

INTESTATE OF THE DECEASED ENCARNACION SAENZ DE VIZMANOS. MIGUEL VELAZCO Y CUARTERONI, PETITIONER AND APPELLEE, VS. REMEDIOS VIZMANOS ET AL., CLAIMANTS AND APPELLANTS.

G.R. No. L-21244. February 07, 1924

Ponente: OSTRAND, J.

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OSTRAND, J.:

Encarnacion Saenz de Vizmanos died intestate on November 16, 1921, leaving no heirs by force of law (herederos forzosos). The appellee was appointed the administrator of the estate of the deceased and, in the administration proceedings, the Court of First Instance issued an order of distribution in which certain collateral relatives of the deceased in the fourth degree were declared heirs. The appellants herein are relatives in the sixth degree and claim participation in the inheritance, but were excluded therefrom in the order of the distribution.

There is no dispute as to the fact that the persons declared heirs are nearer to the deceased in relationship than are the appellants, but counsel for the latter argues strenuously that the former were not properly represented in the administration proceedings and that, therefore, the court had no jurisdiction over them and could not properly declare them heirs.

There is, of course, no merit whatever in this contention. Under articles 657, 658, and 661 of the Civil Code, the title to the inheritance is transmitted to the heirs immediately upon the death of the predecessor and, upon sufficient proof that certain persons are the heirs of the deceased, it becomes the duty of the court to order the distribution of the estate to them in the due course of the administration proceedings no matter whether such persons have formally appeared in the proceedings or not. The order of distribution appealed from is in conformity with article 921 of the Civil Code and is hereby affirmed, with the costs against the appellants. So ordered.

Araullo, C. J., Johnson, Street, Malcolm, Avancena, Johns, and Romualdez, JJ., concur.

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