

MATEO MANIÑGAT AND THE SPOUSES EUGENIO PANTOJA AND LEONA BALTAZAR, PETITIONERS, VS. MODESTO CASTILLO AND IÑIGO S. DAZA, JUDGES OF COURT OF FIRST INSTANCE, AND SIXTO DE JESUS, RE...*G.R. No. L-74. December 08, 1945*

Ponente: OZAETA, J.

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In special proceeding No. 3174 of the Court of First Instance of Batangas for the settlement of the estate of the deceased Gavino de Jesus, the herein petitioners Mateo Maningat and the spouses Eugenio Pantoja and Leona Baltazar, having respectively purchased the interests of the heirs Demetrio, Elena, and Maria de Jesus, filed motions in said court praying that the sales be approved and that they as vendees be subrogated to the rights of their respective vendors in the settlement and liquidation of the estate of the deceased. Having previously offered to reimburse the said purchases for the purchase price respectively paid by them and his offer having been refused, the herein respondent Sixto de Jesus, as administrator and one of the heirs of the deceased, opposed the said motions on the ground that the parcels of land which were the subject of the sale were mortgaged to the Philippine National Bank with the approval of the court and that there were other claims against the estate allowed by the committee on claims for which said parcels of land might have to respond; and, by way of countermotion, prayed that should the sales be approved the vendees be ordered to resell, transfer, and convey to him the interests purchased by them from his coheirs, by virtue of article 1067 of the Civil Code.[1]

The herein petitioners as movants opposed the countermotion on the ground that the coheir and countermovant Sixto de Jesus had not offered to repurchase the interests of the heirs they had bought within the one-month period provided in said article 1067 of the Civil Code.

After due hearing the respondent judge Modesto Castillo found that the offer to repurchase had been made within the period provided by the law and, sustaining the counter-motion, ordered the herein petitioners to resell and convey to the respondent Sixto de Jesus the respective interests bought by them upon payment of the purchase price and all the expenses of the sale. A motion for reconsideration was subsequently filed by the petitioners, which was denied by the respondent Judge Daza on the ground that the order of Judge Castillo had become final at the time said motion was filed.

Thereupon the petitioners brought the case to this Court by way of certiorari and mandamus to annul the order of Judge Castillo and to order the Court of First Instance of Batangas to approve their motions for subrogation. The sole ground alleged as a basis of the petition is that the Court of First Instance of Batangas as a probate court had no jurisdiction to entertain the countermotion of the respondent Sixto de Jesus, contending that a separate action for subrogation under article 1067 of the Civil Code should be filed by the coheir Sixto de Jesus and should be decided by the court in the exercise of its ordinary jurisdiction.

It seems that neither certiorari nor mandamus lies here and that the proper remedy is appeal; but inasmuch as the

respondents have not questioned the propriety of the remedy and the parties have submitted for the decision of this Court the legal question of whether or not the probate court has jurisdiction to entertain a motion for subrogation under article 1067 of the Civil Code, we prefer, in the interest of justice, to decide that question once and for all instead of dismissing the petition on procedural ground.

We have looked in vain in the memorandum for the petitioners for the citation of any rule of court, statutory provision, or applicable authority in support of their contention that the probate court has no jurisdiction to authorize and order the subrogation mentioned in article 1067 of the Civil Code. The main function of a probate court is to settle and liquidate the estates of deceased persons either summarily or through the process of administration. (See articles 74 to 91, inclusive, Rules of Court.) In order to settle the estate of a deceased person it is one of the functions of the probate court to determine who the heirs are that will receive the net assets of the estate and the amount or proportion of their respective shares. In the case at bar the petitioners, who are strangers, claimed the right to be subrogated to the rights of the heirs .Demetrio, Elena, and Maria de Jesus by virtue of their purchase of the respective interests of the latter, while on the other hand the respondent Sixto de Jesus as a coheir claimed that same right by virtue of article 1067 of the Civil Code; and since at the time these conflicting claims were presented to the court the estate of the deceased was still in the process of administration and settlement, it was incumbent upon the probate court to adjudicate and settle said claims according to law. If at the time the herein petitioners made the purchase in question the estate had been closed, although the partition of the parcels of land adjudicated to the heirs had not been actually made, the contention of the petitioners that the probate court had no jurisdiction to adjudicate on the claim for subrogation would have been tenable. But that is not the case before us. As a matter of fact the petitioners themselves invoked the authority of the probate court to pass upon their claim for subrogation for the very reason that the property involved was under administration by the court.

We find that the probate court had jurisdiction to enter the order complained of, which we hereby affirm, and deny the petition with costs against the petitioners.

Moran, C. J., Paras, Jaranilla, Feria, De Joya, Pablo, Perfecto, Hilado, Bengzon, and Briones, JJ., concur.

[1] "ART. 1067. If any of the heirs should sell his hereditary rights to a stranger before the partition, any or all of his coheirs may be subrogated to the rights of the purchaser of reimbursing him for the purchase price, provided it be done within the period of one month, to be counted from the time they were informed thereof."

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