ruled that such declaration—that Marcosa was the only heir of the decedent—was improper because the determination of the issue was within the exclusive competence of the court in the special proceedings.<sup>60</sup>

In *Solvio v. Court of Appeals*,<sup>61</sup> the deceased Esteban Javellana, Jr. was survived by Celedonia Solivio (Celedonia), his maternal aunt, and Concordia Javellana-Villanueva (Concordia), his paternal aunt.<sup>62</sup> Celedonia filed the intestate proceedings and had herself declared as sole heir and administratrix of the estate of the decedent to facilitate the implementation of the latter's wish to place his estate in a foundation named after his mother.<sup>63</sup> While the probate proceeding was pending, Concordia filed a separate civil action where she sought to be declared as co-heir and for partition of the estate.<sup>64</sup> This Court held that the "separate action was improperly filed for it is the probate court that has exclusive jurisdiction to make a just and legal distribution of the estate."<sup>65</sup> This Court further held that "in the interest of orderly procedure and to avoid confusing and conflicting dispositions of a decedent's estate, a court should not interfere with probate proceedings pending in a co-equal court."<sup>66</sup>

In *Litam* and *Solvio*, the adverse parties were putative heirs to a decedent's estate or parties to the special proceedings for an estate's settlement. Hence, this Court ruled that questions on the status and right of the contending parties must be properly ventilated in the appropriate special proceeding, not in an ordinary civil action.

Here, as stated, the main issue is the annulment of title to property, which ultimately hinges on the validity of the sale from Pedro to Faustina. Petitioner does not claim any filiation with Pedro or seek to establish her right as his heir as against the respondents. Rather, petitioner seeks to enforce her right over the property which has been allegedly violated by the fraudulent acts of respondents.

Furthermore, as found by the Regional Trial Court:

The plaintiff [Lolita] has sufficient interest to protect in the subject portion of Lot 2535. She had been there for around thirty (30) years, and had been in possession thereof under a claim of ownership as an alleged

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<sup>59</sup> Id. at 370.

<sup>60</sup> Id. at 378.

<sup>61</sup> 261 Phil. 231 (1990) [Per J. Medialdea, First Division].

<sup>62</sup> Id. at 236.

<sup>63</sup> Id. at 237.

<sup>64</sup> Id. at 238.

<sup>65</sup> Id. at 240.

<sup>66</sup> Id. at 241.

heir of Norberto Bas after the latter's death on December 15, 1993, that is: long before the issuance of TCT Nos. T-100181, T-100182, T-100183[,] and T-100185 in 1997, and even TCT No. T-96676 in 1996. Moreover, it is annotated on TCT No. T-96676 (Exhibit "G") that she, together with the heirs of Osmundo Bas, executed a declaration of heirs with partition, quitclaim, etc., dated December 16, 1996, registered on March 3, 1997 . . . wherein they adjudicated unto themselves and partitioned Lot No. 2535 . . . She also executed on June 14, 1997 an Affidavit of Adjudication by Sole Heir, declaring herself as the sole heir of Norberto Bas and adjudicated unto herself the subject portion pursuant to Section 1, Rule 74 of the 1997 Revised Rules of Civil Procedure.

The existence of the questioned certificates of title, and other related documents, constitute clouds on said interest. There seems, therefore, to be no necessity that the plaintiff should have been declared first as an heir of Norberto Bas as a prerequisite to this action. Her possession of the subject lot under a claim of ownership is a sufficient interest to entitle her to bring this suit.<sup>67</sup> (Citation omitted)

This case has gone a long way since the complaint was filed in 1997. A full-blown trial had taken place and judgment was rendered by the Regional Trial Court where it thoroughly discussed, evaluated, and weighed all the pieces of documentary evidence and testimonies of the witnesses of both parties. At this point, to dismiss the case and require petitioner to institute a special proceeding to determine her status as heir of the late Norberto would hamper, instead of serve, justice.

In *Portugal v. Portugal-Beltran*,<sup>68</sup> where the contending parties insisted to be the legal heirs of the decedent, this Court dispensed with the need to institute a separate special proceeding to determine their heirship since the parties had voluntarily submitted the issue to the trial court and already presented their evidence. It held:

It appearing, however, that in the present case the only property of the intestate estate of Portugal is the Caloocan parcel of land, to still subject it, under the circumstances of the case, to a special proceeding which could be long, hence, not expeditious, just to establish the status of petitioners as heirs is not only impractical; it is burdensome to the estate with the costs and expenses of an administration proceeding. And it is superfluous in light of the fact that the parties to the civil case — subject of the present case, could and had already in fact presented evidence before the trial court which assumed jurisdiction over the case upon the issues it defined during pre-trial.

In fine, under the circumstances of the present case, there being no compelling reason to still subject Portugal's estate to administration proceedings since a determination of petitioners' status as heirs could be achieved in the civil case filed by petitioners, the trial court should

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<sup>67</sup> *Rollo*, p. 92.

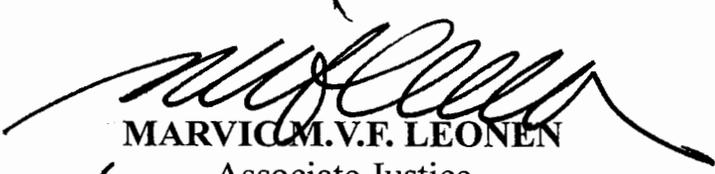
<sup>68</sup> 504 Phil. 456 (2005) [Per J. Carpio-Morales, Third Division].

proceed to evaluate the evidence presented by the parties during the trial and render a decision thereon[.]<sup>69</sup> (Citation omitted)

In this case, there is no necessity for a separate special proceeding and to require it would be superfluous considering that petitioner had already presented evidence to establish her filiation and heirship to Norberto, which respondents never disputed.

**WHEREFORE**, the Petition is **GRANTED**. The Court of Appeals Decision dated March 12, 2014 and Resolution dated March 15, 2016 are **VACATED and SET ASIDE**. The Decision dated December 26, 2007 of Branch 8, Regional Trial Court, Cebu City is **REINSTATED**.

**SO ORDERED.**



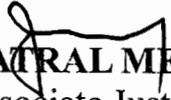
**MARVIC M.V.F. LEONEN**  
Associate Justice

WE CONCUR:

On official leave  
**ANTONIO T. CARPIO**  
Associate Justice



**DIOSDADO M. PERALTA**  
Associate Justice  
Acting Chairperson



**JOSE CATRAL MENDOZA**  
Associate Justice



**SAMUEL R. MARTIRES**  
Associate Justice

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<sup>69</sup> Id. at 470-471.

**ATTESTATION**

I attest 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.



**DIOSDADO M. PERALTA**  
Associate Justice  
Acting Chairperson, Second Division

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting Chairperson's Attestation, 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