SECOND DIVISION

[G.R. Nos. 265172 & 265872. November 18, 2025]

HEIRS OF DR. CELESTINO HENSON, NAMELY: EVA H. ASUNCION, TERESITA H. OROSA, AMELIA H. TAMAYO AND ROMARICO S. HENSON (DECEASED), SURVIVED BY HIS HEIRS, NAMELY: ROSARIO MAXIMA MARIA P. HENSON, MA. ANA GLORIA CONCEPCION P. HENSON, AND ANTONIO JOSERICO P. HENSON, PETITIONERS, VS. DON PEPE HENSON ENTERPRISES, INC., REPRESENTED BY MS. JAMIE SIGUA, AND DON PEPE HENSON ENTERPRISES, RESPONDENTS.

D E C I S I O N

KHO, JR., J.:

Before the Court is a Petition for Review on *Certiorari*[1] under Rule 45 of the Rules of Court assailing the Decision[2] dated May 18, 2022 and the Resolution[3] dated January 6, 2023 of the Court of Appeals (CA) in CA-G.R. CV No. 114812 and CA-G.R. SP No. 167706. The CA ruling affirmed: (1) the Decision[4] dated September 27, 2019 of Branch 57, Regional Trial Court, Angeles City (RTC), directing the Register of Deeds of Angeles City (RD-Angeles City) to cancel the annotation of the Joint Affidavit of Adverse Claim in Transfer Certificates of Title (TCT) Nos. 045-2015013262, 045--2015013264, 045-2015013269,[5] 045-2018005600, 045-2018005603, 045-2018005604, 045-2018005605, 045-2018005606, and 045-2018005607[6] (subject titles), upon payment of the prescribed fees; and (2) the Resolution[7] dated April 2, 2019 and the Order[8] dated November 29, 2020 of the Land Registration Authority (LRA), holding that the Notice of Adverse Claim is not registrable.

The Facts

Don Pepe Henson Enterprises (DPHE) is a registered partnership established in 1964 by siblings Vicente Henson, Amanda Henson-Nepomuceno, Manuela Henson-Suarez, Ines Henson-Dizon, Francisca Henson-Roque, and Sor Luisa Henson (Sor Luisa; collectively, Henson siblings). In a Deed of Assignment[9] dated June 20, 1964, the Henson siblings assigned, transferred, and conveyed to DPHE 11 co-owned parcels of registered lands located in Angeles City, covered by Transfer Certificate of Title (TCT) Nos. 11974, 11975, 11976, 15594, 15595, 15596, 11990, 15745, 15746, 15747, and Original Certificate of Title (OCT) No. 13060, which they inherited from their parents,

Don Jose "Pepe" Henson and Rosario Sadie. Under DPHE's Articles of Partnership,[10] each partner contributed his/her one-sixth (1/6) equal share in the above lands as his/her capital in DPHE.[11]

The RD-Angeles City and the LRA Proceedings

In a Joint Affidavit of Adverse Claim[12] (notice of adverse claim) dated October 26, 2017 filed with the RD-Angeles City under Registered Land Electronic Primary Entry Book (EPEB) No. 2017010240,[13] petitioners heirs of Dr. Celestino Henson (Dr. Henson), namely, Teresita H. Orosa, Eva H. Asuncion, Amelia T. Tamayo, and Romarico S. Henson[14] (collectively, petitioners) sought to register their adverse claim on Sor Luisa's averred one sixth (1/6) share in Lots 2-A to 2-I (inclusive), Plan PSD-03-217350 (subject lands), covered by TCT Nos. 045-2015013261 to 045-2015013269[15] (inclusive) in DPHE's name, previously covered by TCT No. 11974. Petitioners claimed that their late father, Dr. Henson, is one of the siblings of Sor Luisa entitled to inherit from the latter upon her demise on June 23, 1995, single and without issue. Hence, the notice of adverse claim to protect and enforce Dr. Henson's successional rights in the estate of Sor Luisa included in the assets of DPHE.[16]

On December 15, 2017, the RD-Angeles City issued a Notice of Denial[17] of the registration of the adverse claim, ruling that petitioners lacked the requisite interest in the land adverse to the registered owner under Section 70 of Presidential Decree (P.D.) No. 1529, absent proof of liquidation of the partnership properties.[18] On December 20, 2017, petitioners elevated the matter by *Consulta*[19] to the LRA Administrator.

