

# Settling Conflicting Jurisprudence on the Determination of Heirship in a Special Proceeding as a Prerequisite to an Ordinary Civil Action: An Examination of the Landmark Case of *Treyes v. Larlar*

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## I. INTRODUCTION

When the rights of an intestate heir are infringed, such as when a co-heir adjudicates the decedent's properties all to himself or herself to the exclusion of the other heirs, can the intestate heir directly institute an ordinary civil action to enforce his or her successional rights, i.e., to annul the self-adjudication? Or, prior to instituting such ordinary civil action, is the intestate heir required to first establish his or her status as an heir in a special proceeding? Stated differently, would an intestate heir have legal standing to file an ordinary civil action seeking the protection of successional rights prior to a determination in a prior special proceeding that such person is indeed an heir?

Prior to the Supreme Court's 2020 ruling in *Treyes v. Larlar*,<sup>1</sup> the previous lines of jurisprudence seemed to provide a clear-cut answer to the query — there is a need to first establish one's status as an heir in a prior special proceeding before being able to annul an act infringing the successional rights of an heir.<sup>2</sup> On first blush, it would appear that the Court had ruled with definitiveness from a series of decisions that “the rule that the determination of a decedent's lawful heirs should be made in the corresponding special proceeding precludes the Regional Trial Court (RTC), in an ordinary action for cancellation of title and reconveyance, from granting the same.”<sup>3</sup>

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1. *Treyes v. Larlar*, G.R. No. 232579, 951 SCRA 1 (2020).

2. *Heirs of Magdalena Ypon v. Ricaforte*, G.R. No. 198680, 700 SCRA 778, 784 (2013).

3. *Id.* at 784.

Then, in 2020, the Court took the opportunity to revisit this doctrine in *Treyes*.

In the said case, a widower extrajudicially settled the estate of his deceased wife (who died without children), transferring unto himself all of the conjugal properties of the spouses by executing affidavits of self-adjudication.<sup>4</sup> When this was discovered by the siblings of the decedent, they instituted an ordinary civil action to annul the affidavits of self-adjudication.<sup>5</sup> The siblings asserted that they were unceremoniously excluded from their sister's inheritance as, under the Civil Code, the siblings of a decedent are the latter's heirs by intestacy when the decedent died intestate and without children.<sup>6</sup> In response, the widower contended that the lower court had no jurisdiction to hear the action as the siblings have not established their status as intestate heirs in a prior special proceeding.<sup>7</sup>

Seeking to “definitively settle[ ] this question once and for all[.]”<sup>8</sup> the Court, in an emphatic fashion, overturned the existing line of jurisprudence and held that

intestate heirs may commence an ordinary civil action to declare the nullity of a deed or instrument, and for recovery of property, or any other action in the enforcement of their ownership rights acquired by virtue of succession, without the necessity of a prior and separate judicial declaration of their status as such.<sup>9</sup>

This Article examines the Court's landmark ruling in *Treyes* by first explaining how the prior line of jurisprudence developed the doctrine that “a prior determination of the status as a legal heir in a separate special proceeding is a prerequisite to an ordinary civil action seeking the protection and enforcement of ownership rights obtained by succession.”<sup>10</sup>

Afterwards, the Article explains the factual antecedents, central issue, and the Court's primary ruling in *Treyes*.

The Article then dissects the Court's ruling by explaining how the Court arrived at its definitive holding that, as a general rule, a prior special proceeding

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4. *Treyes*, 951 SCRA at 34.

5. *Id.* at 33-34.

6. *Id.* at 34.

7. *Id.*

8. *Id.* at 31.

9. *Id.* at 75.

10. *Treyes*, 951 SCRA at 31.

determining heirship is not a prerequisite for an ordinary civil action enforcing successional rights.<sup>11</sup>

Lastly, the Article discusses the significant repercussions of the ruling, particularly in the fields of remedial law and succession.

## II. THE DOCTRINE OF PRIOR DETERMINATION OF HEIRSHIP IN A SPECIAL PROCEEDING AS A PREREQUISITE TO AN ORDINARY CIVIL ACTION

To support his main argument, i.e., that since the Larlar siblings “have yet to establish in a special proceeding their status as legal heirs of Rosie, then the ordinary civil action they instituted must be dismissed for lack of jurisdiction.”<sup>12</sup> The petition in *Treyes* heavily relied on an established line of jurisprudence holding that a prior determination of heirship in a special proceeding is a prerequisite to an ordinary civil action seeking to enforce successional rights.<sup>13</sup> The primary rulings in this line of jurisprudence are: *Heirs of Teofilo Gabatan v. Court of Appeals*,<sup>14</sup> *Heirs of Magdaleno Ypon v. Ricaforte, et al.*,<sup>15</sup> *Reyes v. Enriquez*,<sup>16</sup> *Heirs of Guido and Isabel Yaptinchay v. Del Rosario*,<sup>17</sup> and *Portugal v. Portugal-Beltran*.<sup>18</sup>

### A. *Heirs of Teofilo Gabatan v. Court of Appeals*

In *Heirs of Teofilo Gabatan*, the respondent therein filed an action for Recovery of Property and Ownership and Possession against the petitioners.<sup>19</sup> The respondent, who is the only child of Juan Gabatan, claimed to be the sole owner of the subject lot, having inherited it from her mother, Hermogena.<sup>20</sup> On the other hand, the petitioners maintained that Juan Gabatan died single

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11. *Id.* at 75.

12. *Id.* at 46.

13. *Id.* at 72.

14. *Heirs of Teofilo Gabatan v. Court of Appeals*, G.R. No. 150206, 581 SCRA 70 (2009).

15. *Heirs of Magdaleno Ypon*, 700 SCRA 778.

16. *Reyes v. Enriquez*, G.R. No. 162956, 551 SCRA 86 (2008).

17. *Heirs of Guido and Isabel Yaptinchay v. Del Rosario*, G.R. No. 124320, 304 SCRA 18 (1999).

18. *Portugal v. Portugal-Beltran*, G.R. No. 155555, 467 SCRA 184 (2005).

19. *Heirs of Teofilo Gabatan*, 581 SCRA at 72.

20. *Id.*

and without any issue, and was survived by three siblings, namely: Teofilo (petitioners' predecessor-in-interest), Macaria, and Justa.<sup>21</sup> The appellate court ruled in favor of the respondent, declaring that respondent's claim of filiation with Juan Gabatan was sufficiently established during trial.<sup>22</sup>

In reversing the ruling of the appellate court, the Court, citing several other precedents, held that the determination of who the decedent's lawful heirs must be made in the proper special proceeding for such purpose, and not in an ordinary suit for recovery of ownership and/or possession,<sup>23</sup> as in this case —

Jurisprudence dictates that the determination of who are the legal heirs of the deceased must be made in the proper special proceedings in court, and not in an ordinary suit for recovery of ownership and possession of property. This must take precedence over the action for recovery of possession and ownership. Under Section 3, Rule 1 of the 1997 Revised Rules of Court, a civil action is defined as one by which a party sues another for the enforcement or protection of a right, or the prevention or redress of a wrong while a special proceeding is a remedy by which a party seeks to establish a status, a right, or a particular fact. It is then decisively clear that the declaration of heirship can be made only in a special proceeding inasmuch as the petitioners here are seeking the establishment of a status or right.<sup>24</sup>

*B. Heirs of Magdalena Ypon v. Ricaforte, et al.*

In *Heirs of Magdalena Ypon*, a case which shares a similar set of facts as in *Treyes*, the petitioners therein alleged that they are the lawful heirs of Magdalena, who allegedly died intestate and childless.<sup>25</sup> Based on the same, the petitioners filed a complaint for Cancellation of Title and Reconveyance with Damages against the respondent, praying that the Affidavit of Self-Adjudication executed by the latter, who claimed to be the son and sole heir of Magdalena, be declared null and void; and that the transfer certificates of title issued in the respondent's favor be cancelled.<sup>26</sup> The trial court dismissed the complaint on

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21. *Id.* at 72-73.

