

MANUEL Y. MACIAS, PETITIONER AND APPELLANT, VS. UY KIM, ANDRES CO, NEMESIO G. CO, NICASIO G. CO, MANUEL SOSANTONG AND RELIABLE REALTY CORPORATION, DEFENDANTS AND APPELLEES.

G.R. No. L-31174. May 30, 1972

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

Petitioner-appellant Manuel Y. Macias filed on December 2, 1969 a petition for review by certiorari against respondents Uy Kim, Andres Co, Nemesio Co, Nicasio Co, Manuel Sosantong, Reliable Realty Corporation, and Branch X of the Manila Court of First Instance, alleging that he filed on May 5, 1969 a complaint dated April 30, 1969 for the annulment of a deed of sale, reivindicacion and damages against respondents docketed as Civil Case No. 76412 assigned to Branch X of the Manila Court of First Instance presided over by Honorable Jose L. Moya, wherein he averred:

(1) that he is a beneficiary of the estate of Julian Wolfson pending settlement in Special Proceedings No. 57405 before Branch VI of the Manila Court of First Instance and also a beneficiary of the estate of Rosina Marguerite Wolfson pending settlement in Special Proceedings No. 63866 before Branch VIII of the Manila Court of First Instance. In Special Proceedings No. 63866, he appealed from the order dated December 27, 1967 appointing Ricardo Vito Cruz as ancillary administrator to the Supreme Court, which appeal was docketed as G.R. No. L-29235;

(2) that he has been named as special administrator of the estate of Rosina in Special Proceedings No. 67302 originally assigned to Branch VI but later transferred to Branch VIII and consolidated with Special Proceedings No. 63866 but the Presiding Judge of Branch VIII dismissed said Special Proceedings No. 67302 in an order dated February 20, 1967, which he also appealed to the Supreme Court and docketed as G.R. No. L-28054;

(3) that to protect his interest as such beneficiary in the estates of Rosina and Julian, he caused a notice of lis pendens to be annotated on Transfer Certificates of Title Nos. 49877/T-158, 49878/T-158, 49879/T-158, 49880/T-158, 49881/T-158 all issued in the name of Rosina covering five adjacent lots in Tondo, Manila;

(4) that in an order dated April 16, 1969 (p. 73, rec. of L-30935), Judge Manuel P. Barcelona presiding in Special Proceedings No. 63866, authorized respondent Ricardo Vito Cruz as ancillary administrator of Rosina's estate, upon the latter's motion, to sell the real properties of the estate for the payment of the estate and inheritance taxes, realty taxes of the estate and expenses of administration;

(5) that respondent Ricardo Vito Cruz negotiated for the sale of the aforesaid lots with the Reliable Realty Corporation, which was willing to buy the properties for P400,000.00 provided the notice of lis pendens annotated on the titles covering said lots is cancelled;

(6) that upon motion of respondent Vito Cruz, Judge Manuel Barcelona in Special Proceedings No. 63866

ordered the cancellation of the said notice of lis pendens in an order dated April 15, 1969 (Schedule "C" of petition, p. 43, rec.);

(7) that respondent Vito Cruz executed a deed of sale over the aforesaid properties in favor of Reliable Realty Corporation, organized by respondents Uy Kim, Andres Co, Nicasio Co, Nemesio Co, and Manuel Sosantong, and respondent Judge Manuel P. Barcelona issued an order dated April 24, 1969 approving the said deed of sale (Annex "A" and Schedule "B" of petition, pp. 38-47, rec.);

(8) that thereafter, T.C.T. Nos. 49877, 49878, 49880, and 49881 were cancelled and in lieu thereof, T.C.T. Nos. 96471/T-757, 96472/T-757, 96473/T-757 and 96474/T-757 were issued by the Register of Deeds in favor of respondent Reliable Realty Corporation;

(9) that the aforesaid orders of April 16, 1969 and April 24, 1969 were issued without due notice to petitioner and without, or excess of the jurisdiction of the Presiding Judge in Special Proceedings No. 63866 for the reason that he had been divested of jurisdiction of said proceedings by reason of his appeal therein in G.R. No. L- 29235 (p. 32, rec.);