In a Resolution[20] dated April 2, 2019, the LRA sustained the denial of the registration of the adverse claim for petitioners' failure to establish an adverse interest in the subject lands against the registered owner, DPHE, a juridical entity, which is a distinct and different person from one of its averred partners, Sor Luisa. The LRA pointed out that it is only after the dissolution, winding up, and termination of said partnership that petitioners may have the right to inherit from the share of Sor Luisa.[21]

Petitioners filed a Motion for Reconsideration,[22] but the same was denied in an Order[23] dated November 29, 2020. Hence, they elevated the matter before the CA via a Petition for Review,[24] docketed as CA-G.R. SP No. 167706.

The RTC Proceedings

Meanwhile, on May 30, 2019, Don Pepe Henson Enterprises, Inc. (DPHEI) filed an Amended Petition[25] before the RTC, seeking the cancellation of the adverse claim annotated on the subject titles. It claimed that on April 6, 2019, it lawfully acquired the subject lands in good faith and for value from the previous owner, DPHE, but thereafter learned that notice of adverse claim in favor of petitioners was annotated as Entry No.

2017010240 dated October 26, 2017 on the subject titles when DPHEI secured certified copies of the titles. Hence, the petition praying for the cancellation of the adverse claim for lack of factual and legal bases inasmuch as no petition or complaint to substantiate their alleged claim over the subject lands had been filed by petitioners before a competent court within 30 days from inscription of the adverse claim (30-day period) pursuant to Section 70[26] of P.D. No. 1529.[27]

In their Answer,[28] petitioners maintained that the mere lapse of the 30-day period does not warrant cancellation of the adverse claim as the same may only be cancelled if it is proven to be unmeritorious. They further claimed that on September 19, 2018, they filed a criminal charge for *estafa* through falsification of public documents (*estafa* case) against the partners of DPHE and the directors of DPHEI with respect to the unauthorized transfer of DPHE properties, which was dismissed by the Angeles City Prosecutor's Office but is pending appeal before the Department of Justice (DOJ).[29]

In a Decision[30] dated September 27, 2019, the RTC directed the RD-Angeles City to cancel the annotation of the adverse claim on the subject titles, upon payment of the prescribed fees.[31]

In so ruling, the RTC held that the adverse claim is unmeritorious considering petitioners' failure to prove that they are lawful heirs of Sor Luisa entitled to inherit from her estate, and to show that the decedent's estate had already been settled or a complaint to quiet title pertaining to the subject lands has been filed.[32] The RTC likewise found that the appeal of the *estafa* case before the DOJ cannot be considered a pending controversy that would warrant the maintenance of petitioners' adverse claim since the resolution therein will not determine their purported rights and interests as alleged heirs of Sor Luisa because it pertains only to the averred fraudulent acts of DPHE's partners and DPHEI's directors.[33]

Dissatisfied, petitioners filed their appeal to the CA, which was docketed as CA-G.R. CV No. 114812.[34]

The CA Proceedings

In due course, the CA ordered the consolidation of CA-G.R. SP No. 167706 and CA-G.R. CV No. 114812. Thereafter, in a Decision[35] dated May 18, 2022, the CA affirmed the LRA and RTC rulings, respectively.

