

PURIFICACION SANTOS IMPERIAL, PETITIONER, VS. HON. EMMANUEL M. MUÑOZ, AND LUIS U. SANTOS, RESPONDENTS.

G.R. No. L-30787. August 29, 1974

Ponente: ESGUERRA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/33ea7fd75295/>

ESGUERRA, J.:

Petition for review on certiorari of the order of the Court of First Instance of Bulacan, presided by respondent Judge, Hon. Emmanuel M. Muñoz, dated February 18, 1969, setting aside its order of June 6, 1967, in Special Proceedings No. 1049 entitled "Intestate Estate of Fermina Bello Santos", approving the Amended Project of Partition dated September 22, 1966, and adjudicating the properties left by the decedent to her forced heirs, Luis U. Santos, as surviving spouse, and Purificacion Santos Imperial, as adopted daughter, in the sharing proportion of 5/8 and 3/8, respectively; and of the order of July 17, 1969 denying the motion to set aside the order of February 18, 1969.

The factual background of the case is as follows:

On October 14, 1957, Luis U. Santos, as surviving spouse of the deceased Fermina Bello Santos, who died intestate on June 9, 1957, filed and instituted Special Proceeding No. 1049, entitled "Intestate Estate of Fermina Bello Santos", in the Court of First Instance of Bulacan. Luis U. Santos was appointed regular Administrator on January 16, 1958, as there was no opposition filed by the only other heir, herein petitioner Purificacion Santos Imperial.

It was only on April 9, 1965, when petitioner Purificacion Santos Imperial entered her appearance in the above-mentioned intestate proceedings as Oppositor, and therein filed a motion to require the regular administrator to render an accounting which resulted in the approval by the Court a quo on June 6, 1967, of the project of partition dated September 22, 1966, with the following awards and adjudications:

"1. To Dr. Luis U. Santos, citizen of the Philippines, of age, married to Socorro Manankil and resident of Malolos, Bulacan, is hereby awarded and adjudicated an undivided FIVE-EIGHTH (5/8) share in each of the above-described properties; and

2. To Purificacion Santos-Imperial, citizen of the Philippines, of age, married to Eloy Imperial and resident of Malolos, Bulacan, is hereby awarded and adjudicated an undivided THREE-EIGHTH (3/8) share in each of the properties described above;

The foregoing properties, as well as those realty situated in Pamplona, Camarines Sur, and Manito, Albay, which have been omitted or excluded from this project of partition to be dealt with later, are the only ones which have come to the knowledge of the administrator so far. However, should any other property be discovered, the same shall be divided between the administrator and Purificacion Santos-Imperial in the proportion above-stated.

WHEREFORE, it is most respectfully prayed that the herein administrator, Luis U. Santos, and Purificacion Santos Imperial be declared the only heirs of the deceased and entitled to the residuary estate and the foregoing

PROJECT OF PARTITION approved.

Malolos, Bulacan, September 22, 1966."

The assailed order of June 6, 1967, approving the Amended Project of Partition dated September 22, 1966, is herein below quoted, to wit:

"Upon agreement of the parties, the hearing of the statement of accounts is hereby postponed to July 18, 1967, at 8:30 A.M. However, the opposition to the project of partition having been withdrawn and finding the same to be in order, said project of partition is hereby APPROVED.

In connection with the consideration of the statement of accounts submitted by the administrator, he is hereby directed to deliver to the clerk of court all vouchers covering the income and disbursements of the estate within 10 days from receipt of this order.

SO ORDERED.

Malolos, Bulacan, June 6, 1967.

(Sgd) EMMANUEL M. MUÑOZ
JUDGE"

Copies of the order of June 6, 1967, were furnished counsel for the parties on the same date, June 6, 1967, in open court. (p. 3, Petition)

On January 16, 1968, the Court a quo approved the Compromise-Agreement of the parties concerned, wherein the administrator, respondent Dr. Luis U. Santos, among others, agreed to let Purificacion Santos Imperial, oppositor-petitioner, have the amount of P53,072.81 in full settlement of her 3/8 share in the income of the estate from June 9, 1957, up to December 31, 1967, inclusive, exclusive of any other amount she might have received in the past from the said administrator. This amount of P53,072.81 was actually paid to said Purificacion Santos Imperial.

On April 26, 1968, the Court a quo again approved the final partial project of partition filed by the administrator-respondent under date of March 22, 1968, with the same sharing ratio as in the one approved in its order of June 6, 1967.

On June 18, 1968, herein respondent Luis U. Santos as administrator-heir of the intestate estate of Fermina Bello Santos filed a Motion for Correction of both the Amended Project of Partition of September 22, 1966, approved by the Court a quo on June 6, 1967, and the Final Partial Project of Partition of March 22, 1968, likewise approved by the same court on April 26, 1968, claiming that the partition submitted to the Court was erroneous, as the same did not conform with the ruling laid down in the case of Santillon vs. Miranda, et al., G.R. No. L-19281, June 30, 1965, 14 SCRA 563, where the Supreme Court held: "When intestacy occurs, a surviving spouse concurring with only one legitimate child of the deceased is entitled to one-half of the estate of the deceased spouse under Article 996 of the Civil Code." Therefore, administrator-respondent Luis Santos should get 3/4 of the properties partitioned while oppositor-petitioner Purificacion Santos Imperial, the only child (adopted), should get only the remaining 1/4 of the estate.

