

Title: Iris Morales v. Ana Maria Olondriz, et al.

Facts:

Alfonso Juan P. Olondriz, Sr. passed away on June 9, 2003, leaving behind his widow, Ana Maria Ortigas de Olondriz, children, and an illegitimate son, Francisco Javier Maria Bautista Olondriz. Believing the decedent died intestate, the heirs initiated a petition for the partition of the estate and the appointment of a special administrator. Alfonso Jr. was appointed as the special administrator. Subsequently, Iris Morales filed a separate petition claiming the existence of a will dated July 23, 1991, naming her as the executor and including Francisco as an omitted heir. This led to a legal battle over the probate of the will versus intestate proceedings.

The case underwent various motions and orders at the RTC level, including motions to suspend intestate proceedings, consolidate the cases, and ultimately, a focus on the issue of preterition regarding Francisco's omission from the will. Despite Morales's failure to present evidence during the evidentiary hearing on preterition, the RTC initially suspended the intestate proceedings but later reinstated them after finding Francisco to be preterited.

Morales appealed the decision to the CA, arguing against the intestate proceeding decision despite the existence of the will, but the CA dismissed her petition, citing the validity of proceeding intestate due to preterition. This led Morales to file a petition for review on certiorari to the Supreme Court.

Issues:

1. Whether the probate of the decedent's will is mandatory and should take precedence over intestate proceedings.
2. Whether the preterition of Francisco voids the institution of heirs and mandates intestate succession.
3. Whether the RTC and subsequently the CA erred in finding that preterition occurred and in proceeding with intestate succession.

Court's Decision:

The Supreme Court dismissed Morales' petition, aligning with the CA. The Court established that preterition involves the omission of a compulsory heir without express disinheritance, leading to the annulment of the institution of heirs but not affecting the validity of legacies and devises. The Court found that Francisco was preterited as he was omitted from the will and no evidence was presented to show any inter vivos advancement on his legitime. The

Court determined that such preterition resulted in total intestacy of the inheritance.

Doctrine:

The doctrine established in this case reiterates that preterition of a compulsory heir in the direct line results in the annulment of the institution of heirs, rendering any will null and void to the extent of intestate succession.

Class Notes:

- **Preterition**: The total omission of a compulsory heir in the direct line from the will, not receiving any legacy, devise, or advance on his legitime, resulting in the annulment of the institution of heirs.
- **Art. 854 of the Civil Code**: Spells out the legal effects of preterition, leading to the annulment of the institution of heirs but not affecting the validity of legacies and devises unless they impair the legitimes.
- **Probate vs. Intestate Proceedings**: Probate proceedings often take precedence over intestate proceedings; however, the intrinsic validity of a will can be challenged if exceptional circumstances, such as preterition, render probate proceedings superfluous.

Historical Background:

The case delves into the intricate dynamics between preterition and the preference for testacy over intestacy. It underscores the balancing act courts must perform in probate proceedings, particularly in identifying and rectifying instances of preterition to uphold the rights of compulsory heirs, as mandated by Philippine Civil Law.