(10) that on April 30, 1969, he caused the filing of a notice of adverse claim on the properties covered by T.C.T. Nos. 96471 96472, 96473 and 96474 (p. 34, rec); and

(11) that he spent at least P10,000.00 in his efforts to protect and defend his hereditary interests in the estate of Rosina;

and prays for judgment (a) declaring the deed of sale over the aforementioned lots as null and void, (b) directing the cancellation of the transfer certificates of titles issued in the name of Reliable Realty Corporation, (c) declaring that the aforesaid five lots as his distributive share in the estate of Rosina as well as directing the register of deeds of Manila to issue in his name new transfer certificates of title, and (d) sentencing private respondents jointly and severally to pay him P10,000.00 as actual damages, P100,000.00 as moral damages, P20,000.00 as exemplary damages, and P50,000.00 as attorney's fees plus legal interest on all said values.

Private respondents Reliable Realty Corporation. Uy Kim, Nemesio Co, Andres Co, Nicasio Co and Manuel Sosantong filed a motion to dismiss (Appendix "B", pp. 14-15, rec.) appellant Macias' complaint in Branch X of the Manila Court of First Instance on the grounds that the court has no jurisdiction over the nature and subject matter of the suit; that the complaint states no cause of action; that there is another action of the same nature pending in court that plaintiff has no legal capacity to prosecute the present suit and alleging specifically that:

(1) Branch X of the Manila Court of First Instance has no jurisdiction over the case since the subject matter involved properly belongs exclusively to and is within the competence of Branch VIII and Branch IV before which courts Special Proceedings Nos. 63866 and 57405 are pending and petitioner's alleged claim of beneficiary interest in the estates of Julian and Rosina depends on a recognition thereof by the probate court in said Special Proceedings Nos. 63866 and 57405;

(2) that upon the face of the complaint, the same does not contain a cause of action; because Branch X, which is coordinate with Branch VIII of the Manila Court of First Instance, under the existing jurisprudence has no authority to annul the questioned orders issued by Branch VIII, aside from the fact that he appealed to the Supreme Court from the order of the Presiding Judge of Branch VIII dismissing Special Proceedings No. 67302 which was then pending before Branch IV and subsequently transferred to Branch VIII (L-28054), from the order denying Macias' claim of beneficiary interest in Rosina's estate and appointing respondent Vito Cruz as ancillary administrator of the estate of Rosina in the same Special Proceedings No. 63866 (L-29235; Annex "A", pp. 51-60, rec.) as well as from the order of the Presiding Judge of Branch IV also denying Macias' petition for relief from the order approving the partial distribution of the estate of Julian and denying his motion for the removal of Vito Cruz as administrator and appointment of herein appellant in his place

(L-28947; Annex "B", pp. 61-65, rec.);

(3) that petitioner Manuel Macias is not a real party in interest; because he is not the beneficiary, nor legatee nor creditor, much less an heir, of Rosina. He bases his alleged interest in the estate of Julian who died intestate on June 15, 1964 solely on the latter's memorandum to his sister Rosina wherein he hoped that his sister Rosina will, after his estate is settled, give at her convenience to petitioner Manuel Macias the sum of P500.00; to Faustino A. Reis and Severino Baron the amount of P10,000.00 each; and to Dominador M. Milan and Vicente D. Recto, P1,000.00 each. The said memorandum is not a will. Unfortunately, Rosina died on September 14, 1965 without being able to comply with the memorandum of her brother Julian. Since petitioner has not been declared an heir or legatee of Julian in Special Proceedings No. 57405 nor of Rosina in Special Proceedings No. 63866, he has no legal standing to file the present action. The aforesaid motion to dismiss was followed by a supplement alleging that since the buyer, the Reliable Realty Corporation, has a distinct personality from those of its incorporators, there is no cause of action against private respondents Uy Kim, Nemesio Co, Andres Co, Nicasio Co, and Manuel Sosantong, its incorporators.

