

## SECOND DIVISION

[ G.R. No. 213001, August 04, 2021 ]

**LAURO CARDINEZ, ISIDRO CARDINEZ, JESUS CARDINEZ, VIRGIE CARDINEZ, FLORA LACONSAY AND AIDA DELA CRUZ,  
PETITIONERS, VS. SPOUSES PRUDENCIO AND CRESENCIA  
CARDINEZ, RESPONDENT.**

### DECISION

**HERNANDO, J.:**

This Petition for Review on *Certiorari*<sup>[1]</sup> assails the September 30, 2013 Decision,<sup>[2]</sup> and June 2, 2014 Resolution<sup>[3]</sup> of the Court of Appeals (CA/appellate court) in CA - G.R. CV No. 98861 which affirmed with modification the February 28, 2012 Decision<sup>[4]</sup> of the Regional Trial Court (RTC/trial court), Branch 66 of San Fernando City, La Union in Civil Case No. 7449.

#### **The Antecedent Facts:**

The late Simeona Cardinez owned a 1,950-square meter parcel of land situated in Brgy. Sta. Cruz, Bacnotan, La Union. Upon her demise, her sons, Prudencio, Florentino, and Valentin inherited the land and equally divided it among themselves. On April 23, 1986, Transfer Certificate of Title (TCT) No. T-26701<sup>[5]</sup> covering the land was issued in the name of the brothers as co-owners. Prudencio's share in the land was the middle portion which he registered for taxation purposes under Tax Declaration No. (TD) 18237.<sup>[6]</sup>

Sometime in 1994, Valentin requested Prudencio to donate the ten-square meter portion of his land being encroached by the former's balcony. Prudencio agreed to Valentin's request out of his love and trust for his brother. Valentin then asked Prudencio and his wife Cresencia Cardinez (Cresencia) to sign a document that was written in English. Prudencio and Cresencia were unable to understand the contents.

Hence, Valentin told the Cardinez couple that the purported document was for the partition of the inherited land, cancellation of TCT No. T-26701, and transfer of their shares in their respective names.<sup>[7]</sup> As they were convinced by Valentin's explanation and trusted him, Prudencio and Cresencia signed the document without even reading and understanding its contents. The spouses Cardinez were not given a copy of the document after it was signed.<sup>[8]</sup>

Fourteen years later, or on June 8, 2008, Prudencio found out that a survey of the land was being conducted. He then inquired if his inherited portion of the land was still in his name. To Prudencio's surprise, Valentin's children, Lauro Cardinez (Lauro), Isidro Cardinez (Isidro), Jesus Cardinez, Virgie Cardinez, Flora Laconsay, and Aida Dela Cruz (Aida), (collectively, petitioners) informed him that he already donated his

inherited portion to them through the document that he allegedly executed with Cresencia.<sup>[9]</sup>

Henry and Nelson, sons of Prudencio, went to petitioners' house to verify the truth about the donation. Petitioners showed them a notarized Deed of Donation of Real Property<sup>[10]</sup> (Deed of Donation) dated April 26, 1994. The Deed of Donation stated that respondents, as well as Florentino Cardinez married to Isabel Cardinez, and Valentin Cardinez married to Eufrosina Cardinez, donated their respective portions of the land covered by TCT No. T-26701 to them. All the donors including respondents signed the purported document.<sup>[11]</sup>

Henry, upon the instruction of Prudencio, then inquired from the Register of Deeds in San Fernando, Pampanga about the Deed of Donation. However, Henry was informed that a copy of the original TCT covering his father's land was among those burnt when the Bureau of Lands was caught on fire.<sup>[12]</sup> He then went to the Bacnotan Assessor's Office where he discovered that TCT No. T-26701 no longer bore his father's name as one of the co-owners. Instead, it bore the name of Lauro, Valentin's son, by virtue of the Deed of Donation.<sup>[13]</sup> He, together with Prudencio, then looked for Mario Rodriguez (Rodriguez), a duly commissioned notary public in Bacnotan, who admitted to notarizing the said Deed.<sup>[14]</sup>

Respondents thus filed a complaint<sup>[15]</sup> against petitioners before the Barangay Chairman of Brgy. Sta. Cruz, Bacnotan, La Union. However, any hope for an amicable settlement dissipated when petitioners insisted on the validity of the Deed of Donation and refused to vacate respondents' property.<sup>[16]</sup>