Oppositor-petitioner filed a formal opposition to the motion for correction on the following grounds, to wit:

"(a) The orders of June 6, 1967 and April 26, 1968, are already both final and executory as of June 18, 1968, the 30-day period for appeal having lapsed, so cannot be subject to further correction;

(b) That Purificacion Santos Imperial precisely withdrew her opposition to the statements of accounts of Luis

U. Santos from June 9, 1957, to December 31, 1965, and relieved the administrator-heir of submitting any accounting for the years, 1966 and 1967, by virtue of the approval of the partition of September 22, 1966 on June 6, 1967, and the promise or agreement that said partition will be implemented immediately after said COMPROMISE AGREEMENT, which served as basis of the order of the Court of January 16, 1968. The correction will therefore violate the COMPROMISE AGREEMENT of the parties.

(c) The orders of June 6, 1967 and April 26, 1968 are not interlocutory in nature but FINAL ORDERS fixing the distributive sharing ratio as intended by Rule 90, Section 1 of the Rules of Court, which was appealable by any heir who did not agree to the distributive share fixed in such partition.

(d) As the AMENDED PROJECT OF PARTITION of September 22, 1966, fixed the distributive share already as 5/8 to Luis U. Santos and 3/8 to Purificacion Santos-Imperial as basis of the withdrawal of her opposition to the statement of accounts and further accounting of any produce for 1966-1967, whatever disadvantage Luis U. Santos suffered, if true, in the partition had been fully compensated by the produce which were not reported correctly or where there was no report at all. Hence, the partition can no longer be corrected.

(e) The cited case, SC-G.R. No. L-19281 is not in point because, there, the Court had no judgment as yet which was final about the proportion of the division, while here two orders of final nature already covered the partitions sought to be amended."

On February 18, 1969, the Court a quo granted the motion for correction, to wit:

"Acting upon the motion for correction dated June 18, 1968, filed by the administrator, which motion had been overlooked due to the numerous other motions and petitions filed by the parties, and in the light of the decision of the Hon. Supreme Court in Santillon vs. Miranda, G.R. No. L-19281, the order of June 6, 1967 approving the amended projects of partition is hereby reconsidered and set aside, and the administrator is allowed to reamend the said projects of partition as to embody therein the corrections sought.

SO ORDERED.

Malolos, Bulacan, February 18, 1969."

On March 20, 1969, oppositor-petitioner filed a Motion to Set Aside the order of February 18, 1969, which was denied on July 19, 1969, by the Court a quo, as follows:

"Acting upon the motion to set aside order of February 18, 1969 filed by the oppositor and considering that, as rightly pointed out by the administrator, the said order is merely interlocutory so that this court has not lost jurisdiction to entertain any and all corrections of the division; considering, further, that in order to put an end to this litigation between the parties, a correct and legal partition of the property of the estate is necessary, MOTION DENIED.

SO ORDERED.

Malolos, Bulacan, July 17, 1969."

Hence this petition for review on certiorari:

The issues for consideration are: (1) whether an order of a probate court in testate or intestate proceedings approving a project of partition which clearly fixed the distributive share to which each heir is entitled is merely interlocutory in nature so that the probate court can correct and set aside the same anytime; or is final and, therefore, appealable within the 30-day period for appeal; and (2) whether a court can order the correction of an erroneous final decision after it had become final and executory.

I. THE FIRST ISSUE

The contention of the petitioner to the effect that the orders of the court a quo dated June 6, 1967, as well as that of April 26, 1968, are final as the same have determined the distributive shares of the known forced heirs, finds support in the very same case cited by the respondents as their authority. In that case of Santillon vs. Miranda, et al., G.R. No. L-19281, June 30, 1965, 14 SCRA 563, this Court held; "Appeal in special proceedings; Order of court determining distributive share of heirs appealable. — An order of the Court of First Instance which determines the distributive shares of the heirs of a deceased person is appealable." This Court in deciding the issue as to whether the order of the lower court is final and appealable, went on to say:

"It is clear that the order of the lower court is final and, therefore, appealable to this Court.

Under Rule 109, section 1, a person may appeal in special proceedings from an order of the Court of First Instance where such order determines x x x the distributive share of the estate of which such person is entitled.'"

The two (2) questioned orders, being final in character, should have been appealed by the party adversely affected within the 30-day reglementary period provided for appeal. This was not done.

II. THE SECOND ISSUE

The contention of the petitioner that an order which has already become final and, therefore, executory is not subject to correction, finds support in Chereau vs. Fuentebella, et al., 43 Phil. 216, where it was held that an erroneous decree or judgment although granted without legal authority and contrary to the express provision of the statute, is not void. Here, as no appeal was taken, the decree must be conceded to have full force and effect. An erroneous decree is not a void decree. This Court held in the Fentebella case:

"x x x Erroneous the judgment undoubtedly was, and if the matter had been brought by appeal to this Court, and error assigned on that ground, the judgment granting the divorce would have been reversed. But after the decree has become final and the community property divided, the decree cannot now be changed in any proceeding; and much less is it subject to the collateral attack which is here made upon it." (Ibid, at p. 220)

The questioned order having become final and, therefore, executory because of the failure of the herein respondent Luis U. Santos to appeal on time by allowing the period for appeal to lapse before filing his motion for correction on June 18, 1968, he has to suffer the misfortune brought about by his own negligence and fatal inadvertence.

WHEREFORE, the orders of the Court of First Instance of Bulacan dated February 18, 1969, and July 17, 1969, are hereby reversed and set aside.

Costs against respondents.

Makalintal, C.J., Ruiz Castro, Teehankee, Makasiar, and Muñoz Palma, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.