

Inheritance disputes

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Early planning can address issues like bequeathing property after parents die. It is important to have a will and testament that specifies which sibling receives what property. Misunderstanding over inheritance can cause bad blood within the family, which can persist for a long time.

Problems may be minimized through education about family life – explaining that disputes between relatives are at times unavoidable and teaching people how to communicate about sensitive

issues and how to see things from another person's point of view.

Not all family relationships are good. In my respondent's case, he inherited a

titled area that has to be divided equally by two. An heir can buy out his sibling's portion of the property and thus remove him from any claim to the land. But in this scenario one heir wants to sell his share, but not to his brother.

Joseph and Rolando Batausa are brothers. Their father, Basilio Batausa, bequeathed to them one titled property. In the letter of instruction which accompanies Basilio's will, it was specified that the land be divided into two parts.

Unfortunately, Joseph wanted to sell his share to Danilo Sumalo without consulting his brother. Rolando felt insulted because the property has not yet been divided and his brother already wanted to sell his share. Rolando also feels that Joseph's actions belittles the effort of their father and insults his memory.

Joseph wants to sell his portion for personal reasons, saying that "no one can stop me from doing what I want with my share because it is already mine."

On the other hand, Rolando wants to preserve their parent's legacy and in turn, bequeath it to the next generation. Rolando opposes Joseph's decision to sell the land to other people. He says that if his brother wants to sell his portion, then he would happily buy it.

The dispute was eventually elevated to the Department of Agrarian Reform

(DAR).¹ On 21 November 2020, the DAR handed out its decision. It set the price of Joseph's portion at 600,000 pesos and gave his brother the first option to buy it in cash. If Rolando cannot buy the land, then it can be offered to other people. They both agreed with the decision.

The best solution for inheritance disputes is preventing them altogether. Frequent communication within the family is key. Parents usually know whether their children are likely to fight over their inheritance and should take action to prevent conflicts after their death. Parents should review their inheritance plans and their accompanying instructions from time to time. Feelings among siblings and circumstances can change, and plans should therefore be flexible.

Most importantly, parents should teach their children to value the legacy of their ancestors and utilize it to the highest extent of its worth, because they, in turn, owe it to future generations. ■

¹ The dispute was raised to DAR prior to the implementation of the "Enhancing Tenurial Security for Smallholder Farmers in Northern Mindanao, Philippines." The respondents did not disclose whether the land in question has been covered by the agrarian reform program, which could explain why the DAR was instrumental in the resolution of the conflict.