In upholding the LRA ruling, the CA found that petitioners failed to establish an adverse interest in the subject lands against the registered owner, which is an essential requisite for their adverse claim to be registrable. It concurred with the LRA's observation that the only remedy left for them is the liquidation of the partnership properties, as it is only after dissolution, winding up, and termination of said partnership that they will have the right to inherit from Sor Luisa's share in DPHE.[36]

Similarly, in affirming the RTC ruling, the CA echoed the RTC's declaration that petitioners failed to prove that they are lawful heirs of Sor Luisa, and to show that her estate had already been settled. It explained that without such settlement, there can be no definite partition and distribution of Sor Luisa's estate to her heirs since each of them holds merely an undivided interest in Sor Luisa's shares. Thus, petitioners' interest is still inchoate as they are only entitled to what may remain after payment of the decedent's debts.[37]

The CA likewise concurred with the RTC's finding that the appeal of the *estafa* case before the DOJ cannot be considered a pending controversy that would warrant the maintenance of petitioners' adverse claim since the same pertains only to the averred fraudulent acts of DPHE's partners and DPHEI's directors, and any resolution therein will not determine their purported rights and interests as alleged heirs of Sor Luisa.[38]

Petitioners moved for reconsideration, but the same was denied in a Resolution[39] dated January 6, 2023. Undeterred, they filed the instant Petition. Pursuant to the Court's directive,[40] respondents filed their Comment,[41] maintaining that the assailed ruling should not be disturbed as the same was in accord with the established facts, and the applicable laws and jurisprudence.

The Issues Before the Court

The issues for the Court's resolution are whether the CA committed reversible error in affirming: (1) the LRA Resolution finding that the notice of adverse claim is not registrable; and (2) the RTC Decision directing the cancellation of the annotation of petitioners' adverse claim on the subject titles.[42]

The Court's Ruling

The Petition lacks merit.

Section 70 of P.D. No. 1529 provides the procedure for the annotation and cancellation of an adverse claim as follows:

> SECTION 70. *Adverse claim.* Whoever claims any part or interest in registered land **adverse to the registered owner,** arising subsequent to the date of the original registration, may, if no other provision is made in this Decree for registering the same, make a statement in writing setting forth fully his alleged right or interest, and how or under whom acquired, a reference to the number of the certificate of title of the registered owner, the name of the registered owner, and a description of the land in which the right or interest is claimed.
>
> The statement shall be signed and sworn to, and shall state the adverse claimant's residence, and a place at which all notices may be served upon him. This statement shall be entitled to registration as an adverse claim on

> the certificate of title. The adverse claim shall be effective for a period of thirty days from the date of registration. After the lapse of said period, the annotation of adverse claim may be canceled upon filing of a verified petition therefor by the party in interest: Provided, however, that after cancellation, no second adverse claim based on the same ground shall be registered by the same claimant.
>
> Before the lapse of thirty days aforesaid, any party in interest may file a petition in the Court of First Instance where the land is situated for the cancellation of the adverse claim, and the court shall grant a speedy hearing upon the question of the validity of such adverse claim, and shall render judgment as may be just and equitable. **If the adverse claim is adjudged to be invalid, the registration thereof shall be ordered canceled.** If, in any case, the court, after notice and hearing, shall find that the adverse claim thus registered was frivolous, it may fine the claimant in an amount not less than one thousand pesos nor more than five thousand pesos, in its discretion. Before the lapse of thirty days, the claimant may withdraw his adverse claim by filing with the Register of Deeds a sworn petition to that effect. (Emphasis supplied)

An adverse claim is a type of involuntary dealing designed to protect the interest of a person over a real property by apprising third persons that there is a *controversy over its ownership*, The purpose of annotating an adverse claim on a title is to preserve and protect the right of the adverse claimant/s during the pendency of the controversy where registration of such interest or right is not otherwise provided for by P.D. No. 1529.[43] The validity or efficaciousness of an adverse claim may only be determined by the court upon petition by an interested party, in which event, the court shall order the immediate hearing thereof and make the proper adjudication as justice and equity may warrant. And, it is only when such claim is found unmeritorious that the registration of the adverse claim may be cancelled.[44] *The burden of proof is on the adverse claimant/s to show that his/her/their adverse claim over the subject property is meritorious*.[45]

