

SANTIAGO DEGALA, PETITIONER, VS. PATRICIO C. CENIZA, JUDGE OF FIRST INSTANCE OF ILOCOS SUR, AND VALENTIN UMIPIG, AS SPECIAL ADMINISTRATOR OF THE ESTATE OF PLACIDA MINA, RESPONDE...*G.R. No. L-1320. July 30, 1947*

Ponente: PARAS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/9d1186608301/>**PARAS, J.:**

The respondent Valentin Umipig was appointed special administrator of the estate of the deceased Placida Mina in civil case No. 3689 of the Court of First Instance of Ilocos Sur. In this original action for certiorari, the petitioner Santiago Degala complains of, and seeks relief from, the failure or refusal of the respondent Judge, Honorable Patricio C. Ceniza, to remove said special administrator. The grounds upon which the petitioner based his various motions for removal in the Court of First Instance, may be summed up as follows: (1) That Valentin Umipig has an interest adverse to the estate under administration. (2) That he is a stranger to the estate, not being in any way a beneficiary under the alleged will of Placida Mina. (3) That he has failed to include in his inventory some properties belonging to the estate. (4) That he has failed to pay certain taxes due from the estate. (5) That he has failed to render an accounting in spite of orders of the court.

The petitioner invokes section 2 of Rule of Court No. 83, which provides that "if an executor or administrator neglects to render his account and settle the estate according to law, or to perform an order or judgment of the court, or a duty expressly provided by these rules, or absconds, or becomes insane, or otherwise incapable or unsuitable to discharge the trust, the court may remove him, or, in its discretion, may permit him to resign."

Under the very rule invoked by the petitioner, the removal of an administrator lies within the discretion of the court appointing him. The sufficiency of any ground for removal should thus be determined by said court, whose sensibilities are, in the first place, affected by any act or omission on the part of the administrator not conformable to or in disregard of the rules or the orders of the court. We cannot merely substitute our way of thinking for that of a lower court in matters under its discretionary power. And in the case at bar, we cannot hold that the respondent Judge gravely abused his discretion, particularly in view of the circumstance that the alleged grounds for removal are not in fact weighty.

We cannot agree to petitioner's contention that simply because Jesus Q. Quintillan, former administrator removed by the court on the ground of adverse interest, is the attorney for the respondent administrator, the latter is necessarily disqualified on the same ground. Any interest which said attorney may have is exclusively personal to him, in which the respondent Valentin Umipig can have nothing to do.

With respect to the second ground relied upon by the petitioner, he admits that the respondent administrator, as a son of the deceased Crisanto Umipig, can represent his father as a trustee under section 3 of the will in question, although it is contended that the provision of said will regarding the creation of a trust, was declared null and void in the order of the Court of First Instance of Ilocos Sur of July 7, 1947. Upon examining said order, however, we

find that petitioner's contention is not correct, since it recites that "el Juzgado no resuelve por ahora con ocasion de esta mocion de sobreseimiento, si las disposiciones testamentarias en cuestion son nulas o validas."

Whether the respondent administrator failed to include in his inventory some properties belonging to the estate, is a question of fact to be determined by the respondent Judge after the reception of necessary evidence. Indeed, in the order of the Court of First Instance of April 4, 1946, the clerk of said court was commissioned to receive evidence which the oppositors, one of whom is the petitioner, may have regarding the point.

It may be true that the respondent administrator failed to pay all the taxes due from the estate, but said failure may be due to lack of funds, and not to a wilful omission.

Regarding the alleged failure of the respondent administrator to render an accounting, it appears that he did so on January 28, 1947. Whether the statement of accounts was filed on time and whether the same is complete and correct, are matters addressed to the judgment and discretion of the respondent Judge. It may not be amiss to add that the latter will of course know when to resort to the bond filed by the respondent administrator who, by the way, is not alone in the trust, it appearing that Attorney Antonio Directo, counsel for the petitioner, has been appointed special co-administrator.

The petition is hereby dismissed, and it is so ordered with costs against the petitioner.

Moran, C.J., Feria, Pablo, Hilado, Bengzon, Hontiveros, Padilla, and Tuason, JJ., concur.

CONCURRING

PERFECTO, J.:

The granting of an extension of 10 days of the time within which special administrator Valentin Umipig should file the accounts of his administration appears to be so unreasonable to justify that, as prayed by petitioner, it be disturbed.

The facts alleged in the petition are not ground enough why lower court should be compelled to order the removal of said special administrator. There is enough ground for the lower court to exercise his discretion to the effect of ordering said removal, but its action in not ordering it does not appear to be arbitrary, abusive, or even unwise. The fact that the lower court had to issue warnings in order to compel said special administrator to perform its official duties offers basis enough to believe that said official is negligent, and negligence in the performance of official duty should not be countenanced, but rather should be dealt with sternly. It justifies removal from office. Negligence is always objectionable. When committed in public office, it is highly detrimental to public interest. The guilty ones should always be made to feel the weight of their responsibility and suffer the deserved sanction.

In our opinion, the petition must be denied.

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.