

RAFAEL R. RECTO, PETITIONER, VS. HON. JUDGE FRANCISCO DE LA ROSA, PRESIDING JUDGE OF THE COURT OF FIRST INSTANCE OF RIZAL, PASAY CITY BRANCH VII, AND AURORA R. DE BARRERA, AND C...

G.R. No. L-42799. February 08, 1977

Ponente: BARREDO, J.

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BARREDO, J.:

Motion dated April 8, 1976 filed by private respondent for the reconsideration of Our decision in this case dated March 23, 1976 and Supplemental Motion for Reconsideration of the same party dated July 28, 1976, together with related incidents as of December 22, 1976.

Not content with lecturing on law and morals to petitioner, learned counsel for private respondent practically chides the Court for having predicated its decision on what counsel claims has never been disputed by him, namely, the jurisdictional rule that a probate court may not without the consent of all the parties concerned pass on any controversy regarding the ownership of property purportedly forming part of the estate of a deceased person. While the right of counsel to present his case in any manner within bounds of propriety must be recognized, it is not for any party to tell the Court how it should rationalize its decision. We can see why, what with the bitter personal feelings that undisguisedly animate their arguments, neither party herein would concede even the most insignificant contention of the other, but for any of them to insist that the Court deal with the case only in the manner that suits their personal purposes borders on pretentiousness not to be relished by any court.

To be sure, while counsel for private respondent asserts rather pointedly that he knows perfectly well that issues of ownership are beyond the competence of a probate court, the Court notes that there is a stubborn refusal on the part of private respondent to accept the logical consequence and corollary of such indisputable point of procedure. It is vehemently maintained that in bringing up what she considers to be an illegal transfer to his name by petitioner of the Batangas property, into which a charging lien of the late Don Claro was converted, as a ground for asking for the removal of her son, the petitioner, as administrator of the intestate estate of his father, claiming that such act constitutes breach of trust, she is not making respondent court resolve a question of ownership, but is merely raising an incident in the proper administration of her husband's estate. But such a posture could be correct, if it were uncontroverted that the administrator had made the assailed transfer without the knowledge and consent of all the other heirs. It happens, however, that in this case, the petitioner-administrator has shown respondent court that his right over the property in issue is based on appropriate documents purportedly executed by all his co-heirs including private respondent. Of course, it is true that private respondent disputes the due execution and validity of the instrument imputedly executed by her, and, as a matter of fact, in relation to her son's adverse claim, she has precisely asked respondent court to appoint Justice Calixto Zaldivar as special administrator to seek in the court of proper jurisdiction the nullification of said petitioner's claim of title. In these premises, the Court finds it inappropriate for the probate court, if it is not without jurisdiction, to determine such conflicting claims of mother and son even for the sole desired objective of removing him as administrator. And

the reason is obvious, for to allow such an inquiry might eventually lead to disparate results, as the respondent court might hold a view different from that of the court in which the nullity proceedings is intended to be brought, in which event an intolerable absurdity will arise. Considering that substantially the same facts will have to be involved and presumably the same evidence would be presented by the parties, should the matter be permitted to be inquired into simultaneously by two courts, from the very nature of things, it cannot be doubted that preference or priority should be given to the court that can resolve the fundamental issue of ownership.

Our decision does not in any respect foreclose the earlier removal of petitioner from the administration of the subject estate on any other ground. We have said so clearly and unequivocally. What the Court cannot sanction is for respondent probate court to resolve whether or not petitioner had committed a breach of trust in transferring the property in question to himself, considering that from aught that appears in the record before Us, the said transfer was made by him on the basis of agreements purportedly entered into among all the parties interested in the subject estate subsequent to the approval of the project of partition and the implementation thereof to the seeming satisfaction of all of them. Indeed, under these circumstances, it might even be doubtful that an act of possible maladministration is involved, at least until it has been proven that the documents relied upon by petitioner were really fraudulently secured.

In her supplemental motion for reconsideration, private respondent insists that what she is asking respondent court to act upon are "actuings of the administrator which she believes to be irregular and anomalous by reason of which she prays for his removal." And these alleged irregularities and anomalies; she enumerates on pages 9 to 10 as well as pages 11 to 13 of said supplemental motion. We have carefully gone over said allegations, and We are of the considered opinion that they all revolve somehow around the ultimate issue of whether or not the ownership of the Batangas property has been legally and validly assumed for himself by petitioner pursuant to mutual deeds and instruments among him and his co-heirs posterior to the actual partition of the subject estate on the basis of the project duly approved by respondent court. In other words, most of them appear to us to constitute elements of the alleged fraud attending the transfer in dispute. Accordingly, We hold that it is at least preferable, for the reasons already stated above, if not more in consonance with applicable jurisdictional doctrines, to leave all such issues for determination by the court in which Justice Zaldivar will properly seek the nullity of petitioner's title.

In an apparent insistent effort to find fault in the decision of this Court, counsel for private respondent contends that it is certainly not outside of respondent court's authority to appoint a special administrator to recover the Batangas property for the estate. But Our decision does not hold otherwise. Just in case counsel has overlooked the pertinent portion of Our decision, We hereby reiterate that "(i)nsofar as the appointment of Justice Zaldivar as special administrator is concerned, petitioner expressed conformity at the hearing, to forego his objection thereto, provided it does not imply any waiver of his right to defend in any action that said administrator may institute what he claims to be his acquired interest in the said property" and that "(t)he herein petition is denied in so far as the order of December 3, 1975 appointing Justice Calixto Zaldivar as special administrator for the purpose therein stated is concerned." (See pages 7 and 8, Decision.)