Respondent Ricardo Vito Cruz filed a motion for intervention in said Case No. 76412 dated June 4, 1969, reiterating the grounds of the motion to dismiss advanced by the other private respondents as aforestated and emphasizing that this petition for relief from judgment seeks the nullification by the Presiding Judge of Branch X of the orders of the Presiding Judge of Branch VIII in Special Proceedings No. 63866 dated April 15 and 24, 1969, as admitted by petitioner's motion in praying that this Case No. 76412 should not be assigned to Branch IV or Branch VIII as his petition seeks to nullify the orders of Presiding Judge Manuel Barcelona of Branch VIII in said Special Proceedings No. 63866 (Annex "B", pp. 96-97, rec.).

Petitioner-appellant filed his opposition dated June 14, 1969 to the motion to dismiss of respondents Reliable Realty Corporation and its incorporators as well as to the motion for intervention filed by respondent Vito Cruz.

In an order dated June 30, 1969, Presiding Judge Jose L. Moya of Branch X sustained the motion to dismiss and forthwith dismissed plaintiff's complaint herein in Civil Case No. 76412 but denied the prayer of the motion to dismiss for cancellation of the notice of adverse claim, which petitioner-appellant caused to be annotated on the titles issued in favor of Reliable Realty Corporation, from which order petitioner-appellant Macias interposed his appeal, and accordingly filed this petition for review on certiorari.

Herein respondents Reliable Realty Corporation, Uy Kim, Andres Co, Nemesio Co, Nicasio Co and Manuel Sosantong filed on December 12, 1969 their motion to dismiss the instant petition on the ground that Branch X of the Manila Court of First Instance has no jurisdiction over plaintiff's complaint, for the said Branch X is without authority to review the decisions of Branch IV, a coordinate branch of the Manila Court of First Instance; that petitioner-appellant is not a beneficiary, heir or creditor of the estate of Julian or Rosina; and that petitioner-appellant had already appealed the order of Judge Barcelona of Branch VIII authorizing and approving the sale of the lots in favor of respondent Reliable Realty Corporation respectively dated April 16 and April 24, 1969 (Annex "A", pp. 94-95, rec.) which appeal is now pending before this Court in L-30935 (pp. 87-97, rec.; pp. 4, 15, appellant's brief; italics supplied).

In a manifestation dated and filed on December 19, 1969, respondent Vito Cruz adopted in toto as his own motion to dismiss and/or answer, the motion to dismiss dated December 12, 1969 filed by the principal respondents (p. 102, rec.).

Petitioner-appellant filed on December 19, 1969 an opposition dated December 18, 1969 to the motion to dismiss (pp. 104-108, rec.).

In Our resolution dated January 23, 1970, the motion to dismiss petition for review and certiorari was denied (p.

123, rec.).

In a manifestation dated February 13, 1970, private respondents Reliable Realty Corporation, Uy Kim, Nemesio Co, Andres Co, Nicasio Co and Manuel Sosantong adopted as their answer their motion to dismiss filed on December 12, 1969 (p. 133, rec.).

The appealed order of respondent Judge Jose L. Moya, dated June 30, 1969, reads:

"It appearing from the complaint that there is presently pending in Branch VIII of this Court Special Proceeding No. 63866 for the settlement of the inheritance of the deceased Rosina Marguerite Wolfson; that the plaintiff claims to be a beneficiary by hereditary title of her estate; that the sale of the lands forming part thereof which the plaintiff desires to annul was approved by this Court in Special Proceeding No. 63866; that aside from praying for the annulment of the sale, the plaintiff also seeks a declaration that the lands sold constitutes his distributive share of Rosina Marguerite Wolfson's inheritance; and that the plaintiff has appealed to the Supreme Court from the order approving the sale, and it being settled that the jurisdiction to annul a judgment or order of a branch of the Court of First Instance is vested exclusively in the branch which rendered the judgment or issued the order and that any other branch, even if it be in the same judicial district, which attempts to do so, exceeds its jurisdiction (Tuason vs. Judge Torres, 21 S.C.R.A. 1169, L-24717, December 4, 1967), and it being unquestionable that the authority to distribute the inheritance of a deceased person and determine the persons entitled thereto belongs exclusively to the court or branch thereof taking cognizance of the proceedings for its settlement (Branch VIII) in this case; and finally the Supreme Court having already acquired jurisdiction by reason of the plaintiff's appeal, no subordinate court should attempt to pass upon the same question submitted to it, the motion to dismiss filed by the defendant is granted and the complaint is dismissed.

