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FIRST DIVISION

[G.R. No. L-40488. November 28, 1975]

JOSEFA BENTAJA FIGUEROA, *petitioner, vs.* **THE HONORABLE JOSE B. JIMENEZ, Presiding Judge of the Court of First Instance of Manila, Branch VI, ROMANA TENORIO BENTAJA, PAZ BENTAJA RAMILLOSA, and TERESA BENTAJA VIZCARRA,** *respondents.*

SYLLABUS

REMEDIAL LAW; CIVIL PROCEDURE; JUDGMENTS; MODIFICATION THEREOF; WHEN THERE IS CONFORMITY OF INTERESTED PARTIES, NO FURTHER PROCEEDINGS REQUIRED. — Where a modification of a judgment of the lower court is sought and all the interested parties express their conformity to such modification, said judgment, without further proceedings, will be accordingly modified by the Supreme Court.

D E C I S I O N

TEEHANKEE, *J.*:

In the Petition for Review of the decision dated August 5, 1974 of respondent court as amended by its order of February 18, 1975, petitioner prayed that

"That the decision rendered on 19 August 1974 as amended by Order of 18 February 1975, be reversed and instead, judgment be rendered by this Honorable Court declaring that the petitioner, Josefa Bentaja Figueroa, like each of her sisters Teresa and Paz, is entitled to one-sixth (1/6) of Lots Nos. 1 and 4 of the Sulucan Subdivision, and of the value of the apartment house located at Aguado St."

Respondent court in its amended decision had rendered judgment as follows:

"WHEREFORE, in view of the foregoing, the Court hereby declared that only lots 1 and 4 of the Sulucan Subdivision covered by T.C.T.

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No. 15743 of the Registry of Manila appertain to the conjugal estate of the deceased Jose Bentaja and Romana Tenorio-Bentaja, of which lots, Josefa, Teresa and Paz, as compulsory heirs, are each entitled to 1/12 undivided portion thereof, the remaining 9/12, to the estate of Romana Tenorio pending settlement of her testate proceedings earlier mentioned.

"The petition for accounting is dismissed there being no basis therefor.

"For the reasons stated in this decision, the Court finds that the lots in Prudencio Street and Caloocan covered by T.C.T. No. 17496 and 12922 of the Manila and Rizal Registry, respectively, are the exclusive property of the spouses Ceferino Ramillosa and Paz Bentaja.

"Defendants' counterclaim is dismissed for insufficiency of evidence.

"Costs against the plaintiff."

After receiving respondents' comments, the Court as per its Resolution of September 15, 1975 denied the petition for lack of merit. Upon motion for reconsideration filed by petitioner, stressing only with reference to lots 1 and 4 of the Sulucan Subdivision covered by TCT No. 15743 of the land registry of Manila (which is the only property declared by the respondent court to pertain to the conjugal estate of the deceased Jose Bentaja and Romana Tenorio Bentaja, now also deceased since the other properties involved were found by it to be the exclusive property of the spouses Ceferino Ramillosa and Paz Bentaja), that three-sixths (3/6) of the said lots should pertain equally to the three surviving daughters under the principle of *reserva troncal* in Article 811 of the old Civil Code and only the remaining three-sixths (3/6) thereof should pertain to the estate of their deceased mother Romana, the Court issued on October 13, 1975 the following Resolution:

"Considering the allegations of petitioner's motion for reconsideration, the Court RESOLVED to require respondents Paz Bentaja Ramillosa and Teresa Bentaja Vizcarra personally, and with the assistance of their respective counsels Attys. Policarpio Sangalang and Prudencio de Guzman, Sr., to state within ten (10) days from notice whether or not they conform and are agreeable to

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the prayer in the petition and in petitioner's motion for reconsideration insofar as lots 1 and 4 of the Sulucan Subdivision covered by TCT No. 15743 of the Registry of Deeds of Manila are concerned (which is the only property declared by the trial court in its amended decision to pertain to the conjugal estate of the deceased Jose Bentaja and Romana Tenorio Bentaja, now also deceased), that the judgment of the trial court concerning said property be modified so as to declare that the three (3) surviving daughters Josefa, Paz and Teresa as compulsory heirs are each entitled to a one-sixth (1/6) undivided portion thereof (instead of one-twelfth [1/12] as determined by the trial court) and that the remaining three-sixths (3/6) undivided portion thereof (instead of nine-twelfths [9/12] as determined by the trial court) pertains to the estate of Romana Tenorio Bentaja which is pending settlement in another branch of the lower court."

Pursuant thereto, respondents Paz Bentaja Ramillosa and Teresa Bentaja Vizcarra personally and with the assistance of their respective counsels filed on October 28, 1975, October 30, 1975 and November 17, 1975 their respective manifestations expressing their conformity to petitioner's prayer for modification of respondent court's amended judgment as stated in the Court's above-quoted Resolution of October 13, 1975.

Since all the interested parties have expressed their conformity, respondent court's amended judgment may therefor be modified as prayed for, without further proceedings. Petitioner's motion for reconsideration shall be deemed granted only to this extent.

ACCORDINGLY, by virtue of the conformity of the interested parties as hereinabove set forth, and respondent court's judgment affecting lots 1 and 4 of the Sulucan Subdivision covered by TCT No. 15743 of the Registry of Deeds of Manila (which is the only property declared by the trial court in its amended decision to pertain to the conjugal estate of the deceased Jose Bentaja and Romana Tenorio Bentaja, now also deceased), is hereby modified so as to declare that the three (3) surviving daughters Josefa, Paz and Teresa as compulsory heirs are each entitled to a one-sixth (1/6) undivided portion thereof (instead of one-twelfth [1/12] as determined by the trial court) and that the remaining three-sixths (3/6) undivided portion thereof (instead of nine-twelfths [9/12] as determined by the trial court) pertains

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to the estate of Romana Tenorio Bentaja which is pending settlement in another branch of the lower court.

Respondent court's amended decision stands in all other respects.

Castro (Chairman), Makasiar, Esguerra, Muñoz Palma, and *Martin, JJ.*, concur.

EN BANC

[G.R. No. L-40779. November 28, 1975]

EPICHARIS T. GARCIA, *petitioner, vs.* **THE FACULTY ADMISSION COMMITTEE, LOYOLA SCHOOL OF THEOLOGY, herein represented by FR. ANTONIO B. LAMBINO,** *respondent.*

SYLLABUS

1. CONSTITUTIONAL LAW; BILL OF RIGHTS; ACADEMIC FREEDOM; FREEDOM ACCORDED TO A FACULTY MEMBER, NATURE OF. — The academic freedom enjoyed by institutions of higher learning as recognized in the Constitution is more often identified with the right of a faculty member to pursue his studies in his particular specialty and thereafter to make known or publish the result of his endeavors without fear that retribution would be visited on him in the event that his conclusions are found distasteful or objectionable to the power that be, whether in the political, economic, or academic establishment. It is "a right claimed by the accredited educator, as teacher and as investigator, to interpret his findings and to communicate his conclusions without being subjected to any interference, molestation, or penalization because these conclusions are unacceptable to some constituted authority within or beyond the institution." Otherwise stated, "it is the