

INHERITANCE IS TRANSFERRED AT THE PRECISE MOMENT OF DEATH

Succession is, in essence, a *mode* of acquisition. Often when we talk about inheritance we think about properties, followed by a contemplation of who gets what. But succession happens even before properties are actually partitioned and distributed. In fact, it generally occurs regardless of human intervention. Otherwise stated, *to inherit* means to receive title to property upon the *precise* moment of death. This concept is at the core of our Succession laws and its value cannot be understated.

A Supreme Court case will help to show its importance.

Marcelo and Teofista were married with children. After Marcelo's death, Teofista and the children entered into an Extrajudicial Settlement. For some reason however, despite the execution of the document, the heirs were not able to have the properties titled in their names.

Twenty years later, Teofista lost in a civil case filed against her by Valente. As a result, the inherited properties from Marcelo were levied upon by the lower court to satisfy the judgment. At the auction sale, Valente was the highest bidder.

The children then challenged the auction sale. They argued that the inherited properties in their entirety cannot be held to answer for the judgment since only a portion of it belonged to their mother Teofista, while the rest belonged to them as their inheritance.

When the controversy reached the Supreme Court, it ruled first and foremost that since the judgment was solely against Teofista...only her properties could be levied upon by the lower court.

As discussed earlier, the transmission of the properties of the deceased to his heirs by succession takes effect upon the *precise* moment of death. So, upon the death of Marcelo, his heirs instantaneously became co-owners of his estate. The fact that the heirs failed to submit the Extrajudicial Settlement to the Register of Deeds (or even if none was ever executed for that matter) is not even relevant. The law itself automatically makes the heirs co-owners at the time of death. Although the inheritance remained undivided, the children nevertheless had an absolute right over their rightful shares.

Therefore, Valente could levy on the inherited properties only to the extent of Teofista's share. The rest belonged to the children.

(Based on G.R. No. 149017, November 28, 2008)