22. *Id.* at 74.

23. *Id.* at 78.

24. *Id.* at 78-79 (citing 1997 RULES OF CIVIL PROCEDURE, rule 1, § 3).

25. *Heirs of Magdalena Ypon*, 700 SCRA at 781.

26. *Id.* at 784.

the ground that it failed to state a cause of action since the petitioners had yet to establish their status as heirs.<sup>27</sup>

In sustaining the dismissal by the trial court, the Court held that determining a decedent's lawful heirs should be done in the proper special proceeding for such purpose, precluding the trial court in an ordinary action for cancellation of title and reconveyance from making the same.<sup>28</sup>

By way of exception, the Court held that a prior determination of heirship in a separate special proceeding may be dispensed with for the sake of practicality, such as: (1) "when the parties in the civil case had voluntarily submitted the issue to the trial court and already presented their evidence regarding the issue of heirship, and the RTC had consequently rendered judgment thereon;"<sup>29</sup> or (2) "when a special proceeding had been instituted but had been finally closed and terminated, and hence, cannot be reopened."<sup>30</sup>

### *C. Reyes v. Enriquez*

In *Reyes*, the subject parcel of land was co-owned by Dionisa Reyes and Anacleto Cabrera (Anacleto).<sup>31</sup> The respondents, who alleged to be the heirs of Anacleto and claimed to own one-half of the subject land, filed an action to nullify several documents showing that Anacleto only owned one-fourth of the subject property, as well as to cancel the new transfer certificates of title issued by virtue of the said documents, contending that said documents were fictitious.<sup>32</sup> The respondents also prayed for the "repartition and re[ ]subdivision" of the subject property.<sup>33</sup> The trial court dismissed the case, holding that by demanding the partition of the subject property, the respondents were actually seeking to be declared Anacleto's heirs, which cannot be done in an ordinary civil action, but only through a special proceeding specifically instituted for the purpose.<sup>34</sup>

The Court upheld the trial court's decision, holding that the "determination of who are the legal heirs of the deceased must be made in the

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27. *Id.* at 782-83.

28. *Id.* at 784.

29. *Id.* at 786.

30. *Id.*

31. *Reyes*, 551 SCRA at 89.

32. *Id.* at 91.

33. *Id.*

34. *Id.*

proper special proceedings in court, and not in an ordinary suit for recovery of ownership and possession of property.”<sup>35</sup> In the instant case, while a declaration of heirship was not prayed for in the complaint, “a review of the allegations therein reveal[ed] that the right being asserted by the respondents [is] their right as heirs of Anacleto Cabrera who they claim [to have] co-owned one-half of the subject property and not merely one-fourth as stated in the documents the respondents sought to annul.”<sup>36</sup> Thus, according to the Court, there was a need to first establish their status as such heirs in the proper forum, i.e., in a special proceeding.<sup>37</sup>

*D. Heirs of Guido and Isabel Yaptinchay v. Del Rosario*

In *Heirs of Guido and Isabel Yaptinchay*, the late Guido and Isabel Yaptinchay owned two parcels of land.<sup>38</sup> When they passed away, the petitioners therein, claiming to be the lawful heirs, executed an extrajudicial settlement of their estate.<sup>39</sup> Thereafter, they discovered that a portion of the properties were already titled to Golden Bay Realty and Development Corporation (Golden Bay), who sold portions of the land to the other defendants in this case.<sup>40</sup> The heirs filed a complaint to annul the transfer certificate of title bearing the names of the defendants and for its reconveyance to them.<sup>41</sup> Golden Bay moved for its dismissal for failure to state a cause of action as the petitioners have not established their status as heirs yet, among others.<sup>42</sup> The trial court granted the motion and dismissed the complaint for annulment of the land titles and reconveyance.<sup>43</sup>

On certiorari, the Court sustained the lower court and cited the prior ruling in *Litam*,<sup>44</sup> which was subsequently reiterated in *Solvio v. Court of*

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35. *Id.* at 94-95 (citing *Heirs of Guido and Isabel Yaptinchay*, 304 SCRA at 22-23).

36. *Id.* at 94.

37. *Reyes*, 551 SCRA at 95.

38. *Heirs of Guido and Isabel Yaptinchay*, 304 SCRA at 20.

39. *Id.*

40. *Id.*

41. *Id.* at 20-21.

42. *Id.* at 21.

43. *Id.*

44. *Litam*, et al. v. Rivera, 100 Phil. 364 (1956).

*Appeals*.<sup>45</sup> According to the Court, the trial court cannot declare heirship in an ordinary civil action because such is only proper in a special proceeding.<sup>46</sup>

*E. Portugal v. Portugal-Beltran*

In *Portugal*, the decedent Jose, Sr. married Paz in 1942 and petitioner Isabel in 1948.<sup>47</sup> Isabel gave birth to Jose, Jr. in 1949, while Paz gave birth to respondent Aleli in 1950.<sup>48</sup> Jose, Sr. owned a 155 square meter parcel of land in Caloocan, which he inherited from his father Mariano by virtue of a “Deed of Extra-Judicial Partition and Waiver of Rights” over the latter’s estate.<sup>49</sup> In 1970, Jose, Sr. registered said land in the name of “Jose Q. Portugal, married to Paz C. Lazo.”<sup>50</sup> After Paz’ and Jose, Sr.’s death, Aleli adjudicated the subject land unto herself.<sup>51</sup> Petitioners filed a complaint against her for annulment of the transfer certificate of title issued in her name, alleging that respondent had no right to inherit, having no relation to Jose, Sr.<sup>52</sup> Relying on the doctrine enunciated in *Heirs of Guido and Isabel Yaptinchay*, the trial court dismissed the complaint on the basis of lack of cause of action and jurisdiction.<sup>53</sup>

The Court consolidated the doctrines in *Litam*, *Solivio*, and even in *Guilas v. CFI Judge of Pampanga*,<sup>54</sup> holding that —

[I]f the special proceedings are pending, or if there are no special proceedings filed but there is, under the circumstances of the case, a need to file one, then the determination of, among other issues, heirship should be raised and settled in said special proceedings. Where special proceedings had been instituted but had been finally closed and terminated, however, or if a putative heir has lost the right to have himself declared in the special proceedings as co-heir and he can no longer ask for its re-opening, then an

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45. *Solivio v. Court of Appeals*, G.R. No. 83484, 182 SCRA 119 (1990).

46. *Heirs of Guido and Isabel Yaptinchay*, 304 SCRA at 22 (citing *Litam, et al.*, 100 Phil. at 366).

47. *Portugal*, 467 SCRA at 186.

48. *Id.*

49. *Id.* at 187.

50. *Id.*

51. *Id.*

52. *Id.*

53. *Portugal*, 467 SCRA at 188-89 (citing *Heirs of Guido and Isabel Yaptinchay*, 304 SCRA at 22-23).