Perforce, on November 19, 2008, respondents filed a Complaint for Annulment of Document with Recovery of Possession and Damages.<sup>[17]</sup> They averred that Valentin took advantage of their low level of education when he made them believe that the document they were signing were for the partition of the inherited land, cancellation of TCT No. T-26701, and transfer of their shares in their respective names. Valentin therefore used machinations and misrepresentations to induce them to sign the document which turned out to be a Deed of Donation.<sup>[18]</sup>

In support of their claim, respondents presented the following documentary evidence: (a) TCT No. T-26701;<sup>[19]</sup> (b) TD 18237<sup>[20]</sup> in the name of Prudencio and the annotation therein stating that the middle portion of the land known as Lot 6301 was segregated by virtue of a Deed of Partition registered under Entry No. 65986 dated April 23, 1986;<sup>[21]</sup> (c) the purported Deed of Donation<sup>[22]</sup> dated April 26, 1994; (d) Affidavit<sup>[23]</sup> of Valentin dated October 7, 1982 stating that he bought the entire land in 1972;<sup>[24]</sup> and (e) the survey plan<sup>[25]</sup> of petitioners' house.

Prudencio took the witness stand and strongly asserted that he did not donate his land to petitioners. He narrated that Valentin went to their house and asked him and his wife Cresencia to sign a document claiming that it pertained to the partition of their inherited land. Prudencio, together with Cresencia, then signed the purported document of partition without reading the same due to the trust and confidence that they reposed on Valentin. When he discovered that the document was a Deed of Donation, he was devastated and heartbroken because of the deceitful act employed

on him by his very own brother.

Prudencio attested that he and Cresencia only finished Grade 3 elementary education. On cross-examination, he also admitted that he appeared before the notary public for notarization of the document. However, the latter did not explain to him the contents thereof.

Henry, and petitioners' niece, Aurelia Cardinez, also testified. They recalled that TCT No. T-26701 no longer bore Prudencio's name as one of the co-owners by reason of the Deed of Donation.

After respondents rested their case, petitioners filed a Demurrer to Evidence<sup>[26]</sup> on grounds of lack of cause of action and prescription. However, the RTC denied the demurrer for lack of merit in its Order<sup>[27]</sup> dated March 15, 2010.

Petitioners denied the allegations of respondents. They averred that Prudencio purchased the subject land sometime in 1972<sup>[28]</sup> and then donated it to petitioners as evidenced by the Deed of Donation dated April 26, 1994. Consequently, on November 2, 1994, TCT No. T-40459<sup>[29]</sup> was issued in the name of petitioners as well as the corresponding TD 93-040-19467<sup>[30]</sup> and 93-040-19468.<sup>[31]</sup>

Petitioners asserted that respondents voluntarily executed the Deed of Donation and had understood its contents. They insisted that respondents can fully comprehend and understand English. In fact, Cresencia was even a Barangay Kagawad in their barangay. Also, respondents even affixed their signatures in the Deed and personally appeared before the notary public.

Moreover, petitioners claimed that they did not know if Valentin went to Prudencio's house to secure their signatures for the purported partition of the land. They were unaware of the agreement between Valentin and Prudencio that only a ten-square meter portion of their uncle's land would be freely given pursuant to their father's request. They claimed that their father would not have made such a request since Prudencio already donated his land to them.

Lastly, petitioners contended that the action had already prescribed since 10 years had lapsed from the execution of the Deed of Donation, a written contract.

Petitioners presented the following documentary evidence during the trial: (a) Deed of Donation<sup>[32]</sup> dated April 26, 1994; (b) TCT No. T-40459<sup>[33]</sup> dated November 2, 1994 that was issued in their name; (c) TD 93-040-19467<sup>[34]</sup> and 93-040-19468<sup>[35]</sup> in their names covering the subject land; (d) the same Affidavit<sup>[36]</sup> of Valentin dated October 7, 1982; and (e) Tax Receipt<sup>[37]</sup> dated June 17, 2008 proving that they are presently in possession of the subject land.

Rodriguez was presented as one of petitioners' witnesses who testified that he notarized the purported Deed of Donation and that all the parties personally appeared before him in his law office in Bacnotan, La Union.<sup>[38]</sup>

Aida and Isidro, two of the petitioners herein, also testified during the trial. Both attested that they acquired the subject land by virtue of the valid Deed of Donation.

