

Title:

****Racca vs. Echague: Strengthening the Requirement of Personal Notice in Probate Proceedings****

Facts:

In a probate petition filed before the Regional Trial Court (RTC) of Palawan and Puerto Princesa City, Branch 51, Maria Lolita A. Echague sought the allowance of the will of the late Amparo Ferido Racca, who passed on September 9, 2015. The will allegedly left a portion of a parcel of land to Migdon Chris Laurence Ferido, a grandnephew. Amparo's husband, Migdonio Racca, and her daughter, Miam Grace Dianne Ferido Racca, were cited as known heirs in the petition.

After setting a hearing date (June 21, 2017) and issuing a corresponding notice, the court declared the Racca petitioners in default for failing to appear. Following this, the petitioners filed a Motion to Lift Order of General Default citing excusable negligence due to the late receipt of notice and other constraints. The RTC subsequently denied this motion and their subsequent Motion for Reconsideration, prompting the Racca petitioners to escalate the matter to the Supreme Court through a petition under Rule 45 of the 1997 Revised Rules of Civil Procedure.

Issues:

1. Whether the Order of General Default issued by the RTC against the petitioners should be set aside.
2. Whether known heirs of the testator are still entitled to personal notice despite the publication and posting of the notice of the hearing.

Court's Decision:

The Supreme Court ruled in favor of the petitioners, highlighting the mandatory nature of personal notice to known heirs as stipulated under Section 4, Rule 76 of the Revised Rules of Court. It rebuked the RTC for erroneously declaring the petitioners in default and relying solely on the published notice of hearing. The High Court underlined that personal service or mailing of notices to known heirs, legatees, and devisees is mandated if their places of residence are known. The decision highlighted that procedural steps, such as proper notification, are essential for due process and cannot be waived or substituted with mere publication, especially when the addresses of the involved parties are known. The twin orders from the RTC were annulled and the case was remanded for further proceedings with adherence to the proper procedural requirements.

Doctrine:

Personal notice to the heirs, whose places of residence are known, is mandatory in probate proceedings. Trial courts cannot simply rely on the rule of publication to satisfy the notification requirement under Section 4, Rule 76 of the 1997 Revised Rules of Court. To do so undermines the procedural rights of the parties involved and contravenes the due process principles.

Class Notes:

- **Rule 45 Appeal**: Outlines the proper recourse when contesting final orders or resolutions from RTCs, focusing on purely legal questions.
- **Probate Proceedings**: Characterized as a special proceeding, requiring adherence to specific rules on notification and proceeding – Section 4, Rule 76 of the Revised Rules of Court is central for mandatory personal notice to known heirs.
- **Order of General Default**: Not applicable in probate proceedings as these do not engage in contentious litigation where parties are impleaded.
- **Doctrine of Excusable Negligence**: Employed in assessing the reasonableness of a party's failure to adhere to procedural mandates based on unforeseeable or unavoidable circumstances.

Historical Background:

This decision underscores the evolving jurisprudence on probate proceedings and notification requirements in the Philippines. While the proceedings are traditionally viewed as in rem, necessitating broad public notice rather than specific personal notifications, the Supreme Court's decision in this case emphasizes a nuanced approach that prioritizes due process for known heirs, legatees, and devisees by mandating personal notices when their residences are known, reflecting a more inclusive and meticulous adherence to procedural fairness in probate matters.