

**LEONOR P. REYES, ASSISTED BY HER HUSBAND, AGUSTIN ARCON,
PETITIONER, VS. THE HONORABLE BONIFACIO YSIP, JUDGE OF THE
COURT OF FIRST INSTANCE OF BULACAN, AND DR. AURELIO
CRISOSTOM...***G.R. No. L-7516. May 12, 1955*

Ponente: LABRADOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/787a1918aa08/>**LABRADOR, J.:**

This is a petition for a writ of certiorari and mandamus to compel the judge of the Court of First Instance of Bulacan to permit and allow petitioner to submit evidence Reyes and Arcon vs. Ysip, etc., and Crisostomo her claim that she is a natural daughter of the deceased, Juan Reyes Panlilio, enjoying her status as such continuously up to the time of the latter's death. In special proceedings No. 563 of the said Court of First Instance, a petition was presented for the probate of the last will and testament of decedent Juan Reyes Panlilio. Leonor P. Reyes, petitioner herein, filed an opposition thereto. The special administratrix, who had presented the will for probate, objected to the personality and right of the petitioner herein to contest the will and asked that the 'court resolve her right to contest the will before the hearing thereon. In a dubious order the court made the following ruling on the objection:

"El Juzgado opina que dicha personalidad debe resolverse en la vista a fondo de esta asunto." (Annex B.)

Both counsel for the proponent of the will and the opponent, petitioner herein, understood that the above order permitted the oppositor to appear and intervene in the hearing on the will, leaving her personality, put in question by proponent, to be resolved later. Thus Attorney for the proponent asked for a reconsideration of the court's order (Annex C), and at a subsequent hearing (for the probate of the will), opponent on her part offered evidence on her alleged filiation. The attorney for the administratrix again objected to the presentation of said "evidence (supporting the claim of the filiation of the petitioner herein), but the trial judge, the Hon. Bonifacio Ysip, held that only the probate of the will was at issue and that the question of the presentation of evidence as to the filiation of the oppositor, petitioner herein, was out of place. (See pages 11-12, Respondent's answer to the petition.) Counsel for petitioner made attempts to have the court reconsider its order but the court refused to do so. So her counsel begged the court to suspend the proceedings, and he instituted the present petition for a writ to compel the respondent judge to permit her to prove her alleged filiation as a recognized natural child of the, testator.

The petitioner claims that the consistent policy of this Court, embodied in several of its, decisions, is to allow a duly acknowledged natural child to intervene in the proceedings for the probate of the will and establish his or her status as such in said proceedings. The issue now before the Court, however, as evolved by the course of the proceedings in the court below is: In the hearing of a petition, for the probate of a will, is the court obliged to accept or receive evidence of the filiation of an oppositor to the probate, or may the said court postpone reception of such evidence of filiation later?

For a clear understanding of the issue involved and our resolution thereon, it is necessary to invite attention to the

most pertinent rulings and provisions of the rules, as follows:

1. In distribution proceedings the stage at which then determination of the persons entitled to inherit may be, made is after, not before, the payment of all debts, funeral charges, * * * is effected. (*Capistrano vs. Nadurata*, 46 Phil. 726; *Lopez vs. Lopez*, 37 Off. Gaz., 3091; *Jimoga-on vs. Belmonte*, 47 Off. Gaz., [3] 1119; 2 Moran, Comments on; the Rules of Court, 1952 ed., p. 488.) This is the express provision of section 1 of Rule 91. So that the submission of evidence to determine the persons who are entitled to share in the residue of the estate, for the purpose of including them in what is known as the order of declaration of heirs, is towards the last stage of the distribution proceedings, after the debts, charges and expenses of administration, etc., have been paid.