The following are the formal requisites of an adverse claim:

1. the adverse claimant must state the following in writing:
    a. his/her alleged right or interest;
    b. how and under whom such alleged right or interest is acquired;
    c. the description of the land in which the right or interest is claimed, and
    d. the certificate of title number

2. the statement must be signed and sworn to before a notary public or other officer authorized to administer oath; and
3. the claimant should state his/her residence or the place to which all notices may be served upon him/her.[46]

In the present case, petitioners claim to be Sor Luisa's heirs who have an actual and established interest in the subject lands from the moment of the death of the decedent.[47] Notably, while a prior declaration of heirship in a special proceeding is not required before an heir may assert successional rights in the estate of a decedent,[48] petitioners failed to show their relationship to Sor Luisa, and the right to inherit from her, other than their bare and self-serving allegations.

Even assuming *arguendo* that petitioners are Sor Luisa's heirs, the lower courts correctly ruled that they failed to show an adverse interest against the registered owner of the subject lands to warrant the registration of their adverse claim on the subject titles. Notably, the six original partners in DPHE, the Henson siblings, assigned, transferred, and conveyed the subject lands as part of their capital contribution to DPHE in exchange for an equal share each in the said partnership. While a partner's property rights include his rights in *specific partnership property*,[49] and he/she is co-owner with his/her partners of specific partnership property, the same is merely *for partnership purposes*, and cannot be assigned *except* in connection with the assignment of the rights of *all* the partners in the same property.[50] *A partner's right in specific partnership property is not assignable because it is impossible to determine the extent of his/her beneficial interest in the property until after the liquidation of the partnership affairs*.[51] It bears to stress that even the conveyance by the partner of his *whole interest in the partnership* merely entitles the assignee to receive the profits to which the assigning partner would otherwise be entitled.[52]

From the foregoing, it follows that absent the assignment of the rights of *all* the partners in specific partnership property, any person who acquires a partner's entire interest in the partnership, such as the assignee and/or his/her heirs, does not become co-owners of specific partnership property with the other partners. Hence, he/she cannot have any adverse interest against the partnership as the registered owner, which can be annotated as an adverse claim on the title of the specific partnership property. To reiterate, the purpose of annotating the adverse claim on the title of the disputed land is to apprise third persons that there is a *controversy over the ownership* of the land and to preserve and protect the right of the adverse claimant during the pendency of the controversy. Thus, *the claim asserted must affect the title or be adverse to the title of the registered owner in order to be duly annotated as an adverse claim to the land against the registered owner*.[53] Consequently, absent showing that petitioners became owners of the subject lands—*all specific partnership properties*—by the acquisition of all the partners' interests therein, petitioners have no adverse interest against the registered owner to warrant the registration of an adverse claim on the subject titles.

Moreover, no particular partnership property or any specific or an *aliquot* part thereof can be considered the separate or individual property of any partner. The whole partnership property belongs to the partnership considered as a juridical person, and a partner has no interest in it but his or her share of what remains after all the partnership debts are paid.[54] At most, as supposed heirs of Sor Luisa, petitioners only have an *inchoate monetary claim against DPHE* for her equity share therein after the

liquidation of the partnership affairs. However, a mere money claim may not be registered as an adverse claim on a torrens certificate of title[55] as the same does not affect the title or is adverse to the title of the registered owner. All told, the Court finds petitioners to have failed to discharge their burden to show that their adverse claim over the subject lands is meritorious, warranting its cancellation.