We cannot close this resolution without sternly admonishing both private parties that they should seek another forum for the ventilation of their respective purely personal and private animosities against each other and also their opinions of each other's character and learning. Surely, they know or ought to know that this Court, or any other court of this country, is not the place for them to wash dirty linen and to exchange endless attacks and counter-attacks against each other's personal honor and integrity. That their disagreement has had to cause them seek judicial arbitration is lamentable, and for them to hurl at each other almost unprintable personal vilifications and insults in their pleadings filed in this case is manifestly uncalled for and unworthy of their respective standing before the Court as officers thereof. We cannot but express Our extreme disappointment with such unexpected

conduct, and make manifest Our unqualified disapproval of the language and/or content of some of their pleadings and portions of the rest of them, not really so much because they have mutually tried to outdo one another in putting each one to shame without due regard to the dignity of these proceedings, but because in some respects such exchange of tirades tend to downgrade the high and deserved esteem in which a distinguished and revered former member of this Court has been held by all Filipinos. The Court unanimously decries such a spectacle and is determined to keep the name of Don Claro untarnished.

In consequence, We hold that the following highly offensive pleadings filed by the parties do not deserve consideration and resolution by the Court:

1. The reply dated November 16, 1976 filed by counsel for private respondent;
2. The petition to withdraw check filed by petitioner by way of comment on the foregoing reply;
3. The comment of counsel for private respondent on said motion to withdraw;
4. The reply of petitioner to said comment;
5. The rejoinder to this reply; and
6. The sur-rejoinder to the foregoing rejoinder.

All these pleadings are hereby ordered expunged from the record and the respective authors thereof are ordered to forthwith withdraw all of them. Accordingly, the resolution of December 13, 1976 is hereby set aside, hence the motion for reconsideration thereof is now moot and academic. It is understood that counsel Barrera's check in the amount of P6,800 should be returned to him. And if the parties still desire to bring up any matter in connection therewith, they may file the appropriate pleadings devoid of any personalities and confined strictly and exclusively to relative factual and legal points.

For the same reasons, the Court hereby orders:

- (a) Petitioner to replace his comment on the motion for reconsideration dated April 8, 1976 of private respondent so as to eliminate therefrom all allusions to Justice Jesus Barrera's alleged motives in handling the case of private respondent.
- (b) Counsel for private respondent to replace his manifestation dated June 5, 1976 in order to eliminate therefrom pages 2 to 3 above the topic REFUTATION OF PETITIONER'S COMMENT, and relatedly, to withdraw from the records the manifestation attached thereto of private respondent Doña Aurora Reyes de Barrera;
- (c) Carmen Gonzalez, c/o Petitioner, to likewise withdraw her manifestation dated June 24, 1976 together with its annexes;
- (d) Petitioner to withdraw from the records his manifestation of June 28, 1976.
- (e) Petitioner to withdraw also his counter-manifestation dated July 12, 1976;
- (f) Private respondent's counsel to replace the Manifestation and Supplemental Motion for Reconsideration dated July 28, 1976 so as to eliminate therefrom the Prefatory Statement on pages 1 to 5 thereof;
- (g) Private respondent, c/o her counsel, to withdraw from the records her Answer dated July 31, 1976 to Carmen Gonzalez' Manifestation;
- (h) Elvira Arrastia Recto of 407 Adalia Street, Palm Village, Makati, Rizal, to withdraw from the records her counter-manifestation dated August 10, 1976;

- (i) Petitioner to likewise withdraw his reply to Elvira Arrastia Recto dated August 31, 1976; and
- (j) Petitioner to replace his Comment dated October 6, 1976 with another pleading omitting therefrom any personal offensive allusion to Justice Barrera.

The Court expresses displeasure with the parties' unrestrained hurling of personal insults against each other in complete disregard of the respect they owe the Court. The consequent degrading of the dignity of the instant proceedings must be stopped. None of the above-listed pleadings is indispensable to the proper resolution of the issues now before the Court. In any event, the Court finds no merit in private respondent's original as well as her supplemental motion for reconsideration of the Court's decision.

WHEREFORE, the said motions for reconsideration are hereby denied, and this denial is FINAL. The above orders to replace and withdraw must be complied with within five (5) days from notice hereof. The check for P6,800 of Justice Barrera is ordered returned to him and he may withdraw the same together with his reply dated November 16, 1976. The parties are strongly admonished that any further misconduct on their part will be properly dealt with by the Court. The Court refrains from calling any of the parties to account for contempt only because of its desire to immediately put an end to these unpleasant proceedings that might somehow jeopardize the good and honored name of Don Claro M. Recto, for whom all the members of the Court have nothing but respect and admiration. Indeed, it is the Court's earnest hope that the parties will yet find ways and means to heal wounded feelings and settle their differences amicably, if only to avoid the slightest possibility of hurting the memory of that great Filipino whom the nation sadly and badly misses in these troubled times. It goes without saying, nonetheless, that the Court expects counsels to make proper and appropriate amends without any loss of time after notice of this resolution.

Antonio, Concepcion, Jr., and Martin, JJ., concur.

Aquino, J., in the result.

Fernando, J., (Chairman), did not take part.

Martin, J., was designated to sit in the Second Division.

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