54. *Guilas v. Judge of the Court of First Instance of Pampanga*, G.R. No. L-26695, 43 SCRA 111 (1972).



ordinary civil action can be filed for his declaration as heir in order to bring about the annulment of the partition or distribution or adjudication of a property or properties belonging to the estate of the deceased.<sup>55</sup>

Following said rule, the only way that a declaration of heirship may prosper under an ordinary civil action is if there was a prior special proceeding that was later on terminated and the putative heir was not able to have himself declared as co-heir or [when] he lost [such] right.<sup>56</sup> Interestingly, however, it is noted in *Portugal* that the Court readily acknowledged that [in subjecting] the matter to a special proceeding just to establish the status of petitioners as heirs would be burdensome and expensive to the estate; [this is] considering that the estate only had the parcel of land as its property.<sup>57</sup> Hence, the Court resolved to remand the case to the trial court to determine the petitioners' status as heirs in the civil case which the latter filed.<sup>58</sup>

### III. THE CASE OF *TREYES V. LARLAR*

#### A. *The Factual Antecedents*

The legal controversy in the case of *Treyes* emerged after the demise of Rosie Larlar Treyes (Rosie), who passed away on 1 May 2008.<sup>59</sup> Rosie was survived by her spouse, Dr. Nixon L. Treyes (Nixon).<sup>60</sup> The spouses did not bear any children. Moreover, Rosie died without a will, causing her properties to pass on to her heirs through intestacy.<sup>61</sup> At the time of her death, Rosie left behind 14 real properties which she owned together with Nixon as their conjugal properties.<sup>62</sup>

Subsequently, Nixon transferred all of the properties to himself by executing two Affidavits of Self-Adjudication, one dated 2 September 2008, which he eventually registered with the Register of Deeds of Marikina City on 24 March 2011, and the other dated 19 May 2011, which was registered with the Register of Deeds of San Carlos City, Negros Occidental on 5 June

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55. *Portugal*, 467 SCRA at 198.

56. *Id.*

57. *Id.* at 199.

58. *Id.* at 200.

59. *Treyes*, 951 SCRA at 32.

60. *Id.*

61. *Id.*

62. *Id.*

2011.<sup>63</sup> In these two Affidavits, Nixon claimed to be the sole heir of his deceased spouse, thus transferring the latter's entire estate unto himself.<sup>64</sup>

As it turned out, Nixon was not the sole heir.<sup>65</sup> Rosie was likewise survived by seven siblings: Antonio, Emilio, Heddy, Rene, Celeste, Judy, and Yvonne (Larlar siblings) who discovered that they were excluded from their share of their deceased sister's estate.<sup>66</sup>

Asserting that they, too, are heirs of Rosie by virtue of intestacy and are thus entitled to one-half of their sister's estate, their claim was anchored on Article 1001 of the Civil Code, which states that “[s]hould brothers and sisters or their children survive with the widow or widower, the latter shall be entitled to one-half of the inheritance and the brothers and sisters or their children to the other half.”<sup>67</sup>

The Larlar siblings alleged that they attempted to negotiate amicably with Nixon but to no avail.<sup>68</sup> Eventually, in 2012, they discovered that Transfer Certificate of Titles (TCTs) previously registered in the name of their sister and Nixon had already been cancelled and that new TCTs had been issued in the name of Nixon on the basis of the two Affidavits of Self-Adjudication.<sup>69</sup>

On 12 July 2013, the Larlar siblings filed a complaint before the RTC of San Carlos City.<sup>70</sup> It is important to note that the action filed was primarily for the annulment of the Affidavits of Self-Adjudication.<sup>71</sup> Moreover, the Larlar siblings also prayed for the cancellation of all the TCTs issued in favor of Nixon, the reconveyance of their successional share in the estate of Rosie, the partition of the estate, as well as moral damages, exemplary damages, attorney's fees, and other litigation expenses.<sup>72</sup>

In the main, the Larlar siblings alleged that Nixon “fraudulently caused the transfer of the subject properties to himself by executing the two Affidavits

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63. *Id.* at 32-33.

64. *Id.* at 33.

65. *Treyes*, 951 SCRA at 33

66. *Id.*

67. *Id.* at 53 (citing An Act to Ordain and Institute the New Civil Code of the Philippines [CIVIL CODE], Republic Act No. 386, art. 1001).

68. *Id.* at 33.

69. *Id.*

70. *Id.* at 33-34.

71. *Treyes*, 951 SCRA at 33-34.

72. *Id.*

of Self-Adjudication and refused to reconvey the shares of the [Larlar siblings] who, being the brothers and sisters of Rosie, are legal heirs of the deceased.”<sup>73</sup>

*B. The Primary Issue: Lack of Jurisdiction over the Subject Matter*

In his bid to have the complaint dismissed, Nixon filed a Motion to Dismiss, alleging among others that the RTC lacked jurisdiction over the subject matter of the complaint.<sup>74</sup> In support of this ground, Nixon essentially argued that the Larlar siblings’ true objective in filing their complaint was to have the RTC definitively declare them as heirs of Rosie — a subject matter which must be properly threshed out in a special proceeding and not in an ordinary civil action such as the Larlar siblings’ complaint.<sup>75</sup> Nixon anchored this argument on the Court’s pronouncements in the line of cases earlier presented — *Heirs of Teofilo Gabatan*, *Heirs of Magdalena Ypon*, *Reyes*, *Heirs of Guido and Isabel Yaptinchay*, and *Portugal* — which all hold that the status of a person “who claim[s] to be an heir to a decedent’s estate could not be adjudicated in an ordinary civil action”<sup>76</sup> and that the “[d]etermination of who are the legal heirs of the deceased must be made in the proper special proceedings in court, and not in an ordinary suit for recovery of ownership and possession of property.”<sup>77</sup>

In a Resolution dated 15 July 2014, the RTC dismissed the Motion to Dismiss, disagreeing with Nixon’s argument that it lacked jurisdiction over the subject matter of the complaint.<sup>78</sup> This prompted Nixon to file an appeal under Rule 65 of the Rules of Court before the Court of Appeals (CA), alleging that the RTC committed grave abuse of discretion in denying its Motion to Dismiss.<sup>79</sup>

73. *Id.* at 34.

74. *Id.* at 35. (To note, improper venue and prescription were also raised as grounds for the dismissal of the complaint, which the Court denied for lack of merit. The Article will not delve into these issues and will focus on the primary issue of lack of jurisdiction due to the doctrine on prior determination of heirship in a special proceeding as a prerequisite for an ordinary civil action.)

75. *Id.* at 72.

76. *Heirs of Teofilo Gabatan*, 581 SCRA at 79-80 & *Heirs of Magdalena Ypon*, 700 SCRA at 785.

77. *Reyes*, 551 SCRA at 94 (citing *Heirs of Guido and Isabel Yaptinchay*, 304 SCRA at 22-23); *Heirs of Guido and Isabel Yaptinchay*, 304 SCRA at 22; & *Portugal*, 467 SCRA at 188-89 (citing *Heirs of Guido and Isabel Yaptinchay*, 304 SCRA at 22-23).

78. *Treyes*, 951 SCRA at 35.

79. *Id.* at 36.