"The prayer in the motion to dismiss for the cancellation of the notice of adverse claim which the plaintiff caused to be annotated on the titles to the lands on account of the present action is denied as the only question raised by a motion to dismiss is the sufficiency of the complaint filed in the action." (Appendix "F", p. 78, rec.).

The pretense of herein petitioner-appellant is without merit and the foregoing order appealed from should be sustained.

Under Section 1 of Rule 73, Rules of Court, "the court first taking cognizance of the settlement of the estates of the deceased, shall exercise jurisdiction to the exclusion of all other courts." Pursuant to this provision, therefore all questions concerning the settlement of the estate of the deceased Rosina Marguerite Wolfson should be filed before Branch VIII of the Manila Court of First Instance, then presided over by former Judge, now Justice of the Court of Appeals; Manuel Barcelona, where Special Proceedings No. 63866 for the settlement of the testate estate of the deceased Rosina Marguerite Wolfson was filed and is still pending.

This Court stated the rationale of said Section 1 of Rule 73, thus:

" * * * The reason for this provision of the law is obvious. The settlement of the estate of a deceased person in court constitutes but one proceeding. For the successful administration of that estate it is necessary that there should be but one responsible entity one court, which should have exclusive control of every part of such administration. To intrust it to two or more courts, each independent of the other, would result in confusion and delay.

* * * * *

"The provision of section 692, giving one court exclusive jurisdiction of the settlement of the estate of a deceased person, was not inserted in the law for the benefit of the parties litigant, but in the public interest for the better administration of justice. For that reason the parties have no control over it." [1]

"On the other hand, and for such effects as may be proper, it should be stated herein that any challenge to the validity of a will, any objection to the authentication thereof, and every demand or claim which any heir, legatee, or party in interest in a testate or intestate succession may make, must be acted upon and decided within the same special proceedings, not in a separate action, and the same judge having jurisdiction in the administration of the estate shall take cognizance of the question raised, inasmuch as when the day comes he will be called upon to make distribution and adjudication of the property to the interested parties, * * *." [2]

This was reiterated in *Maningat vs. Castillo*, [3] thus:

" * * * 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. * * *"

It is not disputed that the orders sought to be annulled and set aside by herein petitioner-appellant in his complaint against private respondents which was assigned to Branch X of the Manila Court of First Instance presided over by Judge Jose L. Moya, were issued by Judge Barcelona presiding over Branch VIII of the same court.

Even in other cases, it is also a general principle that the branch of the court of first instance that first acquired jurisdiction over the case retains such jurisdiction to the exclusion of all other branches of the same court of first instance or judicial district and all other coordinate courts. Thus, in the 1970 case of *De Leon vs. Salvador*, [4] Mr. Justice Teehankee, speaking for the Court, ruled:

"The various branches of a Court of First Instance of a province or city, having as they have the same or equal authority and exercising as they do concurrent and coordinate jurisdiction, should not, cannot, and are not permitted to interfere with the respective cases, much less with their orders or judgments, by means of injunction." [5]

In the words of Mr. Justice Fernando, also in behalf of the Court, "any other view would be subversive of a doctrine that has been steadfastly adhered to, the main purpose of which is to assure stability and consistency in judicial actuations and to avoid confusion that may otherwise ensue if courts of coordinate jurisdiction are permitted to interfere with each other's lawful orders. * * * This is to preclude an undesirable situation from arising one, which if permitted, as above pointed out, would be fraught with undesirable consequences, as already indicated, for the bench, no less than for the litigants. To such an eventuality, this Court cannot give its sanction." [6]

