

IN THE MATTER OF ESCHEAT PROCEEDINGS OF THE ESTATE OF THE DECEASED ANNE FALLON MURPHY AND THOMAS FALLON MARRIED TO JULIA FALLON. MUNICIPALITIES OF MAGALLON, ISABELA AND LA CASTE...

G.R. No. L-14157. October 26, 1960

Ponente: LABRADOR, J.

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LABRADOR, J.:

These are escheat proceedings instituted by the Municipalities of Magallon, La Castellana and Isabela, Province of Negros Occidental, in the Court of First Instance of that province, praying that the estates of the deceased Anne Fallon Murphy and Thomas Fallon, the latter married to Julia Fallon, consisting of agricultural lands and residential lots, as well as accrued rentals deposited with the Warner, Barnes & Co., Ltd., be escheated in favor of the above-named municipalities, respectively, wherever the real estates are situated. Finding that the petition was in order, the judge of the court ordered the publication of the petition and set the same for hearing before itself on October 9, 1957.

The evidence shows that the properties sought to be escheated originally belonged to Charles J. Fallon, an American citizen, married to Rosario Santaromana. Fallon died in Manila on March 25, 1935, so his wife acquired by inheritance one-half of the said properties as owner, and the other half as usufructuary. The value of the properties of Charles J. Fallon in 1936 is estimated at P46,105.41 (Exhibit "H"). His wife Rosario Santaromana died in 1943, and thereupon the properties which she held in usufruct were transmitted to the brother and sister of her deceased husband, namely, Thomas Fallon and Anne Fallon Murphy. The value of the estate belonging to both Thomas Fallon and Anne Fallon Murphy is P23,052.70. Thomas Fallon and Anne Fallon Murphy were residents of the United States and as nothing was known about them from their relatives in the United States, the petitioning municipalities believed that they had died without heirs. Hence the petition for escheat.

At the hearing of the petition, evidence was submitted that Anne Fallon Murphy died on March 12, 1936 in San Francisco, California (ROA p. 21), while Thomas Fallon, died on May 26, 1936, also in San Francisco, California (ROA p. 25). Julia Fallon, on the other hand, died in San Francisco, California on December 2, 1944 (ROA p. 26).

Opposition to the petition for escheat was Hied by Ignatius Henry Bezore, Elwood Knickerbocker and Mary Irene Fallon McCormick. Ignatius Henry Bezore claims that he is a nephew of the decedents because his mother was their sister. Elwood Knickerbocker also claims to be the sole legatee of his wife Loreta Knickerbocker, who in turn, was the residuary legatee of Anne Fallon Murphy. Mary Irene Murphy McCormick likewise claims that she is the niece of the decedents as her father was a brother of said decedents. Conformably to their petitions, all the oppositors pray that the petition for escheat be dismissed and that the properties of the decedents be distributed among them.

The court, after hearing, found that Anne Fallon Murphy died in San Francisco on March 12, 1936 and Thomas

Fallon, also in the same city on May 26, 1936; that Thomas Fallon was survived by his wife Julia Fallon, who in turn, died in San Francisco on December 22, 1944; that Anne Fallon Murphy executed a will on February 7, 1935, which was admitted to probate on May 7, 1937. Considering these facts the court denied the petition for escheat of the properties of the deceased Anne Fallon Murphy and Thomas Fallon, for the reason that Thomas Fallon died with an heir his wife Julia Fallon, and Anne Fallon Murphy, for her part, died leaving a will, in which she disposed of all her properties.

As to the prayers contained in the opposition asking that the oppositors be declared heirs of the deceased Thomas Fallon and Anne Fallon Murphy, the court declared that the evidence submitted was not competent or sufficient to sustain the claim of the oppositors and, therefore, denied said prayers.

The petitioning municipalities presented no appeal, but the "oppositors did appeal, claiming that the lower court erred in not rendering judgment in their favor and in not declaring them heirs of the decedents Anne Fallon Murphy and Thomas Fallon.

This appeal can not be entertained. While it is possible for the estates of the deceased Anne Fallon Murphy and Thomas Fallon, who at the time of their death were residents of San Francisco, California, to be settled here, or more specifically in Negros Occidental where they had properties, these proceedings were instituted as escheat proceedings and not for the settlement of the estate of deceased persons. The court acquired jurisdiction to hear the petition for escheat by virtue of the publication of the petition for escheat. The jurisdiction acquired can not be converted into one for the distribution of the properties of the said decedents. For such proceedings (for the distribution of the estate of the decedents) to be instituted, the proper parties must be presented and the proceedings should comply with the requirements of the Rules. Hence, the Court of First Instance did not have the power to order, or to proceed with, the distribution of the estates of the decedents in these escheat proceedings, and adjudicate the properties to the oppositors.

Wherefore, the decision appealed from should be, as it hereby is, affirmed, without costs.

Paras C. J., Bengzon, Padilla, Bautista, Angelo, Reyes, J.B.L., Barrera, Gutierrez David, and Paredes, JJ., concur.

Judgment affirmed.

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