

**ALFREDO G. BALUYUT, PETITIONER, VS. HON. ERNANI CRUZ PAÑO,
ENCARNACION LOPEZ VDA. DE BALUYUT, JOSE ESPINO AND
CORAZON ESPINO, RESPONDENTS.**

G.R. No. L-42088. May 07, 1976

Ponente: AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/8d3dd4abfb9a/>

AQUINO, J.:

Sotero Baluyut died in Manila on January 6, 1975 at the age of eighty-six, leaving an estate allegedly valued at not less than two million pesos.

A few weeks later, or on February 20, his nephew, Alfredo G. Baluyut, filed in the Court of First Instance of Quezon City a verified petition for letters of administration. He alleged that the deceased was survived by his widow, Encarnacion Lopez, who was mentally incapable of acting as administratrix of the decedent's estate. Alfredo surmised that the decedent had executed a will. He prayed that he be appointed regular administrator and in the meantime as special administrator.

The lower court in its order of February 24, 1975 appointed Alfredo G. Baluyut as special administrator with a bond of P100,000.

Mrs. Baluyut in her verified opposition of March 8, 1975 alleged that she was unaware that her deceased husband executed a will. She characterized as libelous the allegation as to her mental incapacity. She prayed that she be named administratrix and that the appointment of Alfredo G. Baluyut as special administrator be set aside.

The lower court in its order of March 24, 1975 cancelled Baluyut's appointment as special administrator. In that same order the lower court noted that after asking Mrs. Baluyut a series of questions while on the witness stand, it found that she "is healthy and mentally qualified".

Alfredo G. Baluyut moved for the reconsideration of that order. Acting on that motion, the lower court in its order of March 31, 1975 appointed Baluyut and Jose Espino as special administrators.

Mrs. Baluyut in her verified amended opposition of September 2, 1975 asked that Espino, former governor of Nueva Vizcaya and an alleged acknowledged natural child of Sotero Baluyut, be appointed administrator should she not be named administratrix.

On November 12, 1975 Mrs. Baluyut filed an urgent motion praying that she be appointed administratrix. She reasoned out that Alfredo G. Baluyut had no more interest in the decedent's estate because as a collateral relative he was excluded by Espino and other supposed descendants of the deceased who had intervened in the proceeding, and, therefore, it was not necessary to continue with the reception of his evidence.

Alfredo G. Baluyut opposed the urgent motion. He alleged that Espino was not a natural child of Sotero Baluyut because Espino's parents were the spouses Elinor Espino and Josefa de Guzman. Alfredo further alleged that Mrs. Baluyut was declared incompetent by the Juvenile and Domestic Relations Court of Quezon City in its order of

September 25, 1975 in Special Proceeding No. QC-00939 for the guardianship of Mrs. Baluyut. That proceeding was instituted by her sisters, Cristeta Lopez Vda. de Cuesta and Guadalupe Lopez-Viray.

At the hearing of Mrs. Baluyut's urgent motion on November 17, 1975 no oral and documentary evidence was presented. The lower court merely examined Mrs. Baluyut as follows:

"Court: We want also to hear her testimony.

* * * * *

Atty. Salunat: We are now therefore presenting the widow, your Honor, to take the witness stand for examination by the court.

* * * * *

Court to witness. Can you testify in English? - A. No, your Honor, Pampango. Q. Ilocano? - A. No, your Honor.

Atty. Salunat: She can testify in Tagalog, your Honor, which is comprehensible.

Court: You remember when you were born, Mrs. Baluyut? - A. March 25, 1901.

Q. Where did you graduate? - A. Madres Dominicas.

Q. When did you get married to Sec. Baluyut? - A. I cannot remember the date but it was in Lingayen.

Q. What church? - A. Catholic.

Court: You want to ask some more questions, Attorney?

Atty. Salunat: Just a few clarificatory questions, your Honor.

Q. Do you know Gov. Jose Espino? - A. Yes.

Q. Why do you know him? A. - Because he is like a son to me.

Q. Do you know whether Gov. Espino has any relationship with the late Don Sotero Baluyut? - A. Yes, why not.

Q. Will you please tell us what is the relationship if there is any? - A. He is his son, sir.

Atty. Salunat: I think that would be all, your Honor.

Court: Submitted?

Atty. Salunat: We will ask the Court to (be allowed to) submit a rejoinder, your Honor."

The probate court in its order of November 27, 1975 terminated the appointments of Espino and Alfredo G. Baluyut as special administrators and appointed Mrs. Baluyut as regular administratrix with a bond of P20,000. The order was based on the fact that as surviving spouse she has a preferential right to be appointed as administratrix of her deceased husband's estate and that she is entitled to three-fourths of the conjugal estate: one-half in her own right and one-fourth as heir of the deceased. The lower court said it was convinced of the widow's capacity and that her "sufficient understanding" justified her appointment.

Letters of administration were issued to Mrs. Baluyut after she posted her bond. She took her oath of office on November 29, 1975.

On December 13, 1975 Alfredo G. Baluyut filed against respondent Judge, Mrs. Baluyut and the Espino spouses

this special civil action of certiorari in order to set aside the order of November 27 appointing Mrs. Baluyut as administratrix.

This Court issued a restraining order enjoining the respondents from enforcing the order of November 27 and from disposing of the funds or assets of the estate in their possession or deposited in certain banks.