Appellant claims that his action in Civil Case No. 76412 before Branch X of the Manila Court of First Instance, is not for the annulment of any judgment or order of Branch VIII of said Court and that nowhere, either in the prayer or in the body of his complaint, does he seek for the annulment of any order of Branch VIII (p. 8, appellant's brief). This pretension of appellant is belied by paragraph 8 of his complaint in Civil Case No. 76412 alleging that the order dated April 15, 1969 directing the register of deeds of Manila to cancel the notice of lis pendens caused to be annotated by the appellant on the titles covering the five (5) lots and the order dated April 24, 1969 approving the deed of sale were both issued by the Presiding Judge of Branch VIII in Special Proceedings No. 63866, without due notice to and hearing of appellant; and further belied by paragraph 9 of the same complaint alleging that the acts of the buyers of the aforesaid five (5) lots in causing the cancellation of appellant's notice of lis pendens in obtaining the registration of the deed of sale, in procuring the cancellation of the transfer certificates of titles over the five (5) lots in the name of Rosina, and in securing new transfer certificates of title in the name of defendant Reliable Realty Corporation, are all null and void ab initio, because (1) of the pendency of his appeal in G.R. No. L-29235 for said appeal divested the Presiding Judge of Branch VIII of any jurisdiction in

Special Proceedings No. 63866 to sell the Properties in question notwithstanding the order of April 24, 1969 approving the deed of sale, (2) the orders dated April 15, 1969 and April 24, 1969 directing the cancellation of appellant's notice of lis pendens and approving the deed of sale may not be registered as they have not become final and will not become final by reason of his appeal in G.R. No. L-29235, and (3) he was not notified of the petition to sell any portion of Rosina's estate (pars. 8 & 9, Appendix "A", pp. 30-34, rec.). It is patent that by the aforesaid paragraphs 8 and 9 of his complaint in Civil Case No. 76412 before Branch X, appellant impugns the validity of the afore-mentioned orders of the Presiding Judge of Branch VIII in Special Proceedings No. 63866.

Furthermore, in his motion to the Honorable Executive Judge of May 5, 1969, appellant averred that he filed his complaint in Civil Case No. 76412 to nullify and set aside certain orders of Judge Manuel P. Barcelona of Branch VIII in Special Proceedings No. 63866 over the testate estate of Rosina Marguerite Wolfson and prayed that said Case No. 76412 should not be assigned to either Branch VIII or Branch IV (Annex "A", pp. 21-22, appellant's brief). Said motion could not refer to orders of Judge Manuel P. Barcelona other than the aforesaid orders of April 15, 16, and 24, 1969 in Special Proceedings No. 63866.

This appellant impliedly admits on pp. 3-4 of his reply brief which is further emphasized by his statement that the only purpose of his motion dated May 5, 1969 was "to keep the action away from possible prejudgment by the above-mentioned branches of the court below (referring to Branch IV and Branch VIII of the Manila Court of First Instance)."

But even without considering paragraphs 8 and 9 of appellant's complaint and his motion dated May 5, 1969 in Civil Case No. 76412 before Branch X, his prayer in the same complaint for the nullification or rescission of the deed of sale covering the five lots in question cannot be decreed without passing upon the validity of the orders of the Presiding Judge of Branch VIII in Special Proceedings No. 63866 cancelling his notice of lis pendens authorizing the sale and approving the sale. And, as heretofore stated, under the rules and controlling jurisprudence, the Presiding Judge of Branch X of the Manila Court of First Instance cannot legally interfere with, nor pass upon the validity of said orders of the Presiding Judge of Branch VIII, which court, as the probate court, has exclusive jurisdiction over the estate of the decedent, including the validity of the will, the declaration of heirs, the disposition of the estate for the payment of its liabilities, and the distribution among the heirs of the residue thereof.

Appellant's insistence that in Civil Case No. 76412, he seeks to recover his distributive share of the estate of the decedent Rosina, all the more removes the said case from the jurisdiction of Branch X; for as heretofore stated, the distribution of the estate is within the exclusive jurisdiction of the probate court. He must therefore seek his remedy in the same probate court – Branch VIII - which is hearing Special Proceedings No. 63866, instead of filing a separate civil case in Branch X.

Moreover, his petition for certiorari, prohibition and mandamus in G.R. No. L-30935, entitled *Macias vs. University of Michigan, et al.*, wherein he questions the validity of the aforesaid orders of the Presiding Judge of Branch VIII in Special Proceedings No. 63866, amply covers the same subject matter and seeks substantially the same relief as his complaint in Civil Case No. 76412 and the present petition (see pars. 26, 28, 30-40, and the prayer in his petition, pp. 13-34, rec. of L-30935).

