

Title: Ethel Grimm Roberts vs. Judge Tomas R. Leonidas, Branch 38, Court of First Instance of Manila, and Maxine Tate-Grimm et. al.

Facts:

- Death and Wills:** Edward M. Grimm, an American residing in Manila, died at 78 years old on November 27, 1977. He left behind a second wife, Maxine Tate Grimm, and four children: Edward Miller Grimm II, Linda Grimm, Juanita Grimm Morris, and Ethel Grimm Roberts. He executed two wills on January 23, 1959, in San Francisco, California: one for his Philippine estate (conjugal property with Maxine) and another for his estate outside the Philippines. The latter will intentionally excluded his daughters from his first marriage, stating they were provided for in the Philippine estate will.
- Probate in Utah:** On March 7, 1978, Maxine and E. LaVar Tate filed for probate of both wills and a codicil in the Third Judicial District Court of Tooele County, Utah. The court admitted the wills to probate on April 10, 1978, after notifying all interested parties, including Juanita Morris and Ethel.
- Utah Compromise Agreement:** Despite an intestate petition filed by Ethel in Manila in January 1978, the heirs entered into a compromise agreement on April 25, 1978, whereby Maxine's conjugal share and the distribution of the net distributable estate were settled.
- Intestate Proceedings in Manila:** Ethel filed for intestate proceedings in the Manila Court's Branch 20 on January 9, 1978, and was appointed special administratrix. Maxine opposed the intestate proceeding on March 11, 1978, based on the ongoing probate case in Utah. However, the opposition was later withdrawn, and the intestate court appointed Ethel, Maxine, and Pete as joint administrators.
- Approval of Sales and Partition in Manila:** The administrators sold some estate properties with the court's approval. On July 27, 1979, Judge Conrado M. Molina adjudicated the estate according to the intestate laws, neglecting the previously acknowledged will. Maxine's attempt to alter this decision was considered moot.
- Motion for Accounting:** In April 1980, Juanita Morris sought a court order for accounting and partition of the estate. In response, on September 8, 1980, Maxine and her children filed for probate of Edward Grimm's will in Branch 38, seeking to nullify the previous partition and revoke the letters of administration from the intestate case.

****Issues:****

1. ****Whether the probate court in Manila (Branch 38) had jurisdiction to entertain a petition for probate of wills already probated in Utah.****
2. ****Whether the partition approved in the intestate proceedings could be annulled.****
3. ****Whether the consolidation of the intestate and testate proceedings was proper.****

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

1. ****Jurisdiction for Probate:**** The Supreme Court held that the probate of wills is mandatory under Philippine law. The court found no grave abuse of discretion by respondent Judge Leonidas in denying the motion to dismiss. The probate proceeding was proper, as Edward Grimm left two wills.
2. ****Annulment of Partition:**** The Court noted the contradictions and potential frauds alleged in the administration and partition actions in the intestate proceeding. Allowing the testate proceeding ensured the accurate execution of the deceased's testamentary intentions.
3. ****Consolidation of Cases:**** The Court ordered consolidation of the intestate case with the testate proceeding, mandating the judge assigned to the latter to continue hearing both cases. This consolidation aimed to resolve the inconsistencies and fulfill the testamentary wishes accurately.

****Doctrine:****

1. ****Mandatory Probate:**** No will shall pass real or personal property unless proved and allowed according to law (Art. 838, Civil Code; Sec. 1, Rule 75, Rules of Court).
2. ****Consolidation of Proceedings:**** It is appropriate to consolidate related proceedings to ensure consistent resolution of estate matters, especially when contradictory proceedings exist.

****Class Notes:****

- ****Legal Emphasis:**** The mandatory nature of the probate process.
- ****Cases Cited:**** Guevara v. Guevara, 74 Phil. 479 and 98 Phil. 249; Baluyot vs. Paño, L-42088, May 7, 1976, 71 SCRA 86.

- **Relevant Statutes:** Article 838 of the Civil Code, Section 1 of Rule 75.

Historical Background:

The case highlights the complexity arising from different jurisdictions handling the estates of individuals with assets in multiple countries. The intestate vs. testate dispute demonstrates the challenges in estate administration when legal proceedings occur simultaneously across various states and under different family dynamics, ensuring rightful succession based on the decedent's wishes and verified testamentary documents.