ACCORDINGLY, the Petition is **DENIED**. The Decision dated May 18, 2022 and the Resolution dated January 6, 2023 of the Court of Appeals in CA-G.R. CV No. 114812 and CA-G.R. SP No. 167706 are hereby **AFFIRMED.** Accordingly, the Register of Deeds of Angeles City is directed to cancel the annotation of the Joint Affidavit of Adverse Claim on Transfer Certificates of Title Nos. 045-2015013262, 045-2015013264, 045-2015013269, 045-2018005600, 045-2018005603, 045-2018005604, 045-2018005605, 045-2018005606, and 045-2018005607 registered in the name of Don Pepe Henson Enterprises, Inc., upon payment of the prescribed fees.

SO ORDERED."

Leonen, SAJ. (Chairperson), Lazaro-Javier, J. Lopez, and *Villanueva, JJ.,* concur.

---

[1] *Rollo*, pp. 44-67.

[2] *Id*. at 12-28. The May 18, 2022 Decision in CA-G.R. CV No. 114812 was penned by Associate Justice Zenaida T. Galapate-Laguilles and concurred in by Associate Justices Michael P. Ong and Jaime Fortunato A. Caringal of the Special Fifteenth Division, Court of Appeals, Manila.

[3] *Id*. at 31-33. Penned by Associate Justice Zenaida T. Galapate-Laguilles and concurred in by Associate Justices Michael P. Ong and Jaime Fortunato A. Caringal of the Former Special Fifteenth Division, Court of Appeals, Manila.

[4] *Id*. at 193-202. Penned by Judge Omar T. Viola.

[5] Since none of the subject titles was attached to the Petition, it appears unclear whether TCT Nos. 045-2015013262, 045-2015013264, and 045-2015013269 are registered in the name of DPHE or DPHEI. While petitioners claimed that they were registered in DPHE's name (*id*. at 124), DPHEI claimed to be the absolute and registered owner of the lands covered by the said titles (*id*. at 185), and were in fact mentioned by the CA as among the titles registered in DPHEI's name (*id*. at 24).

[6] *Id*. at 185-187. The subject lands are identified as follows:

TCT No.	Corresponding lot
045-2015013262	Lot No. 2-B, Plan PSD-03-217350
045-2015013264	Lot No. 2-D, Plan PSD-03-217350

045-2015013269	Lot No. 2-1, Plan PSD-03-217350
045-2018005600	Lot No. 2-C, Plan PSD-03-217350
045-2018005603	Lot No. 2-F, Plan PSD-03-217350
045-2018005604	Lot No. 2-H, Plan PSD-03-217350
045-2018005605	Lot No. 2-E, Plan PSD-03-217350
045-2018005606	Lot No. 2-G, Plan PSD-03-217350
045-2018005607	Lot No. 2-A, Plan PSD-03-217350

[7] *Id*. at 152-155. Penned by Deputy Administrator Ronald A. Ortile, CESO II.

[8] *Id*. at 160-162. Penned by Deputy Administrator Ronald A. Ortile, CESO II.

[9] *Id*. at 109-115.

[10] *Id*. at 97-108.

[11] *Id*. at 14-15, 100.

[12] *Id*. at 122-125.

[13] *Id*. at 128.

[14] *Id*. at 45. Now substituted by his heirs, namely, Rosario Maxima Maria P. Henson, Ma. Ana Gloria Concepcion P. Henson, and Antonio Joserico P. Henson.

[15] None of the said certificates of title was attached to the *rollo*.

[16] *Rollo*, pp. 122-125.

[17] *Id*. at 126-127. Signed by Register of Deeds Bayani Alvares Maniquis and OIC-Deputy Register of Deeds Felipe Velasco Balingit.

[18] *Id*.

[19] *Id*. at 128-134.

[20] *Id*. at 152-155.

[21] *Id*. at 154-155.

[22] *Id*. at 156-159.

[23] *Id*. at 160-162.

[24] *Id*. at 163-180.

[25] *Id*. at 184-192.