The CA concurred with the RTC and held that there was no grave abuse of discretion. Since the complaint primarily seeks to annul Nixon's Affidavits of Self-Adjudication, which partakes the nature of an ordinary civil action, the CA found that the RTC had jurisdiction to hear and decide the complaint.<sup>80</sup> According to the CA, "as [Rosie's] intestate heirs, [the Larlar siblings] had the right to sue for the reconveyance of the disputed properties, not to them, but to the estate itself, for distribution later in accordance with law."<sup>81</sup>

Hence, Nixon filed a Petition for Review on Certiorari under Rule 45 before the Court.<sup>82</sup>

### C. *The Court's Ruling*

In a decision promulgated by the Court *en banc* on 8 September 2020, the Court denied Nixon's Petition and concurred with the Court of Appeals' holding that the RTC did not commit grave abuse of discretion in denying Nixon's Motion to Dismiss.<sup>83</sup>

Speaking through Justice Alfredo Benjamin S. Caguioa, the Court definitively set the prevailing doctrine.<sup>84</sup> Given that the rights of heirs to the inheritance are vested by virtue of the decedent's death under the Civil Code,<sup>85</sup>

no prior judicial declaration of heirship is necessary before an heir can file an ordinary civil action to enforce ownership rights acquired by virtue of succession through the nullification of deeds divesting property or properties forming part of the estate and reconveyance thereof to the estate or for the common benefit of the heirs of the decedent[.]<sup>86</sup>

As a result of this ruling, the Court, in no uncertain terms, overturned the existing line of jurisprudence, holding that

the rule laid down in [*Heirs of Magdaleno Ypon*], [*Heirs of Guido and Isabel Yaptinchay*], *Portugal, Reyes*, [*Heirs of Teofilo Gabatan*], and other similar cases, which requires a prior determination of heirship in a separate special

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80. *Id.*

81. *Id.* at 81 (J. Bernabe, separate concurring opinion).

82. *Id.* at 37.

83. *Id.* at 75.

84. *Treyes*, 951 SCRA at 31.

85. CIVIL CODE, art. 774.

86. *Treyes*, 951 SCRA at 74-75.

proceeding as a prerequisite before one can file an ordinary civil action to enforce ownership rights acquired by virtue of succession, is abandoned.<sup>87</sup>

Accordingly, intestate heirs may initiate an ordinary civil action to declare the nullity of a deed or instrument to recover property or enforce ownership rights acquired by virtue of succession without the necessity of a prior and separate judicial declaration of their status as heirs.<sup>88</sup>

Summarizing the definitive doctrine on the matter, the Court held that

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[H]enceforth, the rule is [—] *unless there is a pending special proceeding for the settlement of the decedent's estate or for the determination of heirship, the compulsory or intestate heirs may commence an ordinary civil action to declare the nullity of a deed or instrument, and for recovery of property, or any other action in the enforcement of their ownership rights acquired by virtue of succession, without the necessity of a prior and separate judicial declaration of their status as such.* The ruling of the trial court shall only be in relation to the cause of action of the ordinary civil action, i.e., the nullification of a deed or instrument, and recovery or reconveyance of property, which ruling is binding only between and among the parties.<sup>89</sup>

#### IV. DISSECTION OF THE COURT'S DEFINITIVE RULING IN *TREYES V. LARLAR*

##### *A. Transmission of Heirship from the Moment of Death Under Article 777*

At the very core of the Court's ruling in *Treyes* is the elementary principle of the law on succession that the rights of heirs are transmitted at the precise moment of the death of the decedent.<sup>90</sup>

Under Article 777 of the Civil Code, “[t]he rights to the succession are transmitted from the moment of the death of the decedent.”<sup>91</sup>

As explained by the Court, citing the late eminent Professor Ruben F. Balane,

the operation of Article 777 occurs at the very moment of the decedent's death [—] the transmission by succession occurs at the precise moment of death and, therefore, the heir is legally deemed to have acquired ownership

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87. *Id.* at 75 (emphasis supplied).

88. *Id.*

89. *Id.* (emphasis supplied).

90. CIVIL CODE, art. 777.

91. *Id.*

of his [or] her share in the inheritance at that very moment, and not at the time of declaration of heirs, or partition, or distribution.<sup>92</sup>

To emphasize how the nature of succession is instantaneous and non-contingent, the Court provided several examples of how this rule is operationalized. For instance, in cases for partition, even before the property is judicially partitioned, the heirs are already considered co-owners of the property and deemed real parties-in-interest even without a separate determination of their status as heirs.<sup>93</sup> Also, in summary settlement of estates, even without going through a prior special proceeding establishing heirs, the latter may pursue an extrajudicial settlement of the estate of the decedent by executing a public document as long the requisites are present, i.e., the decedent has no will, no debts, and no minor heirs.<sup>94</sup>

Another important illustration of the rule is the allowance of the execution of an affidavit of self-adjudication in cases wherein the decedent has only one legal heir.<sup>95</sup> This may be done even without a prior special proceeding to establish the sole heir's status as an heir.<sup>96</sup> Ironically, Nixon himself asserted his status as a sole heir through the execution of Affidavits of Self-Adjudication without himself going through a special proceeding establishing his status as Rosie's sole heir.<sup>97</sup> This irony was not lost on the Court, which observed that if Nixon's theory was given credence, "even petitioner Treyes' Affidavits of Self-Adjudication would be legally baseless as he himself has not previously established in a prior special proceeding his status as the husband and heir of Rosie."<sup>98</sup>

Applying Article 777 to the case at hand, the Court explained that the successional rights of the Larlar siblings were not merely contingent or expectant as they vested without moment's notice upon the death of Rosie.<sup>99</sup> As Article 1001 states that brothers and sisters who survive with the widow or widower shall be entitled to one-half of the inheritance,<sup>100</sup> the "siblings of

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92. *Treyes*, 951 SCRA at 52 (citing RUBEN F. BALANE, JOTTINGS AND JURISPRUDENCE IN CIVIL LAW (SUCCESSION) 35 (2010 ed.)).

93. *Treyes*, 951 SCRA at 52.

94. *Id.* at 52-53 (citing 1964 SPECIAL PROCEEDINGS, rule 74, § 1).

95. *Treyes*, 951 SCRA at 53.

96. *Id.*

97. *Id.* at 74.

98. *Id.*

99. *Id.* at 66.

100. CIVIL CODE, art. 1001.

Rosie, by operation of law, are entitled to one-half of the inheritance of the decedent.”<sup>101</sup> “[B]y being legal heirs, they are entitled to institute an action to protect their ownership rights acquired by virtue of succession[,] and thus[,] are real parties-in-interest in the instant case.”<sup>102</sup>

As further explained by the Court, requiring a prior special proceeding before an heir can enforce his or her rights to the inheritance in an ordinary civil action would be directly contrary to Article 777<sup>103</sup> —

By being legal heirs, they are entitled to institute an action to protect their ownership rights acquired by virtue of succession and are thus real parties in interest in the instant case. *To delay the enforcement of such rights until heirship is determined with finality in a separate special proceeding would run counter to Article 777 of the Civil Code which recognizes the vesting of such rights immediately — without a moment’s interruption — upon the death of the decedent.*<sup>104</sup>

### *B. Distinguishing Ordinary Civil Actions from Special Proceedings*

Given the Court’s pronouncement that a prior special proceeding cannot be a hurdle for the heirs to enforce their successional rights in an ordinary civil action as such would be violative of Article 777,<sup>105</sup> did the Court in *Treyes* remove the distinction between ordinary civil actions and special proceedings?

An ordinary civil action is an action that seeks the enforcement or protection of a right, or the prevention or redress of a wrong.<sup>106</sup> In contrast, a special proceeding is an action which seeks to establish the status or right of a party, or a particular fact.<sup>107</sup> An ordinary civil action can be distinguished from a special proceeding in that “the former is a formal demand of a right by one against another, while the latter is but a petition for a declaration of a status, right[,] or fact.”<sup>108</sup> For instance, where one seeks to recover property from another, the remedy is to file an ordinary civil action for reconveyance.<sup>109</sup> Where the purpose is to seek the appointment of a guardian

101. *Treyes*, 951 SCRA at 53.