2. In distribution proceedings where a will is sought to be, admitted to probate, a person who can have no interest in, the succession cannot be allowed to intervene and oppose such probate. (*In Re Cabigting*, 14 Phil. 463.) A person intervening in the proceedings should be required to show; interest in the will or the property affected thereby (*Paras vs. Narciso*, 35 Phil. 244.) For such purpose (of taking part in the proceedings for probate) it is sufficient that he shows or produces prima facie evidence of his or her relationship to the testator, or his right to the latter's estate, as the rules provide that the determination of the persons entitled to receive the residue of the estate shall be made after the debts, funeral expenses and administration expenses, etc. are paid. (*Asinas vs. Court of First Instance of Romblon*, 51 Phil., 665.)

It is to be noted that counsel for the administratrix, proponent of the will, did not contest the right of the oppositor to intervene on the ground that she is not the illegitimate child of the testator; she expressly contended that petitioner's action for recognition should have been brought during the lifetime of the deceased testator, in accordance with the provisions of Articles 283 and 284 of the new Civil Code. For this reason, the implication may be made that some relationship between the testator and the petitioner is admitted. On the other hand, the only ground why counsel for petitioner insisted on submitting evidence as to the filiation of the petitioner was because he was afraid that if the will was admitted to probate without evidence of her filiation having been received, the oppositor may not have the right to appeal from the decision admitting the will to probate for lack of personality.

"Supongamos, su Sefioria, de que el testamento sea legalizado y durante el procedimiento de la legalization del testamento la opositora no ha probado su filiación o paternidad con el testador, entonces la opositora no tiene personalidad, y segun humilde opinion de esta representacion, dicha opositora ya no puede mas apelar por falta de personalidad. Ese es el motivo, por el cual queremos probar ahora su relation con el testador para que la opositora tenga personalidad." (Answer to the Petition, p. 9).

Had the court prohibited or prevented the petitioner, oppositor to the probate of the will, from intervening in the hearing on the will and submitting evidence to support the grounds for her opposition to the probate, perhaps the petitioner would have been justified in coming to Us to compel the judge to admit evidence of her filiation. But the trial judge ruled that only evidence as to the execution of the will or in opposition to the probate could then be admitted, postponing reception of evidence as to the filiation of the petitioner to another occasion or hearing, and perhaps on the occasion of the hearing for the declaration of heirs. In this respect the judge's ruling finds support in the circumstances. To allow petitioner, oppositor in the probate, to prove her filiation would be injecting matters different from the issues involved in the probate, which in this case were the alleged non-execution of the will, or the execution thereof under pressure or influence or by threat, or the alleged forgery of the signatures of the testator. And if the court permitted submission of evidence as to the filiation of the petitioner, in order to justify her intervention in the proceedings for probate, the nature of the evidence submitted would nevertheless be only prima facie, and only to justify her intervention in the probate proceedings, and it would not be decisive of her right to inherit as a recognized natural child, as the final decision on the matter would be made after hearing

for the declaration of the heirs. So that no advantage could have been gained by hearing the provisional or prima facie evidence of the petitioner on her filiation, anyway the court was not depriving her of the right or opportunity to contest the will. And the legal issue raised by the proponent of the will would also tend to confuse or increase the number of issues to be determined at the hearing on the will, all these without any benefit or advantage to the parties, or prejudice to the petitioner because she was not being denied the right to sustain or introduce evidence to sustain her opposition to the probate of the will. Considerations of convenience and expediency, therefore, support the ruling of the court in refusing to admit evidence of petitioner's filiation and postponing the same at a later stage in the distribution proceedings.

We, therefore, find that the order of the court did not amount to a prohibition to the petitioner to take part in the hearing for the probate of the will and was motivated by a desire to avoid a multiplicity of the issues thereat and the limitation thereof to (the execution and the validity of the execution of the will. The court, therefore, did not deprive the petitioner of any right which she is entitled to under the law or rules, nor did it abuse its discretion in refusing the submission of evidence as to filiation in the hearing for the probate.

The petition shall be dismissed, with costs against the petitioner.

Pablo, Actg. C. J., Bengzon, Padilla, Montemayor, Baurtista Angelo, Concepcion, and Reyes, J. B. L., JJ., concur.

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