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Special Proceedings MIS Office Normal JOJO 2 21 2002-01-15T02:43:00Z 2002-01-15T02:43:00Z 2 412 2353
Supreme Court of the Philippines 19 4 2889 9.2720 110

VII. ESCHEATS

1. Escheats, Meaning of

Escheat, a term of French or Norman derivation meaning chance or accident, is the reversion of property to the State when the title thereto fails from defect of an heir. It is the falling of a decedent's estate into the general property of the State.

2. Procedure

1. When filed

A petition to escheat property is filed when a person dies intestate, leaving behind real or personal property but without an heir. 206

2. Who files petition

The petitioner is the Solicitor General or his representative in behalf of the Republic of the Philippines. 207

3. Where filed

The petition is filed in the Regional Trial Court where the deceased last resided or in which he had property if he resided out of the Philippines. 208

4. Contents of petition

The petition shall set forth the facts and pray that the estate of the deceased be declared escheated. 209

5. Order of Hearing

The court shall fix a date and place for the hearing of the petition, which date shall not be more than six months after the rendition of the order. 210

6. Publication

The order shall also direct that a copy thereof shall be published at least once a week for six (6) successive weeks in some newspaper of general circulation in the province as the court deems best. 211

7. Judgment

After hearing, the court shall adjudge the properties escheated after payment of just debts and charges, and the properties shall be assigned pursuant to law as follows:

7.1 The personal estate shall be assigned to the municipality or city where the deceased last resided in the

Philippines.

7.2 The real estate shall be assigned to the municipalities or cities, respectively, in which the same is situated.

7.3 If the deceased never resided in the Philippines, the whole estate may be assigned to the respective municipalities or cities where the same is located.

7.4 Such estate shall be for the benefit of public schools, and public charitable institutions and centers in said municipalities or cities.²¹²

3. Permanent Trust

The court may order the establishment of a permanent trust so that only the income from the property shall be used.²¹³

4. Claim Within Five Years

If a person entitled to the estate escheated appears and files a claim with the court within five (5) years from the date of the judgment, he shall obtain possession and title to the property. If it has already been sold, the municipality or city shall be accountable to him for the proceeds, after deducting expenses for the care of the estate, but a claim not made with said time shall be forever barred.

5. Other actions for escheat

Actions for reversion or escheat of properties alienated in violation of the Constitution or of any statute shall be governed also by Rule 91, except that the action shall be instituted in the province where the land lies in whole or in part.

206 Rules of Court, Rule 91, Sec. 1.

207 Ibid.

208 Ibid.

209 Rules of Court, Rule 91, Sec. 1.

210 The Rules use the word 'entry' but it means rendition.

211 Rules of Court, Rule 91, Sec. 1.

212 Rules of Court, Rule 91, Sec. 3.

213 Rules of Court, Rule 91, Sec. 3, second paragraph.

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