102. *Id.* at 54.

103. *Id.*

104. *Id.* (emphasis supplied).

105. *Id.*

106. 2019 RULES OF CIVIL PROCEDURE, rule 1, § 3 (a).

107. *Id.* rule 1, § 3 (c).

108. *Pacific Banking Corp. Employees Organization v. Court of Appeals*, G.R. No. 109373, 242 SCRA 492, 503 (1995).

109. *Treyes*, 951 SCRA at 45.

for someone suffering from mental incapacity, the remedy is a special proceeding to establish the status of insanity that warrants guardianship.<sup>110</sup>

Hence, with the Court allowing persons to enforce their rights as heirs by seeking the annulment of acts committed by co-heirs that violate their rights to the inheritance, would such an ordinary civil action encroach on the territory of special proceedings, wherein a party would, in effect, be able to establish his or her right or status as an heir in an ordinary civil action?

At first glance, this seems to be the implication of *Treyes*. In an ordinary civil action seeking to annul an extrajudicial settlement of an estate that unlawfully excludes other heirs, logically, the granting of such an action would necessarily denote the court's recognition of the existence and status of other heirs who were unlawfully excluded from the inheritance.

This was the thrust of Justice Marvic M.V.F. Leonen's dissenting opinion. He argued that

if the trial court were to determine who Rosie's heirs are, it would be in excess of its jurisdiction for, undeniably, it is only a probate or intestate court that has that kind of jurisdiction. [...] Ultimately, I cannot agree that a preliminary determination of heirship can be attained in an ordinary civil action, even if it is only regarding the cause of action.<sup>111</sup>

However, as clarified by the Court, *Treyes* does not disturb whatsoever the demarcation between ordinary civil actions and special proceedings.<sup>112</sup>

In ordinary civil actions for the cancellation of a deed or instrument and reconveyance of property instituted by excluded heirs on the basis of intestate succession, "the plaintiff does not really seek to establish the right or status as an heir."<sup>113</sup> This is the case because the law on succession under the Civil Code already establishes that right or status.<sup>114</sup> In other words, it was the death of the decedent that bestowed upon the person the status of an heir, and not the ordinary civil action.<sup>115</sup> Hence, in such an action, what the plaintiff aims to do is to merely call for the nullification of a conveyance as an enforcement or protection of a right that had already vested by virtue of law.<sup>116</sup> Therefore,

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110. *Pacific Banking Corp. Employees Organization*, 242 SCRA at 503.

111. *Treyes*, 951 SCRA at 110 (J. Leonen, dissenting opinion).

112. *See Treyes*, 951 SCRA at 49-51.

113. *Id.* at 50.

114. CIVIL CODE, art. 777.

115. *Id.*

116. *Treyes*, 951 SCRA at 50.



“[i]n truth, the plaintiff seeks the enforcement of his or her right brought about by his or her being an heir by operation of law.”<sup>117</sup>

Moreover, the Court explained that “ordinary civil actions for declaration of nullity of a document, nullity of title, recovery of ownership of real property, or reconveyance are actions *in personam*.”<sup>118</sup> Therefore, they can only bind particular individuals, i.e., the parties of the action, even though the action concerns rights to tangible things.<sup>119</sup> “Any judgment therein is binding only upon the parties properly impleaded. Hence, any decision in the [ ] ordinary civil action would not prejudice non-parties.”<sup>120</sup> Consequently, any holding by the trial court in the ordinary civil action initiated by the Larlar siblings shall only be in relation to the cause of action of the complaint, i.e., the annulment of the Affidavits of Self-Adjudication executed by Nixon, and shall only be binding among the parties therein.<sup>121</sup>

As pointed out by former Justice Estella Perlas-Bernabe in her separate concurring opinion, in such an ordinary civil action, there is by no means a definitive settlement or ruling on the status of the heirs and their respective shares in the inheritance.<sup>122</sup> Such an action would only be limited to determining whether the act of an heir to exclusively adjudicate unto himself the entire inheritance through the execution of an affidavit of self-adjudication is valid.<sup>123</sup> The action would not take the place of a special proceeding by a probate court.<sup>124</sup> Any finding on the status of the plaintiffs as heirs would only be for the very limited purpose of determining whether or not the defendant’s self-adjudication of the properties of the estate was valid.<sup>125</sup>

It is also important to stress that the end result of such an action, if it were to be granted, would be limited to reverting the properties back to the estate.<sup>126</sup> There would be no distribution of properties to the plaintiffs nor would there be a definitive finding as to the share of the heirs in the ordinary

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117. *Id.*

118. *Id.*

119. *Id.* at 50-51.

120. *Id.* at 51.

121. *Id.* at 75.

122. *Treyes*, 951 SCRA at 87 (J. Perlas-Bernabe, concurring opinion).

123. *Id.*

124. *Id.* at 94.

125. *Id.* at 85.

126. *Id.* at 88.

civil action. Such causes of action rightfully belong in special proceedings. As explained by former Justice Bernabe,

it must be reiterated that the ordinary civil action would not amount to the actual distribution of the properties forming part of the decedent's estate. As the [Court of Appeals] in this case correctly recognized, the right to sue for reconveyance is only limited to the disposition that the properties in dispute would revert to the estate itself but for distribution later 'in accordance with law,' i.e., a special proceeding. It is also in this regard that the RTC itself voluntarily recognized the limits of its own jurisdiction by stating that it had no jurisdiction over the cause of action of partition.

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At this point, it is well to recognize that in these ordinary civil actions aimed merely to protect the interest of the heirs so that the properties in dispute may properly revert to the estate, the court (unlike in this case where heirship is not at issue) might have to tackle the issue of heirship so as to determine whether or not: (a) the plaintiff/defendant-heirs are real parties-in-interest to the suit; and (b) they are entitled to the reliefs sought. The court is competent to pass upon these matters but it must be stressed that any discussion that touches upon the issue of heirship should be made only "in relation to the cause of action of the ordinary civil action" and for the limited purpose of resolving the issue/s therein, and such finding would not operate to bar the parties from raising the same issue of heirship in the appropriate forum, i.e., special proceedings. As such, any declaration of heirship made in an ordinary civil action to recover property should only be deemed as provisional to the extent that it is necessary to determine who between the parties has the better right to possess/own the same. This provisional approach is similarly observed in ejectment cases where the issue of ownership may be passed upon for the limited purpose of resolving who has the right to possess the property.<sup>127</sup>

Similarly, in his separate concurring opinion, Justice Rodil V. Zalameda explained that *Treyes* does not sanction the resolution of matters that should be decided definitively and exclusively in special proceedings in ordinary civil actions.<sup>128</sup> To clarify, in ordinary civil actions involving heirship, the issue of heirship shall only be delved into for the limited purpose of determining the legal standing of the putative heirs to institute the action, as well as the merits of the particular cause/s of action in the ordinary civil action<sup>129</sup>

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127. *Id.* at 85-86.

128. *Treyes*, 951 SCRA at 175 (J. Zalameda, concurring opinion).

129. *Id.* at 177.

