

SECOND DIVISION

[G.R. NO. 160556, August 03, 2007]

TEOFILO BAUTISTA, REPRESENTED BY FRANCISCO MUÑOZ, ATTORNEY-IN-FACT, PETITIONER, VS. ALEGRIA BAUTISTA, ANGELICA BAUTISTA, PRISCILLA BAUTISTA, GILBERT BAUTISTA, JIM BAUTISTA, GLENDA BAUTISTA, GUEN BAUTISTA, GELACIO BAUTISTA, GRACIA BAUTISTA, PEDRO S. TANDOC AND CESAR TAMONDONG, RESPONDENTS.

D E C I S I O N

CARPIO MORALES, J.:

During her lifetime, Teodora Rosario was the owner of a 211.80-square meter parcel of land (the property) in Poblacion, San Carlos City, Pangasinan, covered by Transfer Certificate of Title (TCT) No. 12951. She died intestate on January 19, 1970, leaving behind her spouse Isidro Bautista (Isidro) and five children, namely: Teofilo Bautista (Teofilo), Alegria Bautista (Alegria), Angelica Bautista (Angelica), Pacita Bautista (Pacita) and Gil Bautista (Gil).

On April 21, 1981, Isidro and four of his five children - Pacita, Gil, Alegria, and Angelica - executed a Deed of Extra-Judicial Partition^[1] of the property in which Isidro waived his share in favor of his said four children. Teofilo was excluded from the partition.

Alegria and Angelica, who, under the Deed of Extra-Judicial Partition, acquired ½ of the property, sold the same, by Deed of Absolute Sale dated May 14, 1981, to their sibling Pacita and her common-law husband Pedro Tandoc (Pedro).^[2]

Pacita and Pedro soon obtained tax declarations^[3] and TCT No. 18777^[4] in their names over 209.85 square meters of the property including the shares they purchased from Angelica and Alegria.

Pacita, with Pedro's conformity, later conveyed via Deed of Absolute Sale^[5] dated April 13, 1993 ½ of the property in favor of Cesar Tamondong, Pedro's nephew.

On January 24, 1994, herein petitioner Teofilo, represented by his attorney-in-fact Francisco Muñoz, filed a Complaint^[6] against his siblings Alegria and Angelica, along with Pedro (the common-law husband of his already deceased sister Pacita), Priscilla Bautista (wife of his already deceased brother Gil), Pricilla's children Gilbert, Jim, Glenda, Guen, and Gelacio and Cesar Tamondong before the Regional Trial Court (RTC) of San Carlos City, for annulment of documents, partition, recovery of ownership, possession and damages.

In his complaint, petitioner claimed that his co-heirs defrauded him of his rightful

share of the property and that the deed of sale executed by Pacita in favor of Cesar Tamondong was fictitious as it was impossible for her to have executed the same in Manila, she being already seriously ill at the time.^[7]

In their Answer,^[8] the defendants-herein respondents sisters Alegria and Angelica, who were joined therein by their co-defendants-respondents Priscilla, Gilbert, Jim, Glenda, Guen, Gelacio, and Gracia, claimed that it was Pacita who caused the execution of the Deed of Extra-Judicial Partition and because they trusted Pacita, they signed the document without scrutinizing it; and that they learned about the contents of the partition only upon Teofilo's filing of the Complaint.

By way of cross-claim^[9] against Pedro and Cesar Tamondong, the answering defendants-respondents claimed that a few weeks after the partition, Pacita approached Angelica and Alegria to borrow their share in the property on her representation that it would be used as security for a business loan; and that agreeing to accommodate Pacita, Angelica and Alegria signed a document which Pacita prepared which turned out to be the deed of absolute sale in Pacita's favor.

In their Answer with Counterclaim,^[10] Pedro and Cesar Tamondong claimed that they were buyers in good faith.^[11] In any event, they contended that prescription had set in, and that the complaint was a mere rehash of a previous complaint for falsification of public document which had been dismissed by the prosecutor's office.^[12]

By Decision^[13] of June 24, 1999, Branch 57 of the RTC of San Carlos City rendered judgment in favor of Teofilo, disposing as follows:

WHEREFORE, in view of the foregoing, judgment is hereby rendered:

1. Declaring as null and void and of no force and effect the following documents:
 - a. Deed of Extra-Judicial Partition dated April 21, 1981;
 - b. Deed of Absolute Sale [d]ated May 14, 1981;
 - c. Transfer Certificate of Title No. 18777;
 - d. Tax Declaration Nos. 59941, 45999, and 46006;
 - e. Deed of Absolute Sale dated April 13, 1993;
2. Ordering the partition of the land in question among the compulsory heirs of the late Spouses Isidro Bautista and Teodora Rosario
3. Ordering defendants Cesar Tamondong and Pedro Tandoc to vacate the premises.

No pronouncement[s] as to cost.^[14] (Underscoring supplied)

On appeal by Pedro and Cesar Tamondong, the Court of Appeals, by Decision^[15] of February 21, 2003, reversed and set aside the trial court's decision and dismissed Teofilo's complaint on the ground of prescription.^[16] His Motion for Reconsideration^[17] having been denied,^[18] Teofilo filed the present Petition for Review on Certiorari.^[19]