The Espinos in their comment alleged that Alfredo G. Baluyut is aware that Jose Espino was acknowledged in a notarial instrument by Sotero Baluyut as his natural child.

Mrs. Baluyut in her comment alleged that Alfredo G. Baluyut instituted the administration proceeding after he had failed to get from her a check for P500,000 belonging to the decedent's estate and that he grossly misrepresented that she was mentally incompetent. She further alleged that the order of the Juvenile and Domestic Relations Court declaring her an incompetent was issued in a blitzkrieg manner because it was based on the report of Doctor Lourdes V. Lapuz which was filed in court just one day before the order was issued.

Mrs. Baluyut's main contention is that it is the probate court and not the Juvenile and Domestic Relations Court that should decide the issue as to her competency to act as administratrix.

Alfredo G. Baluyut in his manifestation of February 2, 1976 disclosed that Sotero Baluyut executed a notarial will on April 14, 1973. In that will he bequeathed to Mrs. Baluyut his one-half share in certain conjugal assets and one-fourth of the residue of his estate. The remaining three-fourths were bequeathed to his collateral relatives named Irene, Erlinda, Estrellita, Eliseo and Alfredo, all surnamed Baluyut, and Emerita, Emilio and Benjamin, all surnamed Miranda. The testator designated Mrs. Baluyut as executrix. Espino is not mentioned in that will.

In this Court's resolution of May 7, 1976 respondents' comments were treated as their answers. The case was deemed submitted for decision.

The issue is whether the lower court acted with grave abuse of discretion in appointing Mrs. Baluyut as administratrix.

We hold that while the probate court correctly assumed that Mrs. Baluyut as surviving spouse enjoys preference in the granting of letters of administration (Sec. 6[a], Rule 78, Rules of Court), it does not follow that she should be named as administratrix without conducting a full-dress hearing on her competency to discharge that trust.

Even the directive of the testator in his will designating that a certain person should act as executor is not binding on the probate court and does not automatically entitle him to the issuance of letters testamentary. A hearing has to be held in order to ascertain his fitness to act as executor. He might have been fit to act as executor when the will was executed but supervening circumstances might have rendered him unfit for that position.

Thus, it was held that a hearing is necessary in order to determine the suitability of the person to be appointed administrator by giving him the opportunity to prove his qualifications and affording oppositors a chance to contest the petition (*Matute vs. Court of Appeals*, L-26106, January 31, 1969, 26 SCRA 768, 791).

In this case the probate court briefly and perfunctorily interrogated Mrs. Baluyut in order to satisfy itself on her mental capacity. The court did not give Alfredo G. Baluyut a chance to contest her qualifications. He had squarely raised the issue as to her competency. The probate court assumed that Alfredo G. Baluyut had no interest in the decedent's estate. As it now turned out, he is one of the legatees named in the decedent's alleged will.

Moreover, it is necessary to convert the proceeding in the lower court into a testamentary proceeding. The probate of the will cannot be dispensed with and is a matter of public policy (Art. 838, Civil Code; Sec. 1, Rule 75, Rules of Court; *Guevara vs. Guevara*, 74 Phil. 479 and 98 Phil. 249).

After the will is probated, the prior letters of administration should be revoked and proceedings for the issuance of letters testamentary or of administration under the will should be conducted (Sec. 1, Rule 82, Rules of Court; *Cartajena vs. Lijauco and Zaballa*, 38 Phil. 620; *Rodriguez vs. De Borja*, L-21993, 64 O.G. 754, 17 SCRA 418).

Whether Sotero Baluyut died testate or intestate, it is imperative in the interest of the orderly administration of justice that a hearing be held to determine Mrs. Baluyut's fitness to act as executrix or administratrix. Persons questioning her capacity should be given an adequate opportunity to be heard and to present evidence.

The lower court departed from the usual course of probate procedure in summarily appointing Mrs. Baluyut as administratrix on the assumption that Alfredo G. Baluyut was not an interested party. That irregularity became more pronounced after Alfredo G. Baluyut's revelation that the decedent had executed a will. He anticipated that development when he articulated in his petition his belief that Sotero Baluyut executed wills which should be delivered to the court for probate.

Certiorari lies when a grave abuse of discretion was patently committed by the lower court or if the petitioner's contention is clearly tenable or when the broader interests of justice or public policy justify the nullification of the questioned order (*Manila Electric Company and Sheriff of Quezon City vs. Hon. Enriquez and Espinosa*, 110 Phil. 499, 503; *Pachoco vs. Tumangday and Fernando*, 108 Phil. 238; *Rañeses vs. Teves*, L-26854, March 4, 1976).

Before closing, a pending incident herein should be resolved. Alfredo G. Baluyut in his motion of January 15, 1976 prayed that respondent Judge be enjoined from acting on Mrs. Baluyut's motion for the appointment of Espino as special administrator. In view of Alfredo G. Baluyut's manifestation of April 2, 1976 that his motion had become moot, the same is hereby denied.

WHEREFORE, the lower court's order of November 27, 1975 appointing Mrs. Baluyut as administratrix is set aside. The letters of administration granted to her are cancelled. The probate court is directed to conduct further proceedings in consonance with the guidelines delineated in this decision. Costs against respondent Mrs. Baluyut.

So Ordered.

Fernando, Acting C.J., Barredo, Antonio, and Muñoz Palma, JJ., concur.

Concepcion, Jr., J., on leave.

Muñoz Palma, J., was designated to sit in the Second Division.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.