To be sure, a regular court must refrain from delving into the issue of heirship for any purpose other than to determine the legal standing of the putative heirs to file the civil action, and the result of which should not be a bar to a subsequent appropriate proceeding on the ascertainment of the heirs between or among the parties. The *ponencia* noted that this determination shall only be in relation to the appropriate cause or causes of action in the ordinary civil action initiated by the putative heirs.<sup>130</sup>

On the characterization of the Larlar siblings' complaint as an ordinary civil action, in his dissenting opinion, Justice Leonen expressed his belief that the Larlar siblings' action "was [not] an ordinary civil action. The relief they ask pertains to the determination of their heirship. What they filed was a special proceeding disguised as an ordinary civil action — one beyond the Regional Trial Court's jurisdiction."<sup>131</sup>

With due respect to Justice Leonen, that the Larlar siblings' complaint contains causes of action seeking for the annulment of the Affidavits of Self-Adjudication, reconveyance, and partition of the properties of the decedent's estate in enforcement of their successional rights does not make the complaint an action for settlement of estate that must be pursued in a special proceeding.

In differentiating an ordinary civil action for reconveyance based on successional rights from a special proceeding on the determination of heirship, the case of *Spouses Villafria v. Plazo*<sup>132</sup> is illustrative.

In the said case, a group of heirs invoked their successional rights and filed a civil action for Judicial Partition with Annulment of Title and Recovery of Possession against another group of co-heirs, alleging that the latter sold properties of the estate without their consent and participation.<sup>133</sup> The complaint essentially contained the same reliefs prayed for by the Larlar siblings in *Treyes*. Eventually, the trial court found merit in the complaint and nullified an extrajudicial settlement and a deed of absolute sale, as well as ordered the reconveyance of the subject properties.<sup>134</sup>

On appeal, the petitioner argued that "while the complaint filed by the respondents was captioned as 'Judicial Partition with Annulment of Title and Recovery of Possession,' the allegations therein show that the cause of action

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130. *Id.*

131. *Id.*

132. *Spouses Villafria v. Plazo*, G.R. No. 187524, 765 SCRA 227 (2015).

133. *Id.* at 230.

134. *Id.* at 231.

is actually one for settlement of estate...”<sup>135</sup> — an argument similarly made by Justice Leonen in his dissenting opinion. It was the petitioner’s contention that when the complaint for Judicial Partition with Annulment of Title and Recovery of Possession was filed, there was yet no settlement of the decedent’s estate, determination as to the nature thereof, nor was there an identification of the number of legitimate heirs.<sup>136</sup> Therefore, the trial court allegedly exceeded its jurisdiction and effectively ruled on the settlement of the intestate estate of the decedent in its ordinary jurisdiction.<sup>137</sup>

In its ruling in *Spouses Villafria*, the Court found the aforesaid argument unmeritorious and upheld the jurisdiction of the trial court to hear the respondents’ complaint.<sup>138</sup> The Court explained that the fact “[t]hat the complaint alleged causes of action identifying the heirs of the decedent, properties of the estate, and their rights thereto, does not perforce make it an action for settlement of estate.”<sup>139</sup> The fact that the complaint contained allegations that may also be found in an action for settlement of estate does not mean that there was a prohibited joinder of causes of action, for such matters may also be properly ventilated in an ordinary action for partition with annulment of title and recovery of possession.<sup>140</sup>

The Court added that praying for the annulment of certain transfers of property could very well be achieved in an ordinary action for partition, as seen in many cases “where courts have determined the parties’ rights arising from complaints asking not only for the partition of estates but also for the annulment of titles and recovery of ownership and possession of property.”<sup>141</sup> The Court unequivocally concluded that “[s]ince the action herein was not merely for partition and recovery of ownership but also for annulment of title and documents, the action is incapable of pecuniary estimation and thus cognizable by the RTC.”<sup>142</sup>

In any case, to prevent any undue confusion between ordinary civil actions and special proceedings involving disputes of heirs, the Court in *Treyes* held that the rule allowing intestate heirs to commence an ordinary civil action

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135. *Id.* at 241.

136. *Id.* at 236.

137. *Id.*

138. *Spouses Villafria*, 765 SCRA at 242.

139. *Id.* at 245.

140. *Id.* at 247.

141. *Id.* at 248.

142. *Id.* at 251.

to declare the nullity of a deed or instrument in the enforcement of their successional rights without the necessity of a prior and separate judicial declaration of their status as heirs *would not apply if there is already a pending special proceeding for the settlement of the decedent's estate or for the determination of heirship*.<sup>143</sup>

*C. Substantive Law vis-à-vis Procedural Law*

As explained above, the Court's pronouncement in *Treyes* does not disturb whatsoever the demarcation between ordinary civil actions and special proceedings.<sup>144</sup>

Nevertheless, even assuming for the sake of argument that the Rules of Court strictly provide that a separate judicial determination of heirship in a special proceeding is a precondition in an ordinary civil action wherein heirship is sought to be enforced, the Court emphasized that

the Rules must still yield to the specific provisions of the Civil Code that certain relatives of the decedent attain their status as either compulsory or intestate heirs and that their successional rights are transmitted and enforceable at the very moment of death without the need of such separate judicial determination.<sup>145</sup>

This is the case because "rules of procedure must always yield to substantive law."<sup>146</sup> Procedural rules, such as the Rules of Court, are not meant to override the dictates of substantive law.<sup>147</sup> Instead, "procedural rules are meant to operationalize and effectuate substantive law."<sup>148</sup> Hence, an interpretation of the rules that is more in keeping with substantive law must be adhered to.

In the case at hand, the Court explained that the *Treyes* doctrine

is more in line with substantive law, i.e., Article 777 of the Civil Code is clear and unmistakable in stating that the rights of the succession are transmitted from the moment of the death of the decedent even prior to any

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143. *Treyes*, 951 SCRA at 75.

144. *Id.*

145. *Id.* at 73-74.

146. *Id.* at 73 (citing *Padunan v. Department of Agrarian Reform Adjudication Board*, G.R. No. 132163, 396 SCRA 196, 204 (2003)).

147. *Id.* at 73.

148. *Id.*

judicial determination of heirship. As a substantive law, its breadth and coverage cannot be restricted or diminished by a simple rule in the Rules.<sup>149</sup>

#### *D. Making Sense of the Divergent Lines of Jurisprudence*

In making its pronouncement in *Treyes*, the Court did not simply dismiss the line of jurisprudence holding that a prior special proceeding determining heirship is a precondition for an ordinary civil action to enforce successional rights without attempting to make sense of how this line of jurisprudence developed. The Court went to great lengths in tracing the development of jurisprudence and exposed how this jurisprudential doctrine was erected on very weak foundations, strengthening the rationale behind the definitive pronouncement that intestate heirs may commence an ordinary civil action to declare the nullity of a deed or instrument without the necessity of a prior determination of heirship in a special proceeding.<sup>150</sup>

##### 1. Misapplication of the Originating Case of *Litam, et al. v. Espiritu, et al.*

An exhaustive analysis of *Heirs of Teofilo Gabatan*, *Heirs of Magdalena Ypon, Reyes*, *Heirs of Guido and Isabel Yaptinchay*, and *Portugal* — the line of jurisprudence relied upon by Nixon reveals that the doctrine developed in these cases traces its origins from the Court's 1956 decision in *Litam*.

Hence, the Court closely examined the facts, issues, and ruling in *Litam* to see how the doctrine was developed and whether the Court's pronouncement in the said case was applied correctly in succeeding cases. After taking a closer look, the Court in *Treyes* discovered that the pronouncement in *Litam* actually does not support whatsoever the rule that an ordinary civil action instituted by an heir is contingent on a prior determination of heirship in a special proceeding.

In *Litam*, a special proceeding for the settlement of the Intestate Estate of Rafael Litam (Rafael) was instituted by one of the latter's sons, i.e., Gregorio Dy Tam (Gregorio).<sup>151</sup> It was alleged that the children of Rafael were begotten by a marriage celebrated in China in 1911 with one Sia Khin (Khin), who was already deceased, and that Rafael contracted another marriage in 1922 with Marcosa Rivera (Marcosa), a Filipino citizen.<sup>152</sup> In this special proceeding,

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149. *Id.*

150. *Id.* at 75.

