

**PHILIPPINE COMMERCIAL AND INDUSTRIAL BANK,
ADMINISTRATOR OF THE TESTATE ESTATE OF CHARLES NEWTON
HODGES (SP. PROC. NO. 1672 OF THE COURT OF FIRST INSTANCE OF
ILOILO), PETITIONER...**

G.R. Nos. L-27860 & L-27896. September 30, 1975

Ponente: BARREDO, J.

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BARREDO, J.:

Motion for reconsideration followed by a supplemental motion for reconsideration filed by petitioner-appellant Philippine Commercial and Industrial Bank and motion for modification filed by Joe Hodges and "the other heirs of Charles Newton Hodges" in regard to the decision of this Court of March 29, 1974.

Upon consideration of said motions, the Court has not found any new matter therein sufficiently persuasive to induce a modification of its judgment, for which reason, the Court, with its members reaffirming their previous opinions and votes, resolved unanimously to DENY as it hereby DENIES the motions for reconsideration and modification above referred to.

Anent the motion of respondent-appellee Avelina Magno for the assessment of the damages she claims she and the Estate Linnie Jane Hodges have suffered by reason of the preliminary injunction in this case which was lifted per resolution of the Court of September 8, 1972, the Court resolved to authorize trial court to make the assessment prayed for, subject to appeal, to this Court, if necessary.

Considering the substantial value of the subject estates the length of time they have already been pending judicial settlement and for the reason that the payment of the corresponding taxes thereon are being unduly delayed, and also because the properties of said estates have to be disposed in favor of Filipinos before May 27, 1976, the Court enjoins the parties to exert all efforts to have the inventories of said states finalized without further delay, and if possible to extrajudicially settle their remaining differences to further complications, expenses and unnecessary loss time. The respondent court is directed to expedite processing by giving due priority thereto, requiring the parties to submit the inventories within thirty days from notice hereof, and to resolve the remaining issues as delineated in the Court's decision and to close the proceedings upon payment of the corresponding taxes within three months from notice hereof. Respondent judge is further directed to report to this Court from time to time the action taken by him hereon.

Castro, Acting C.J., Ferrando, Muñoz Palma, Aquino, and Martin, JJ., concur.

Teehankee, J., files a separate opinion.

Makasiar, J., concurs in the separate opinion of Mr. Justice Teehankee.

Antonio, J., concurs in the denial of the motions for reconsideration and modification and, in the separate opinion of Justice Teehankee.

Makalintal, C.J, Esguerra and Concepcion Jr., JJ., are on leave.

CONCURRING OPINION

TEEHANKEE, J., :

I join in the resolution denying the motions for reconsideration for the reasons and considerations already indicated in my separate concurring and dissenting opinion of March 29, 1974.

I specially welcome the resolution's directive to respondent court to expedite and terminate these long-drawn proceedings (for over 18 years now since Linnie Jane Hodges' death on May 23, 1957) and to "resolve the remaining issues as delineated in the Court's decision" and to cause the payment in the estate and inheritance taxes long overdue to the Government "within three months from notice hereof." (See pp. 19-20, writer's separate opinion).

I take it that the resolution's directive to respondent court to expedite and terminate the protracted proceedings three months supersedes pro tanto the disposition original decision of March 29, 1974 for the segregation minimum one-fourth of the community properties adjudged to be the estate of Linnie Jane Hodges for delivery to and exclusive administration by respondent as her estate's administrator, with the other one-fourth to remain under the joint administration of said respondent and petitioner and Charles Newton Hodges' one-half share to be administered by petitioner exclusively as his estate's administrator, since such physical segregation and separate administration could not possibly be accomplished before the more pressing and indispensable matters of submittal of the two estates' inventories and determination by respondent court of the remaining issues are attended to by respondent court within the limited three-month period given in the Court's resolution. (See pages 7-8, writer's separate opinion).

The remaining issues to be resolved by respondent court revolve on the two questions of renvoi and renunciation. In his separate opinion (at page 7 et seq.), as concurred in by the Chief Justice and Justice Makasiar and Antonio, the writer urged that these two questions should be resolved "preferentially and expeditiously" by respondent court, since aside from the time problem, these proceedings have "apparently degenerated into running battle between the administrators of the two estates to the common prejudice of all the heirs." (at page 20).

Since respondent court is now again presided by still another judge in a long line of judges who have come and gone with even terminating the proceedings, and since as is clear from the decision itself, no consensus on the best means of expediting the closing of the estates was reached by a majority of the Court (see pages 8 and 10, separate opinion), I trust that those who did not concur with the "suggested guidelines" in the writer's separate opinion (at pages 8-20) either because they were not ready to express their definite opinion thereon or because they felt that respondent court should be given a free hand, will understand that the writer now commends anew to the new judge presiding respondent court the careful reading the said suggested guidelines in the hope that they may lighten his work and help find the appropriate measures and solutions to "expedite the closing of the protracted estate proceedings below to the mutual satisfaction of the heirs and without need of a dissatisfied party elevating his resolution of this only remaining issue once more to this Court and dragging out indefinitely the proceedings." (page 10, separate opinion), and thus enable him to comply timely with the Court's directive to close out the estates within three months from notice.

Makasiar and Antonio, JJ., concur.

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