

THIRD DIVISION

[G.R. No. 119777, March 26, 1998]

THE HEIRS OF PEDRO ESCANLAR, FRANCISCO HOLGADO AND THE SPOUSES DR. EDWIN A. JAYME AND ELISA TAN-JAYME, PETITIONERS, VS. THE HON. COURT OF APPEALS, GENEROSA MARTINEZ, CARMEN CARI-AN, RODOLFO CARI-AN, NELLY CHUA CARI-AN, FOR HERSELF AND AS GUARDIAN AD LITEM OF HER MINOR SON, LEONELL C. CARI-AN, FREDISMINDA CARI-AN, THE SPOUSES PAQUITO CHUA AND NEY SARROSA-CHUA AND THE REGISTER OF DEEDS OF NEGROS OCCIDENTAL, RESPONDENTS.

[G.R. NO. 120690. MARCH 26, 1998]

FRANCISCO HOLGADO AND HRS. OF PEDRO ESCANLAR, NAMELY BERNARDO, FELY, SONIA, LILY, DYSEBEL AND NOEMI ALL SURNAMED ESCANLAR PETITIONERS, VS., HON. COURT OF APPEALS, GENEROSA MARTINEZ, CARMEN CARI-AN, RODOLFO CARI-AN, NELLY CHUA CARI-AN, FOR HERSELF AND AS GUARDIAN AD LITEM OF HER MINOR SON, LEONELL C. CARI-AN AND FREDISMINDA CARI-AN, AND SP. PAQUITO CHUA AND NEY SARROSA CHUA AND REGISTER OF DEEDS OF NEGROS OCCIDENTAL, RESPONDENTS.

RESOLUTION

ROMERO, J.:

Before this Court are the following motions: (a) [First] Motion^[1] dated November 29, 1997, filed by petitioners heirs of Pedro Escanlar and Francisco Holgado; (b) Motion for Leave to File Second Motion for Partial Reconsideration and Clarification^[2] dated February 9, 1998; and (c) Second Motion for Partial Reconsideration and Clarification^[3] of even date, the latter two motions having been filed by petitioners Edwin and Elisa Jayme (the "Jaymes"). These motions all pertain to this Court's decision^[4] promulgated on October 23, 1997, the decretal portion of which states:

"**WHEREFORE**, the petitions are hereby **GRANTED**. The decision of the Court of Appeals under review is hereby **REVERSED AND SET ASIDE**. The case is **REMANDED** to the Regional Trial Court of Negros Occidental, Branch 61 for petitioners and private respondents Cari-an or their successors-in-interest to determine exactly which 1/2 portion of Lot Nos. 1616 and 1617 will be owned by each party, at the option of petitioners. The trial court is **DIRECTED** to order the issuance of the corresponding certificates of title in the name of the respective parties and to resolve the matter of rental payments of the land not delivered to the Chua spouses subject to the rates specified above with legal interest from date of demand."

wherein we ruled, *inter alia*, that the first sale to petitioners Francisco Holgado and the late Pedro Escanlar by the Cari-an heirs (the "Cari-ans") of the one-half portions of Lots 1616 and 1617 pertaining to the share in the conjugal estate of their predecessor Victoriana Cari-an was valid while the subsequent conveyance of the same to respondents Paquito Chua and Ney Sarrosa-Chua (the "Chuas") was not.

In particular, petitioners are seeking clarification of that part of the decision which states:

"5. Recapitulating, we have held that the September 15, 1978 deed of sale of rights, interests and participations is valid and that the sellers-private respondents Cari-an were fully paid the contract price. However, it must be emphasized that what was sold was only the Cari-an's hereditary shares in Lot Nos. 1616 and 1617 being held *pro indiviso* by them and is thus a valid conveyance only of said ideal shares. Specific or designated portions of land were not involved.

Consequently, the subsequent sale of 8 parcels of land, including Lot Nos. 1616 and 1617, to the spouses Chua is valid except to the extent of what was sold to petitioners in the September 15, 1978 conveyance. It must be noted, however, that the probate court in Special Proceeding No. 7-7279 desisted from awarding the individual shares of each heir because all the properties belonging to the estate had already been sold. Thus it is not certain how much private respondents Cari-an were entitled to with respect to the two lots, or if they were even going to be awarded shares in said lots.

The proceedings surrounding the estate of Nombre and Cari-an having attained finality for nearly a decade now, the same cannot be re-opened. The protracted proceedings which have undoubtedly left the property under a cloud and the parties involved in a state of uncertainty compels us to resolve it definitively.

The decision of the probate court declares private respondents Cari-an as the sole heirs by representation of Victoriana Cari-an who was indisputably entitled to half of the estate. There being no exact apportionment of the shares of each heir and no competent proof that the heirs received unequal shares in the disposition of the estate, it can be assumed that the heirs of Victoriana Cari-an collectively are entitled to half of each property in the estate. More particularly, private respondents Cari-an are entitled to half of Lot Nos. 1616 and 1617, i.e. 14, 675 square meters of Lot No. 1616 and 230,474 square meters of Lot No. 1617. Consequently, petitioners, as their successors-in-interest, own said half of the subject lots and ought to deliver the possession of the other half, as well as pay rents thereon, to the private respondents Ney Sarrosa Chua and Paquito Chua but only if the former (petitioners) remained in possession thereof.

The rate of rental payments to be made were given in evidence by Ney Sarrosa Chua in her unrebutted testimony on July 24, 1989: For the fishpond (Lot No. 1617) - From 1982 up to 1986, rental payment of P3,000.00 per hectare; from 1986-1989 (and succeeding years), rental payment of P10,000.00 per hectare. For the riceland (Lot No. 1616) - 15 cavans per hectare per year; from 1982-1986, P125.00 per cavan; 1987-1988, P175.00 per cavan; and 1989 and succeeding years, P200.00 per cavan. (Underscoring supplied).

Petitioners would have this Court take a second look at its supposed automatic award to the Chuas of the other halves representing the late Guillermo Nombre's shares in Lot Nos. 1616 and 1617 on the grounds that: (a) these other halves have never been