151. *Litam, et al.*, 100 Phil. at 366.

152. *Id.*

Marcosa contested the alleged marriage of Rafael to Khin and the filiation of Gregorio and his siblings.<sup>153</sup>

During the subsistence of this special proceeding, Gregorio and his siblings filed an ordinary civil action in the same court hearing the special proceeding for the settlement of the intestate estate of the decedent.<sup>154</sup> In this action, the siblings prayed for the delivery of the decedent's properties possessed by Marcosa to the administrator of Rafael's estate.<sup>155</sup>

After trial, the lower court issued its judgment dismissing the ordinary civil action and declared the subject properties to be the exclusive properties of Marcosa.<sup>156</sup> The lower court also unequivocally declared that Gregorio and his siblings "are not the children of the deceased Rafael Litam, and that his only heir is his surviving wife, Marcosa Rivera."<sup>157</sup>

On appeal, the Court in *Litam* upheld the dismissal of the ordinary civil action.<sup>158</sup> However, as keenly observed by the Court in *Treyes*, the dismissal of this ordinary civil action was not due to the fact that Gregorio and his siblings failed to first obtain the status of heirs in a separate prior special proceeding.<sup>159</sup> Instead, interestingly, the Court in *Litam* even affirmed the lower court's decision in the ordinary civil action, and made categorical findings as to the status of Gregorio and his siblings as supposed heirs, holding that they "have utterly failed to prove their alleged status as children of Rafael Litam by a marriage with Sia Khin."<sup>160</sup>

As explained by the Court in *Treyes*,

the Court [in *Litam*], in upholding the [lower court's] Decision, affirmed the dismissal of the ordinary civil action, not because it touched upon the issue of heirship [in an ordinary civil action], but because the petitioners failed to present sufficient evidence proving their heirship and that the evidence on record actually proved that they were not heirs of Rafael.<sup>161</sup>

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153. *Id.* at 367.

154. *Id.* at 368.

155. *Id.*

156. *Id.* at 370.

157. *Litam, et al.*, 100 Phil. at 370.

158. *Id.* at 378.

159. *Treyes*, 951 SCRA at 56.

160. *Litam, et al.*, 100 Phil. at 370.

161. *Treyes*, 951 SCRA at 56.

In *Litam*, the only error found by the Court with the lower court's decision in the ordinary civil action was the categorical pronouncement in the dispositive portion that Marcosa was the only heir of the decedent.<sup>162</sup> The Court held that

the lower court should not have declared, in the decision appealed from, that Marcosa Rivera is the only heir of the decedent, for such declaration is improper in [an ordinary civil action], it being within the exclusive competence of the court in [a special proceeding], in which it is not as yet, in issue, and, will not be, ordinarily, in issue until the presentation of the project of partition.<sup>163</sup>

Given the foregoing, the Court in *Treyes* exposed how the earlier pronouncement in *Litam* actually does not preclude the discussion on the heirship of plaintiffs in an ordinary civil action despite the pendency of a special proceeding for the settlement of the intestate estate of the decedent.<sup>164</sup> What was held to be improper by the Court in *Litam* was the lower court's conclusive, definite, and categorical declaration in that ordinary civil action that Marcosa was the sole heir of the decedent when there was already pending before it a special proceeding tackling that very same issue.<sup>165</sup> In *Treyes*, the Court emphasized that there was no pronouncement whatsoever in *Litam* "that since Gregorio and his siblings had not previously obtained a declaration of heirship in a special proceeding, then they should not be considered real parties in interest."<sup>166</sup> In fact, notably, the lower court's finding in the ordinary civil action on Gregorio and his siblings' lack of filiation with the decedent was not disturbed.<sup>167</sup> Instead, what the Court found improper in *Litam* was the lower court's

[inclusion] in the dispositive portion of its Decision [of] a definite and categorical judgment as to Marcosa's status as being the 'only' heir as it was not the object and purpose of the ordinary civil action, ... and wherein a separate special proceeding ... was already pending that focused precisely on the contentious issue[.]<sup>168</sup>

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162. *Litam, et al.*, 100 Phil. at 378.

163. *Id.*

164. *Treyes*, 951 SCRA at 57.

165. *Litam, et al.*, 100 Phil. at 378.

166. *Treyes*, 951 SCRA at 57.

167. *Id.*

168. *Id.*



Nevertheless, as observed by the Court in *Treyes*, the Court in succeeding cases cited and relied on *Litam* to justify the dismissal of an ordinary civil action instituted by an heir on the ground of failure to establish heirship in a prior special proceeding *even if no such ruling was made or even slightly implied in the said case*.<sup>169</sup> Hence, as noted by *Treyes*, with *Litam* being misapplied in succeeding rulings, “the underlying foundation of the doctrine invoked by [Nixon] is inapt.”<sup>170</sup>

## 2. Weighing Conflicting Jurisprudence

Beyond exposing the weak jurisprudential support for the doctrine enunciated in *Heirs of Teofilo Gabatan*, *Heirs of Magdalena Ypon*, *Reyes*, *Heirs of Guido and Isabel Yaptinchay*, and *Portugal*, in *Treyes*, the Court also pointed out that even prior to *Litam*, there were existing Court decisions holding that legal heirs may commence an ordinary civil action arising out of a right based on succession without the necessity of a prior judicial declaration of heirship.<sup>171</sup> Hence, as it turned out, the doctrine laid down in *Heirs of Teofilo Gabatan*, *Heirs of Magdalena Ypon*, *Reyes*, *Heirs of Guido and Isabel Yaptinchay*, and *Portugal* is not undisputed in jurisprudential history.

As early as 1939, in *Vera v. Galauran*,<sup>172</sup> the Court held that

[U]nless there is pending a special proceeding for the settlement of the estate of a deceased person, the legal heirs may commence an ordinary action arising out of a right belonging to the ancestor, without the necessity of a previous and separate judicial declaration of their status as such.<sup>173</sup>

Afterwards, in 1954, the Court in *Cabuyao v. Caagbay*,<sup>174</sup> ruled on the dismissal of an ordinary civil action, i.e., an action for quieting of title filed by a supposed compulsory heir, due to failure of the plaintiff to obtain a prior judicial declaration of heirship.<sup>175</sup> The Court in *Cabuyao* reversed the dismissal of the said action, holding that “the right to assert a cause of action as an alleged

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169. *Id.*

170. *Id.*

171. *Id.* at 72-73.

172. *Vera v. Galauran*, 67 Phil. 213 (1939).

173. *Id.* at 214.

174. *Cabuyao v. Caagbay, et al.*, 95 Phil. 614 (1954).

