

INTESTATE ESTATE OF THE DECEASED GENEROSO DE GALA, ILUMINADA DE GALA-SISON, PETITIONER, VS. SOCORRO MANALO, RESPONDENT.

G.R.No. L-18181. July 31, 1963

Ponente: LABRADOR, J.

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LABRADOR, J.:

This is an appeal from an order of the Court of First Instance of Quezon, Hon. Vicente Santiago, presiding, dated August 29, 1952, the first part of which directs the administratrix to include in her inventory of properties left by the deceased certain pieces of jewelry described in Exhibit "Y" of oppositor Socorro Manalo, and the second, also directing the administratrix to deposit cash in her possession amounting to P40,938.56 with a reputable banking institution.

The facts necessary to understand the questions involved in this appeal may be briefly stated, thus: Generoso de Gala, a wealthy resident of Candelaria, Quezon, died in an airplane crash on December 14, 1946 on the slope of Mt. Banahaw, together with his son Jose de Gala. An administratrix having been appointed in the person of Iluminada de Gala Sison, she presented an inventory and a statement of accounts. Against the said inventory opposition was presented by Socorro Manalo, who claimed that certain jewelries included in a list which she presented as Exhibit "Y" and containing a detailed statement of valuable jewelry alleged to have been left by the deceased, should be included in the inventory of the administratrix. After hearing the parties, the court through Hon. Judge Vicente Santiago, declared, in the order dated August 29, 1952, that the pieces of jewelry enumerated in Socorro Manalo's Exhibit "Y" were not lost and should be included in the list of properties left by the deceased Generoso de Gala, as prayed for by the oppositor.

The other order subject of the appeal, which requires the administratrix to deposit the amount of P40,938.56 with a reputable banking institution is also contained in the order of August 29, 1952 . The order was issued upon the petition of Socorro Manalo dated June 8, 1951 .

The order of the court of August 29, 1952, containing the orders subject of the appeal, were at first appealed, to the Court of Appeals. This court sustained the judgment of the Court of First Instance with respect to the jewelry to be included in the inventory of the administratrix ; but the case has come to this Court on a petition for a writ of certiorari, the petitioner assigning various errors all of which relate to the already decided question of the jewelry to be included in the inventory and the deposit of the balance of the amounts in the possession of the administratrix in a reputable banking institution.

The first two assignments of error urged in the petition for certiorari are as follows:

I

THE COURT OF APPEALS MANIFESTLY ERRED IN FINDING THAT THE VERSION OF THE PETITIONER AS TO THE LOSS OF THE JEWELRY IS IMPLAUSIBLE, THERE BEING NO BASIS FOR SUCH CONCLUSION.

II

THE COURT OF APPEALS ERRED IN TAKING INTO CONSIDERATION EXHIBIT "Y" OF THE RESPONDENT INSTEAD OF REJECTING THE SAME.

The main argument urged in support of the above assignments of error is the alleged lack of evidence on which to support the finding that the jewelry mentioned in Exhibit "Y" of respondent Socorro Manalo were in existence after the death of the intestate, it being claimed that the same were lost in the airplane crash at Mt. Banahaw. This claim of the absence of evidence to support the findings of the court is absolutely without foundation, as witness the following findings of fact made by the trial court in its order appealed from:

"The preponderance of evidence presented by the contending parties establishes that the said pieces of jewelry were not brought to the City of Manila, by the deceased, where he lived in a small nipa shack. After the death of Generoso de Gala in the airplane crash of December 14, 1946 on the slope of Mount Banahaw of this province, together with his son Jose de Gala, the said pieces of jewelry were exhibited by his daughter Iuminada de Gala to her stepmother Felisa Alabastro, who has refused to testify in the incident, and to her sister-in-law Socorro Manalo, who would not have known about them had they not been shown to her. The parties were then in good terms. The jewelry was exhibited on the fourth day after the burial of Generoso and Jose de Gala, father and son. Moreover, it is highly incredible that the deceased Generoso de Gala, one of the richest man in the municipality of Candelaria, this province, would have the necessity of bringing the jewelry to the City of Manila. The Court is of the opinion that the pieces of jewelry enumerated in Socorro Manalo's Exhibit "Y" were not lost and should be included in the inventory of the properties left by the deceased Generoso de Gala."

The question of the existence of the jewelry having been brought to the Court of Appeals, this court made the following findings confirming the finding of the trial judge that the disputed jewelry were in existence after the death of the intestate:

"Upon the first issue, it is uncontested that the deceased Generoso owned jewelry at the time of his death, and that these jewelry consisted of 11 pieces. It only remains for us to resolve whether these jewelry were lost in the airplane crash that took the lives of Generoso and Jose, and in the negative, whether the administratrix has them in her possession.

