

****Title:****

Celsa L. Vda. de Kilayko et al. vs. Hon. Judge Ernesto Tengco and Rodolfo Lizares et al.

****Facts:****

1. On November 20, 1962, Maria Lizares y Alunan (“Maria”) executed a will (“testamento”) distributing her properties.
2. Maria bequeathed a one-third interest in a portion of Hda. Minuluan to Eustaquia Lizares (“Eustaquia”), with a conditional substitution clause that if Eustaquia died single or without legitimate descendants, the property would revert to Maria’s brother, Antonio A. Lizares.
3. Similarly, in another clause, Maria bequeathed other properties to Eustaquia with the condition that if Eustaquia died without legitimate descendants, the assets would be distributed among Maria’s surviving siblings.
4. Maria died on January 28, 1968. Eustaquia, holding the will, filed a petition for probate and was appointed executrix. The probate court approved a project of partition on January 8, 1971.
5. After some properties were omitted from initial probate, the court reopened the proceedings and adjudicated additional properties to Eustaquia.
6. In 1972, the remaining heirs, including Eustaquia, formally divided the properties, terminating their co-ownership.
7. Eustaquia died on November 23, 1973, without descendants. Rodolfo and Amelo Lizares were appointed joint administrators of her estate.
8. Celsa L. Vda. de Kilayko, Encarnacion L. Vda. de Panlilio, and Remedios L. Vda. de Guinto (“petitioners”) moved to reopen the proceedings to claim the conditional inheritances, which the probate court denied, citing res judicata and finality of the original decree.
9. The petitioners then filed Civil Case No. 11639, which included a notice of lis pendens, further challenged by the estate administrators.
10. The Hon. Judge Ernesto Tengco canceled the notice of lis pendens, a decision upheld by subsequent court orders.
11. Petitioners filed a motion for reconsideration and a petition for review on certiorari, later consolidated into G.R. Nos. L-45425 and L-45965.

****Issues:****

1. Whether the probate court had jurisdiction to reopen the estate of Maria Lizares after its closure and execute a new partition.

2. Whether the testamental provisions provided a valid fideicommissary substitution under Article 863 of the Civil Code.

3. Whether the cancellation of the notice of lis pendens was valid.

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

1. ****Jurisdiction of the Probate Court:****

- The Court held that once a decree of partition is final and unappealed, it is binding even in rem. Hence, the probate court's jurisdiction ended with the closure of the estate, making the reopening illegitimate.

2. ****Validity of Fideicommissary Substitution:****

- The Court ruled that Maria's will did not create a valid fideicommissary substitution as per Art. 863, which requires clear obligations to preserve the estate. Instead, the clauses constituted a vulgar substitution, executable only if the first heir predeceases the testator.

3. ****Cancellation of Notice of Lis Pendens:****

- The Court upheld the cancellation of the notice of lis pendens, reasoning that the properties were in custodia legis (court's custody), and any financial transactions related to the estate required court approval, thus protecting the estate's integrity.

****Doctrine:****

1. Res judicata in probate proceedings: Final decrees in estate partition bind subsequent claims and prevent reopening.

2. Fideicommissary substitution under Article 863: Such substitution requires a primary heir to preserve the estate for a substitute heir upon specific conditions, else the substitution is invalid.

3. Lis pendens and custodia legis: Notices of lis pendens are redundant for properties under the court's administrative control; such notices can be canceled if they merely serve to harass or impede judicial administration.

****Class Notes:****

- ****Probate Jurisdiction:**** Probate courts have jurisdiction to settle all contests regarding testamentary provisions within the probate proceedings.

- ****Fideicommissary Substitution:**** Article 863 requires a clear obligation on the primary heir to preserve the estate, failing which the substitution clause's validity fails.

- **Res Judicata:** Legal principle preventing relitigation of claims based on prior final judgments. Essential elements: finality, identical subject matter, identity of causes of action and parties.
- **Lis Pendens:** Prevents third-party claims on properties under litigation. Can be canceled if deemed non-essential or harassing.

Historical Background:

This case illustrates the application of Civil Code principles in testamentary dispositions and probate court jurisdiction. It serves as a vital precedent in the interpretation of inheritance laws, especially in contexts involving fideicommissary substitutions and finality doctrines in estate partitions under Philippine law. The judgment reflects a historical continuity in these legal principles aiming at legal certainty and definitive settlement of estate disputes.