175. *Id.* at 615.

heir, although he has not been judicially declared to be so, has been acknowledged in a number of subsequent cases.”<sup>176</sup>

The Court reiterated this ruling in 1955 in *Atun, et al. v. Nuñez, et al.*,<sup>177</sup> explaining that “the rule is settled that the legal heirs of a deceased may file an action arising out of a right belonging to their ancestor, without a separate judicial declaration of their status as such[.]”<sup>178</sup>

Subsequently, a month before the Court’s ruling in *Litam*, the Court promulgated its decision in *Marabilles, et al. v. Sps. Quito*<sup>179</sup> a case that involves an analogous set of facts as in *Treyes*. The petitioners in the said case filed an ordinary civil action for the recovery of property on the basis of their heirship.<sup>180</sup> The lower court dismissed the action due to the petitioners’ legal capacity due to the absence of a prior judicial declaration of heirship.<sup>181</sup> The Court reversed the lower court’s dismissal of the action and unequivocally held that as heirs may assert their right to the property of the decedent without a previous judicial declaration of heirship<sup>182</sup> [—]

The rule is that, to determine the sufficiency of a cause of action on a motion to dismiss, only the facts alleged in the complaint should be considered, and considering the facts herein alleged, there is enough ground to proceed with the case. Thus, it appears in the complaint that Guadalupe Saralde is the wife of Alejandro Quito, the Defendant, and as said Guadalupe has already died, under the law, the husband and his daughter Aida are the legal heirs. We have already said that in order that an heir may assert his right to the property of a deceased, no previous judicial declaration of heirship is necessary. It was therefore a mistake to dismiss the complaint on this ground.<sup>183</sup>

Hence, the Court in *Treyes* exposed two divergent, clashing lines of jurisprudence. In resolving this clash, an important factor considered by the Court was whether the Court promulgating such decisions was sitting *en banc* or in division.<sup>184</sup>

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176. *Id.* at 620.

177. *Atun, et al., v. Nuñez, et al.*, 97 Phil. 762, 765 (1955).

178. *Id.*

179. *Marabilles, et al., v. Quito*, 100 Phil. 64 (1956).

180. *Id.* at 65.

181. *Id.*

182. *Id.* at 66.

183. *Id.* at 66-67.

184. *Treyes*, 951 SCRA at 61-62.

Importantly, the rulings in *De Vera*, *Cabuyao*, *Atun*, and *Marabilles* are all decisions of the Court sitting *en banc*. In contrast, the cases of *Heirs of Teofilo Gabatan*, *Heirs of Magdaleno Ypon*, *Reyes*, *Heirs of Guido and Isabel Yaptinchay*, and *Portugal* are all decisions of the Court sitting in division. This is of great significance because, as emphasized by the Court, the Constitution does not allow the modification of doctrines or principles of law laid down in Court decisions except by a subsequent ruling promulgated by the Court sitting *en banc*.<sup>185</sup>

It must be noted that the Court's pronouncement in *De Vera*, citing *Hernandez, et al. v. Padua, et al.*, *Uy Coque, et al. v. Sioca, et al.*, *Mendoza Vda. de Bonnevie v. Cecilio Vda. de Pardo*, and *Government of the Philippine Islands v. Serafica*, is a decision of the Court *en banc* which cannot be overturned by a ruling of a Division of the Court. The Constitution provides that no doctrine or principle of law laid down by the Court in a decision rendered *en banc* may be modified or reversed except by the Court sitting *en banc*.

...

To reiterate, once again, the Court's holdings in *Cabuyao* and *Marabilles* that an heir may assert his [or] her right to the property of the decedent without the necessity of a previous judicial declaration of heirship are decisions of the Court *en banc* that cannot be reversed by a ruling of a Division of the Court. *Heirs of Magdaleno Ypon*, *Heirs of Guido and Isabel Yaptinchay*, *Portugal* and *Reyes*, which are all decisions of the Court's Divisions, in so far as they hold that a prior special proceeding for declaration of heirship is a prerequisite for the assertion by an heir of his [or] her ownership rights acquired by virtue of succession in an ordinary civil action, did not, as they could not, overturn the Court *en banc's* holdings in *De Vera*, *Cabuyao*, *Atun*, and *Marabilles* that heirs should be able to assert their successional rights without the necessity of a previous judicial declaration of heirship.<sup>186</sup>

#### V. THE REPERCUSSIONS OF THE *TREYES* DOCTRINE

In summary, the *Treyes* doctrine holds that

unless there is a pending special proceeding for the settlement of the decedent's estate or for the determination of heirship, the compulsory or intestate heirs may commence an ordinary civil action to declare the nullity of a deed or instrument, and for recovery of property, or any other action in the enforcement of their ownership rights acquired by virtue of succession, without the necessity of a prior and separate judicial declaration of their status as such. The ruling of the trial court shall only be in relation to the cause of

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185. *Id.* at 59.

186. *Id.* at 59-62.

action of the ordinary civil action, i.e., the nullification of a deed or instrument, and recovery or reconveyance of property, which ruling is binding only between and among the parties.<sup>187</sup>

The Court's act of laying down a definitive ruling by untangling the conflicting lines of jurisprudence on the determination of heirship in a special proceeding as a prerequisite to an ordinary civil action has significant consequences.

First, *Treyes* provides judicial stability by erasing the confusion brought about by divergent strands of jurisprudence, providing the Bench and the Bar with one prevailing rule.

Moreover, the clarified doctrine erases the anomaly created by the prior rulings, wherein a procedural rule found in the Rules of Court undermines the clear dictates of substantive law, i.e., that the rights of the heirs transmit ipso jure upon the moment of the decedent's death.<sup>188</sup> As articulated by former Justice Bernabe in her separate concurring opinion, the ruling in *Treyes*

correctly recognizes the legal effects of Article 777 of the Civil Code, and thus, adequately provides for remedies for the heirs to protect their successional rights over the estate of the decedent even prior to the institution of a special proceeding for its settlement.<sup>189</sup>

Furthermore, the Court stressed that the adoption of the *Treyes* doctrine advances just, speedy, and efficient administration of justice.<sup>190</sup>

It is not hard to imagine the circuitous situation produced by a contrary ruling. If a co-heir adjudicates all of the decedent's properties to himself or herself, the co-heir, even if his filiation to the decedent is not seriously disputed, would have to file a separate special proceeding to establish his or her status as an heir before he or she can even file an action to annul the co-heir's unlawful self-adjudication. The aggrieved heir would have to go through a long and tedious proceeding, subject to appeal, before being able to even institute an action to safeguard the integrity of the decedent's estate, which would itself be subject to appeal as well. By the time the ordinary civil action can be instituted, most likely, the subject properties would have already been dissipated. A speedy remedy is denied the estate. Not only is this contrary to the concept of succession under Article 777, this is a grossly inefficient and

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187. *Id.* at 75.

188. CIVIL CODE, art. 777.

189. *Treyes*, 951 SCRA at 85 (J. Bernabe, concurring opinion).

190. *Id.* at 74.

unnecessary rule that wastes the time and resources of the parties, as well as the courts.

On this point, the Court explained that

it would be highly inimical to the very purpose of the Rules to dispose of matters without the unnecessary and circuitous procedures created by a misreading of the requirements of said Rules, i.e., they still require a separate and lengthy special proceeding for the solitary purpose of establishing the private respondents' status as legal heirs of Rosie, when their heirship has already been deemed established by virtue of civil law, with petitioner Treyes not seriously and substantially refuting that the private respondents are siblings of the decedent. If the Court will subscribe to petitioner Treyes' arguments and grant the instant Petition, it would sanction superfluity and redundancy in procedure. To accept petitioner Treyes' stance will necessarily mean that, moving forward, heirs will not even be able to extra-judicially and summarily settle the estate of a decedent without a prior judicial declaration of heirship in a special proceeding. Ironically, even petitioner Treyes' Affidavits of Self-Adjudication would be legally baseless as he himself has not previously established in a prior special proceeding his status as the husband and heir of Rosie.<sup>191</sup>

Therefore, by virtue of the *Treyes* doctrine, rules of procedure are construed in a manner that they advance the "objective of securing a just, speedy, and inexpensive disposition of every action and proceeding."<sup>192</sup>

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191. *Id.*

192. *Id.*