Appellant himself states that the decision in the three cases he filed with this Court namely, G.R. Nos. L-29235, 28947, and L-30935 will answer the question whether he has legal interest in the estates of Rosina Marguerite Wolfson and Julian A. Wolfson (pp. 21-22, appellant's brief).

The cases he cited, as correctly contended by appellees (*Lajom vs. Viola, et al.*, 73 Phil. 563; *Ramirez vs. Gmur*, 42 Phil. 855; *Rodriguez vs. Dela Cruz*, 8 Phil. 665; and *Quion vs. Claridad*, G.R. No. L-48541, January 30, 1943,

2 O.G., No. 6, June, 1943, p. 572, 74 Phil. 100), are not applicable to and therefore do not govern the instant case; because the actions therein were filed by the preterited heir or legatee or co-owner long after the intestate or testate or partition proceedings had been closed or terminated. In the case at bar, Special Proceedings No. 63866 is still pending in the probate court Branch VIII of the Manila Court of First Instance where appellant should present, as he has in fact presented, his alleged claim of legal interest in the estates of Rosina Marguerite Wolfson, which claim, if valid, will certainly entitle him to all notices of all petitions, motions, orders, resolutions, decisions and processes issued and/or promulgated by said probate court. There is no order by the said probate court terminating or closing Special Proceedings No. 63866.

However, in the recent case of *Guilas vs. Judge of the Court of First Instance of Pampanga, et al.*,^[7] WE reiterated the rule:

" * * * The better practice, however, for the heir who has not received his share, is to demand his share through a proper motion in the same probate or administration proceedings, or for re-opening of the probate or administrative proceedings if it had already been closed, and not through an independent action, which would be tried by another court or Judge which may thus reverse a decision or order of the probate or intestate court already final and executed and re-shuffle properties long ago distributed and disposed of *Ramos vs. Ortuzar*, 89 Phil. 730, 741-742; *Timbol Cano*, supra; *Jingco vs. Daluz*, G.R. No. L-5107, April 24, 1953, 92 Phil. 1082; *Roman Catholic vs. Agustines*, G.R. No. L-14710, March 29, 1960, 107 Phil. 455, 460-61)."

Even in the case of *Quion, etc. vs. Claridad, et al.*, supra, invoked by appellant, WE ruled that the intestate proceedings, although closed and terminated, can still be re-opened within the prescriptive period upon petition therefor by a preterited heir.

The Court cannot ignore the proclivity or tendency of appellant herein to file several actions covering the same subject matter or seeking substantially identical relief, which is unduly burdening the Courts. Coming from a neophyte, who is still unsure of himself in the practice of the law, the same may be regarded with some understanding. But considering appellant's ability and long experience at the bar, his filing identical suits for the same remedy is reprehensible and should merit rebuke.

WHEREFORE, the petition is hereby dismissed and the appealed order is hereby affirmed, with costs against petitioner-appellant. Let this be entered in his personal record.

Reyes, J.B.L., Acting C.J., Makalintal, Zaldivar, Teehankee, Barredo, and Antonio, JJ., concur.

Castro and Fernando, JJ., did not take part.

Concepcion, C.J., on official leave.

[1] *Serrano, et al. vs. Chanco, et al.*, 5 Phil. 431, 434-35.

[2] *Benedicto, etc. vs. Javellana*, 10 Phil. 197, 203.

[3] 75 Phil. 532, 535.

[4] G.R. No. L-30871, Dec. 28, 1970, 36 SCRA 567, 573-575, citing *Cabigao vs. del Rosario*, 44 Phil. 182; *Hubahib vs. Insular Drug*, 64 Phil. 119; *Manila Railroad vs. Yatco*, 23 SCRA 735 (1968); *Luciano vs. Prov'l Governor*, 28 SCRA 517 (1969); *Sterling Investment vs. Ruiz*, 30 SCRA 318 (1969); *Tuason vs. Torres*, 21 SCRA 1169 (1967).

[5] 36 SCRA 573.

[6] Pagkalinawan vs. Gomez, G.R. No. L-22585, Dec. 18, 1967, 21 SCRA 1275, 1280-1281.

[7] G.R. No. L- 26695, January 31, 1972.

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