* * * * *

"This version of Iuminada is, to say the least, implausible. Generoso was admittedly one of the richest inhabitants of Candelaria. It does not stand to reason that he would come to Manila without bringing any cash with him. * * *

"The version of the oppositor is substantially to the effect that after death of Generoso, Iuminada returned to Candelaria, obtained the key to the safe of her father from her step-mother Felisa, opened the safe and took therefrom the jewelry in question, exhibited them to her step-mother and the oppositor, and then brought them away with her. The court a quo stated that the preponderance of evidence is in favor of the oppositor's version, and we agree. There is nothing in the record that indicates any error on the part of the lower court in appreciating the credibility of the opposing witnesses. And since in our view, the incidents after Generoso's death narrated by the oppositor are not only a natural aftermath but as well took place when all the parties

involved were in still cordial terms, we hesitate to disturb or modify in any manner the findings of fact made by the court a quo. The lower court did not therefore err in ordering the administratrix to file an amended inventory to include these jewelry.

"With respect to the second issue, which has reference to the order of the court directing the administratrix to deposit the cash in her possession amounting to P40,938.56, with a reputable banking institution, it is obviously fair for the protection of all the parties concerned that this amount should be properly secured, and withdrawn only upon orders of the court. It is a trust fund which the administratrix cannot use for her own personal purposes. The duty of the administratrix is to safeguard it. The order directing her to deposit it with a reputable banking institution is within the discretionary power of the court to issue, and under the circumstances is the only proper step to take."

The above findings of the courts below as contained in the decision of the Court of Appeals which disprove petitioner's contention, are binding on us and can no longer be disturbed on this appeal.

The third assignment of error is as follows:

III

THE COURT OF APPEALS ERRED IN NOT APPLYING THE DOCTRINES OF RES ADJUDICATA AND/OR ESTOPPEL AGAINST THE RESPONDENT WITH RESPECT TO THE LOSS OF THE JEWELRY.

The claim of the supposed existence of estoppel is sought to be justified by the fact that after the airplane crash in which the deceased and his son were killed, money and jewelry were found in the wreckage of the plane and claim was presented on behalf of the administratrix for this money and jewelry as belonging to the intestate. The mere presentation of the claim and the fact that money as well as jewelry were recovered from the debris, some of which money and jewels were given to the "administratrix as belonging to the intestate, do not prove that the jewelry and money found were the very jewelry and money that the intestate had which are supposed to be described in oppositor's Exhibit "Y". That they are not the same as the jewelry belonging to the intestate is conclusively demonstrated by the fact that the jewelry recovered were very small pieces of small value, whereas the jewelry owned by the deceased were big and valuable pieces of precious stones, some of which were "solitarios" valued at P5,000 and a "collar" with a big stone worth P9,000 as described in respondent Socorro Manalo's Exhibit "Y".

The jewelry found among the wreckage of the plane were only four pieces, the value of which is entirely disproportionate to the value of the pieces of jewelry mentioned in Exhibit "Y". With respect to the money found in the wreckage amounting to P12,000, the administratrix secured amount of P778.00 and the balance of the sum found in the debris consisting of P12,423 was divided among the claimants to the properties found in the wreckage. Consequently, the jewelry and the money found in the wreckage could not all have been the jewels and money of the deceased intestate. The fourth assigned error reads:

IV

THE COURT OF APPEALS ERRED IN AFFIRMING THE ORDER OF THE TRIAL COURT DIRECTING THE PETITIONER TO FILE AN AMENDED INVENTORY INCLUDING THE PIECES OF JEWELRY LISTED IN EXHIBIT "Y" OF THE RESPONDENT.

This is a consequence of the first and second errors. The fifth assignment of error reads as follows:

V

THE COURT OF APPEALS ERRED IN AFFIRMING THE ORDER OF THE COURT OF ORIGIN REQUIRING THE DEPOSIT OF P40,938.56 WITH ANY REPUTABLE BANKING INSTITUTION.

The order of the court requiring the deposit of the balance of the cash in her possession at the time the order was issued is sought to be set aside in the petition, first, on the ground that the amount of P1,698.41 was spent by the petitioner and this expense was approved by the court on August 2, 1950. We find this contention to be well founded and so the amount ordered to be deposited should be reduced by P1,698.41 to P39,240.15.

The order is sought to be modified also on the ground that on July 7, 1950, the petitioner was ordered to deliver to the widow Felisa Alabastro and the respondent Socorro Manalo their shares after deducting the allowances and advances made to them. The order dated July 7, 1950 referred to is as follows:

"Se ordena a la administradora a entregar a Socorro Manalo, esta en su capacidad de administradora en la Actuacion Especial No. 2937 de este mismo Juzgado, y a Felisa viuda del difunto Generoso de Gala, la de esta en usufructo, sus respectivas participaciones en el saldo arriba indicado, previa deduccion de las cantidades que cada una de ellas ya han recibido de la administradora, uniendo a este expedients el recibo o recibos de dicha entrega; * * *"

Considering that the balance of P40,938.56 existing at the time of the issuance of the order appealed from, dated August 29, 1952, may no longer exist by virtue of the fact that the administratrix must have already paid to the heirs their respective allowances and shares in the inheritance, the disputed order should be modified to include only such balance of the original amount of P40,938.56 as may be in the possession of the administratrix, after deducting the expenses approved by the court and the allowances and ; inheritances authorized by the court to be given to the widow and the heirs.

Wherefore, the first order appealed from is hereby affirmed, but the second order is hereby modified as above , indicated. So ordered.

Bengzon, C.J., Padilla, Bautista Angelo, Concepcion, Reyes, J.B.L., Barrera, Paredes, Dizon and Regala JJ., concur.

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