

****Title:**** Spouses Benatiro v. Heirs of Evaristo Cuyos (G.R. No. 582 Phil. 470, 2008)

****Facts:****

1. Evaristo Cuyos and Agatona Arrogante Cuyos, had nine children: Francisco, Victoria, Columba, Lope, Salud, Gloria, Patrocenia, Numeriano, and Enrique. Upon Evaristo's death in 1966, he left six parcels of land in Cebu.
2. On July 13, 1971, Gloria Cuyos-Talian filed a petition for Letters of Administration with the Court of First Instance (CFI), now the RTC of Cebu. Francisco Cuyos opposed the petition.
3. On January 30, 1973, both parties came to an agreement, appointing Gloria as administratrix.
4. The CFI ordered Atty. Andres C. Taneo to draft a project of partition based on an alleged agreement among the heirs during a meeting on February 28-29, 1976. The subsequent report was filed on July 29, 1976.
5. The report noted that three heirs did not attend the meeting, but alleged agreements were supposedly reached among present heirs, including Columba's proposal to buy the properties.
6. The CFI approved the Commissioner's Report on December 16, 1976, ordering a sale to Columba for P36,000.00 and dismissing Gloria's additional claim for P5,570.00.
7. On May 25, 1979, Lope Cuyos, as the new administrator, executed a Deed of Absolute Sale in favor of Columba.
8. In February 1998, the heirs of Evaristo Cuyos learned of the changes made to tax declarations and titles favoring Columba and her successors.
9. Respondents (remaining heirs) filed a complaint with COSLAP, which dismissed it for lack of jurisdiction. They then attempted barangay conciliation, which also failed.
10. On July 16, 2001, Salud Cuyos, representing the heirs, filed a petition with the Court of Appeals (CA) to annul the 1976 CFI order.

****Issues:****

1. Whether Rule 47 of the Rules of Court for annulment was a proper remedy despite other available remedies.
2. Whether the CA correctly annulled the 24-year-old Commissioner's Report based on allegations of extrinsic fraud.
3. Whether extrinsic fraud existed as a ground to annul the CFI order.

****Court's Decision:****

1. ***Proper Remedy under Rule 47***: The Supreme Court affirmed that the annulment of judgment is appropriate when ordinary remedies are no longer available without fault of the petitioner. The respondents filed within four years of discovering the alleged fraud in 1998, thus satisfying the condition.
2. ***Annulment of CFI Order for Lack of Due Process***: The Court determined that the alleged conference never occurred, as no evidence of proper notification or attendance of heirs was found. The absence of signatures on the Commissioner's Report and other specific irregularities indicated lack of due process.
3. ***Extrinsic Fraud***: While the CA annulled the order on the grounds of extrinsic fraud, the Supreme Court preferred to annul it for lack of due process. The Court emphasized that due process ensures all heirs have the opportunity to be heard and participate, which was not the case here.

****Doctrine:****

1. ****Due Process in Probate Proceedings****: Essential statutory and constitutional due process requires that all heirs be notified and have the opportunity to participate in estate proceedings. Lack of inclusion renders any resultant judgments void.
2. ****Annulment of Judgment under Rule 47****: Judgments may be annulled if proven to proceed from lack of jurisdiction or due process, even if parties discovered the grounds post-judgment.

****Class Notes:****

- ****Annulment of Judgment****: Governed by Rule 47, allowed for extrinsic fraud or lack of jurisdiction. Requires filing within four years from discovery (extrinsic fraud) or before

being barred by laches (jurisdiction).

- **Due Process**: In probate, due process involves notifying and allowing participation of all heirs before making decisions affecting estate distribution.
- **Extrinsic Fraud**: Fraud that prevents a party from presenting his case, focused on actions outside the trial.

Historical Background:

The case highlights the judicial framework and procedural requirements in Philippine probate proceedings, underscoring the critical nature of due process and the mechanisms available to heirs for questioning and rectifying estate proceedings. The settlement of Evaristo Cuyos' estate demonstrates the complexities and potential for disputes arising from administration and partition of estate properties.