[26] SECTION 70. *Adverse claim*. Whoever *claims any part or interest in registered land adverse to the registered owner*, arising subsequent to the date of the original registration, may, if no other provision is made in this Decree for registering the same, make a statement in writing setting forth fully his alleged right or interest, and how or under whom acquired, a reference to the number of the certificate of title of the registered owner, the name of the registered owner, and a description of the land in which the right or interest is claimed.

The statement shall be signed and sworn to, and shall state the adverse claimant's residence, and a place at which all notices may be served upon him. This statement shall be entitled to registration as an adverse claim on the certificate of title. The adverse claim shall be effective for a period of thirty days from the date of registration. After the lapse of said period, the annotation of adverse claim may be canceled upon filing of a verified petition therefor by the party in interest: Provided, however, that after cancellation, no second adverse claim based on the same ground shall be registered by the same claimant.

Before the lapse of thirty days aforesaid, any party in interest may file a petition in the Court of First Instance where the land is situated for the cancellation of the adverse claim, and the court shall grant a speedy hearing upon the question of the validity of such adverse claim, and shall render judgment as may be just and equitable. *If the adverse claim is adjudged to be invalid, the registration thereof shall be ordered canceled*. If, in any case, the court, after notice and hearing, shall find that the adverse claim thus registered was frivolous, it may fine the claimant in an amount not less than one thousand pesos nor more than five thousand pesos, in its discretion. Before the lapse of thirty days, the claimant may withdraw his adverse claim by filing with the Register of Deeds a sworn petition to that effect. (Emphasis supplied)

[27] *Rollo*, pp. at 17-18, 187-189.

[28] Not attached to the *rollo*.

[29] *Rollo*, p. 18.

[30] *Id*. at 193-202.

[31] *Id*. at 202.

[32] *Id*. at 201.

[33] *Id*. at 198-199.

[34] *Id*. at 203-204.

[35] *Id*. at 12-28.

[36] *Id*. at 21-23.

[37] *Id*. at 24-26.

[38] *Id*. at 27.

[39] *Id*. at 31-33.

[40] *Id*. at 433-434. Pursuant to the Court's Resolution dated February 28, 2024.

[41] *Id*. at 436-439.

[42] *Id*. at 56.

[43] **Alberto v. Heirs of Juan A. Panti**, 939 Phil. 389, 397 (2023) [Per J. Inting, Third Division].

[44] **Valderama v. Arguelles**, 829 Phil. 29, 45 (2018) [Per J. Tijam, First Division].

[45] **Zamora v. Bagatsing**, 939 Phil. 402, 409 (2023) [Per J. Gaerlan, Third Division].

[46] **Lozano v. Ballesteros**, 273 Phil. 43, 52 (1991) [Per J. Medialdea, First Division].

[47] *Rollo*, p. 57.

[48] **Treyes v. Larlar**, 882 Phil. 505, 538 (2020) [Per J. Caguioa, *En Banc*].

[49] CIVIL CODE, art. 1810.

[50] CIVIL CODE, art. 1811(2).

[51] HECTOR M. DE LEON, JR., COMMENTS AND CASES ON PARTNERSHIP, AGENCY AND TRUSTS 157 (10th ed., 2019).

[52] CIVIL CODE, art. 1813, par. 1.

[53] **Sanchez, Jr. v. Court of Appeals**, 161 Phil. 425, 432-433 (1976) [Per J. Teehankee, First Division].

[54] HECTOR M. DE LEON, JR., COMMENTS AND CASES ON PARTNERSHIP, AGENCY AND TRUSTS, 159 (10th ed., 2019). *See also* CIVIL CODE, art. 1812 and art. 1839.

[55] **Sanchez, Jr. v. Court of Appeals**, 161 Phil. 425 (1976) [Per J. Teehankee, First Division].

Source: Supreme Court E-Library | Date created: February 20, 2026
This page was dynamically generated by the E-Library Content Management System