The signatures therein were the signatures of their parents Valentin and Eufrosina, their uncle and aunt Florentino and Isabel, and petitioners. Interestingly, Isidro admitted that his mother, Eufrosina died on 1985, or nine years before the purported Deed of Donation was executed.<sup>[39]</sup>

### **Ruling of the Regional Trial Court:**

In its Decision<sup>[40]</sup> dated February 28, 2012, the RTC found respondents' evidence sufficient to prove that the Deed of Donation was executed through fraudulent means. It held that respondents' consent was vitiated due to the deceit employed by Valentin when the latter made it appear that the document they signed was for the partition of their inherited land. Thus, the RTC declared that the Deed of Donation was voidable or effective until set aside.<sup>[41]</sup>

Considering that respondents instituted the complaint within four years from discovery of the fraudulent act, the RTC further held that the action against petitioners had not yet prescribed.<sup>[42]</sup>

The *fallo* of the RTC Decision reads:

WHEREFORE, premises considered, judgment is hereby rendered in favor of the plaintiffs and against defendants, as follows:

1. Declaring the "Deed of Donation of Real Property" dated April 26, 1994, entered as Doc. No. 241, Page No. 46, Book No. II, Series of 1994 in the notarial book of notary public Mario G. Rodriguez as void and rescinded in part insofar as it included the donation of the share of plaintiffs-spouses Prudencio and Cresencia Cardinez in the parcel of land covered by Transfer Certificate of Title No. T-26701 to herein defendants;
2. Declaring Transfer Certificate of Title No. T-40459 in the names of defendants Lauro Cardinez, Aida C. dela Cruz, Jesus Cardinez and Isidro Cardinez of no force and effect;
3. Reinstating, for all intents and purposes, the validity of Tax Declaration No. 18237 in the name of Prudencio Cardinez; and
4. Ordering the defendants to cede possession of the lot embraced by Tax Declaration No. 18237 in the name of Prudencio Cardinez to the plaintiffs.

Cost to the parties.

SO ORDERED.<sup>[43]</sup>

Aggrieved, petitioners appealed before the CA.<sup>[44]</sup>

## **Ruling of the Court of Appeals:**

The CA, in its September 30, 2013 Decision,<sup>[45]</sup> affirmed the findings of the RTC that petitioners did not freely give their land to petitioners by virtue of a Deed of Donation. Petitioners sufficiently proved that Valentin, through deceit, made respondents believe that the document they signed was for the partition of their inherited land.<sup>[46]</sup>

However, the appellate court ruled that the Deed of Donation was void *ab initio*, and not just voidable as found by the trial court, since respondents' consent, which is an indispensable element in donation, was totally absent. As a consequence thereof, the Deed of Donation has no force and effect and can be subject to attack at any time.<sup>[47]</sup>

The dispositive portion of the assailed CA Decision states:

WHEREFORE, the *Decision* of the Regional Trial Court Branch 66, San Fernando City, La Union in Civil Case No. 7449 is hereby MODIFIED by declaring the "Deed of Donation of Real Property" dated April 26, 1994 as null and void and of no legal effect insofar as it included the donation of the share of appellees Prudencio and Cresencia Cardinez in the parcel of land covered by Transfer Certificate of Title No. T-26701 to appellants. The *Decision* is AFFIRMED in all other respects.

SO ORDERED.<sup>[48]</sup>

Petitioners filed a Motion for Reconsideration<sup>[49]</sup> but it was denied by the appellate court in its Resolution<sup>[50]</sup> dated June 2, 2014.

Hence, this Petition for Review on *Certiorari*.<sup>[51]</sup>

## **Issues**

Petitioners raised the following issues for disposition:

1. WHETHER OR NOT THE DEED OF DONATION OF REAL PROPERTY EXECUTED BY PRUDENCIO, VALENTIN AND FLORENTINO IN FAVOR OF PETITIONERS IS VALID.
2. ASSUMING THAT THERE IS A DEFECT IN THE CONSENT OF PRUDENCIO TO THE DEED OF DONATION OF REAL PROPERTY, WHETHER THE DONATION IS VOID OR MERE VOIDABLE.
3. ASSUMING THAT THERE IS A DEFECT IN THE CONSENT OF PRUDENCIO, WHETHER OR NOT THE ACTION HAS ALREADY PRESCRIBED CONSIDERING THAT THE ACTION WAS BROUGHT ONLY ON NOVEMBER 28, 2008 OR MORE THAN 14 YEARS SINCE THE EXECUTION OF THE DEED OF DONATION OF REAL PROPERTY ON APRIL 26, 1994.

The issues to be resolved in this case are: (a) whether the donation is valid; and (b) whether the action instituted by respondents has already prescribed.