

SECOND DIVISION

[G.R. No. 121069, February 07, 2003]

**BENJAMIN CORONEL AND EMILIA MEKING VDA. DE CORONEL,
PETITIONERS, VS. FLORENTINO CONSTANTINO, AUREA
BUENSUCESO, AND THE HONORABLE COURT OF APPEALS,
RESPONDENTS.**

DECISION

AUSTRIA-MARTINEZ, J.:

This refers to the petition for review on certiorari of the decision of the Court of Appeals, dated March 27, 1995, in CA-G.R. CV No. 44023^[1] which affirmed the decision of the Regional Trial Court of Bulacan, Branch 8, dated April 12, 1993 in Civil Case No. 105-M-91^[2]; and the resolution of said appellate court, dated July 4, 1995, denying the motion for reconsideration of its decision.

The factual background of the case is as follows:

The subject property consists of two parcels of land situated in Sta. Monica, Hagonoy, Bulacan, designated as Cadastral Lots Nos. 5737 and 5738. The property is originally owned by Honoria Aguinaldo. One-half (1/2) of it was inherited by Emilia Meking Vda. de Coronel together with her sons Benjamin, Catalino and Ceferino, all surnamed Coronel. The other half was inherited by Florentino Constantino and Aurea Buensuceso.

On February 20, 1991, Constantino and Buensuceso filed a complaint for declaration of ownership, quieting of title and damages with prayer for writ of mandatory and/or prohibitory injunction with the Regional Trial Court of Bulacan (Branch 8) against Benjamin, Emilia and John Does, docketed as Civil Case No. 105-M-91. Plaintiffs allege that: on April 23, 1981, Jess C. Santos and Priscilla Bernardo purchased the property belonging to Emilia and her sons by virtue of a deed of sale signed by Emilia; on June 21, 1990, Santos and Bernardo in turn sold the same to Constantino and Buensuceso by virtue of a compromise agreement in Civil Case No. 8289-M; they are the owners of the subject property and defendants have illegally started to introduce construction on the premises in question; and pray that "defendants respect, acknowledge and confirm the right of ownership of the plaintiffs to the share, interest and participation of the one-third (1/3) portion of the above described property".

After defendants filed their Answer, pre-trial ensued wherein the parties stipulated that: (1) the property in question was previously owned by Honoria Aguinaldo, one-half (1/2) of which was inherited by the defendants while the other half was inherited by the plaintiffs from the same predecessor; (2) it was admitted by counsel for the defendants that there was a sale between Jess Santos and the plaintiffs covering the subject property; and (3) that there was no evidence

presented in Civil Case No. 8289-M by either of the parties and that the decision therein was based on a compromise agreement.^[3]

After trial on the merits, the trial court rendered a decision in favor of the plaintiffs, the decretal portion of which reads as follows:

"WHEREFORE, judgment is hereby made in favor of plaintiffs, the Court hereby declares plaintiffs as the sole and absolute owners of the properties covered by Tax Declarations Nos. 28960 and 28961 of Hagonoy, Bulacan, and orders the defendants to respect, acknowledge and confirm the right of ownership of plaintiffs over the whole property described above, to remove whatever improvements introduced by them thereon, and to pay the plaintiffs, solidarily and severally P10,000.00 as attorney's fees and costs of suit.

"SO ORDERED."^[4]

On appeal brought by defendants, the Court of Appeals affirmed the decision of the lower court and denied defendants' motion for reconsideration.

Hence, herein petition brought by defendants, raising the following issues:

"I.

WHETHER OR NOT THE CONTRACT [OF] SALE EXECUTED BY A PARENT-CO-OWNER, IN HER OWN BEHALF, IS UNENFORCEABLE WITH RESPECT TO THE SHARES OF HER CO-HEIRS-CHILDREN;

"II.

WHETHER OR NOT THE MINOR CHILDREN CAN RATIFY UNAUTHORIZED ACTIONS OF THEIR PARENTS;

"III.

WHETHER OR NOT THE CO-HEIRS ARE INDISPENSABLE DEFENDANTS IN AN ACTION FOR DECLARATION OF OWNERSHIP AND QUIETING OF TITLE;

"IV.

WHETHER OR NOT THE DEED OF SALE WHICH IS A PRIVATE DOCUMENT WAS SUFFICIENTLY ESTABLISHED WHEN THE COUNSEL FOR THE DEFENDANTS-PETITIONERS ADMITTED ONLY ITS EXISTENCE BUT NOT ITS CONTENTS."^[5]

The third issue was raised by the petitioners for the first time with the Court of Appeals. They claim that the complaint should have been dismissed because private respondents failed to implead the heirs of Ceferino and Catalino who died in 1983 and 1990,^[6] respectively, in their complaint as indispensable parties. We do not agree.

A careful reading of the "Kasulatan ng Bilihang Patuluyan" which is a private document, not having been duly notarized, shows that only the share of Emilia in the subject property was sold because Benjamin did not sign the document and the shares of Ceferino and Catalino were not subject of the sale. Pertinent portions of the document read as follows:

"KASULATAN NG BILIHANG PATULUYAN

"PANIWALAAN NG LAHAT:

"Kaming mag-iinang Emilia Micking Vda. Coronel at Benjamin M. Coronel kapwa may sapat na gulang, Pilipino, naninirahan sa nayon ng Sta. Monica, Hagonoy, Bulacan, sa kasulatang ito ay malaya naming:

"P I N A T U T U N A Y A N

"Na, kami ay tunay na nagmamay-ari ng isang lagay na lupang Bakuran na minana namin sa aming Lolong yumaong Mauricio Coronel, na ang ayos, takal at kalagayan ay ang sumusunod:

"ORIGINAL CERTIFICATE OF TITLE NO. 5737

"Bakuran sa nayon ng Sta. Monica, Hagonoy, Bulacan na may sukat na 416 Square Meters ang kabuuan 208 Square Meters Lot A-1 ang kalahati nito na kanilang ipinagbibili.

"x x x x x x x x x

"Na, dahil at alang-alang sa halagang DALAWAMPU'T LIMANG LIBONG PISO (P25,000) salaping Pilipino, na aming tinanggap sa kasiyahang loob namin, buhat sa mag-asawang Jess C. Santos at Prescy Bernardo, kapwa may sapat na gulang, Pilipino at naninirahan sa nayon ng Sta. Monica, Hagonoy, Bulacan, sa bisa ng kasulatang ito, ay aming isinasalin, inililipat at ipinagbibili ng bilihang patuluyan ang lahat ng aming dapat na makaparte sa lupang Bakuran Nakasaad sa dakong unahan nito, sa nabanggit na Jess C. Santos at Prescy Bernardo o sa kanilang tagapagmana at kahalili.

"Na, ako namang Jess C. Santos, bilang nakabili, ay kusang loob ding nagsasaysay sa kasulatang ito na ako ay kasangayon sa lahat ng dito'y nakatala, bagaman ang lupang naturan ay hindi pa nahahati sa dapat magmana sa yumaong Honoria Aguinaldo.

"Na, sa aming kagipitan inari naming ipagbili ang aming karapatan o kaparte na minana sa yumaong Guillermo Coronel ay napagkasunduan namin mag-iina na ipagbili ang bakurang ito na siyang makalulunas sa aming pangangailangan x x x."

"Na, kaming nagbili ang magtatanggol ng katibayan sa pagmamayari sa lupang naturan, sakaling may manghihimasok.

SA KATUNAYAN NITO, kami ay lumagda sa kasulatang ito sa bayan ng