

Title: Alan Joseph A. Sheker vs. Estate of Alice O. Sheker, Victoria S. Medina-Administratrix

Facts:

Alice O. Sheker's holographic will was admitted to probate by the Regional Trial Court (RTC) of Iligan City, Branch 6. Subsequently, the RTC issued an order directing all creditors to file their claims against the estate. On October 7, 2002, Alan Joseph A. Sheker (petitioner) filed a contingent money claim amounting to approximately P206,250.00 for agent's commission in case of the sale of the estate's parcels of land and P275,000.00 as reimbursement for incurred expenses during negotiations for the sale of said properties.

The executrix of the estate, Victoria S. Medina (respondent), moved to dismiss the claim citing three grounds: lack of requisite docket fee payment as mandated by Section 7(a), Rule 141 of the Rules of Court; failure to attach a certification against non-forum shopping; and failure to include a written explanation on why personal service was not effected.

On January 15, 2003, the RTC dismissed the claim without prejudice based on the aforementioned grounds. The petitioner's motion for reconsideration was then denied via Omnibus Order dated April 9, 2003. As a result, the petitioner filed a petition for review on certiorari with the Supreme Court, arguing that the RTC erroneously applied the procedural rules strictly to a probate proceeding.

Issues:

1. Must a contingent claim in a probate proceeding include a certification against non-forum shopping?
2. Must a contingent claim in a probate proceeding be dismissed for non-payment of docket fees at filing?
3. Must a contingent claim be dismissed for failing to include a written explanation for non-personal service?

Court's Decision:

1. Contingent Claim and Certification Against Non-Forum Shopping:

The Supreme Court ruled that a certification against non-forum shopping is specifically required for complaints and other initiatory pleadings. It clarified that a contingent money claim filed within a probate proceeding under Sections 1 and 5, Rule 86 of the Rules of Court is not an initiatory pleading but incidental to the probate process. Thus, the RTC's ruling that required such certification was erroneous.

2. Non-Payment of Docket Fees:

Citing the precedent set in *Pascual v. Court of Appeals*, the Supreme Court ruled that the RTC maintains jurisdiction over money claims against an estate even if docket fees were not initially paid. Such fees could either be treated as a lien on the judgment or be ordered paid within a reasonable time, following Section 2, Rule 141 of the Rules of Court. Therefore, non-payment of docket fees does not justify dismissal of the claim.

3. Written Explanation for Non-Personal Service:

The Court, referencing *Maceda v. De Guzman Vda. de Macatangay*, reiterated that although personal service is preferred, other modes could be used provided a written explanation is given. Considering the impracticality of personal service due to distance (Makati City to Iligan City), the petitioner's failure to attach a written explanation was deemed non-prejudicial. The Court stressed that procedural rules must be liberally applied to serve justice.

Doctrine:

1. Certification against non-forum shopping is not required for contingent money claims in probate proceedings; such claims are motions incidental to the main probate action.
2. Non-payment of filing fees at the time of filing a money claim in probate does not warrant dismissal; fees can be considered liens or ordered paid within a reasonable time.
3. Written explanations for non-personal service can be waived if personal service is impracticable, and courts have discretion to accept documents filed without such explanations in the interest of substantial justice.

Class Notes:

- ***Certification Against Non-Forum Shopping***: Applies to complaints/initiatory pleadings, not incidental motions in probate.
- ***Docket Fees***: Jurisdiction is retained even if fees are unpaid at filing; fees to be treated as liens or ordered paid later.
- ***Written Explanation for Non-Personal Service***: Required for non-personal service/filing but can be waived if impracticable.
- ***Section 2, Rule 72 of the Rules of Court***: Ordinary action rules are applicable to special proceedings as far as practicable.
- ***Section 11, Rule 13 of the Rules of Court***: Written explanation required for service by mail but waivable under practical impracticality.
- ***Rule 86 of the Rules of Court***: Governs filing of claims against estates, including contingent claims.

Historical Background:

The case is set against a backdrop of probate law in the Philippines, designed for the efficient settlement of estates and the protection of claims by creditors. The judicial interpretations reaffirmed procedural flexibility, focusing on substantial justice over rigid adherence to procedural technicalities. This promotes a fairer and more effective judicial process in probate matters, ensuring claims are heard while balancing procedural rules.

This case underscores the role of courts in interpreting procedural rules flexibly to fulfill the primary purpose of probate law - expedited settlement of estates and protection of involved parties' rights.