

file:spcpro_part9.htm

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/b17f23d74bbd/>

Special Proceedings MIS Office Normal JOJO 2 10 2002-01-15T02:53:00Z 2002-01-15T02:53:00Z 1 190 1086
Supreme Court of the Philippines 9 2 1333 9.2720 110

9. ABSENTEES**1. Basic Concepts****1. Provisional representative**

When a person disappears without leaving an agent behind, an interested party, relative or friend, may file a petition before the RTC (CFI) of the last place of residence of the person who disappeared to appoint provisionally a representative for him.²³⁰

2. Trustee or Administrator

After two (2) years without any news or after five (5) years if an agent was left to administer his property, a petition for declaration of absence and appointment of a trustee or administrator may be filed.²³¹

3. Notice and publication is required. 232**4. Preferences**

The court may appoint as trustee or administrator or provisional representative (1) the spouse of the missing person if they are not legally separated or if the spouse is not a minor or otherwise incompetent; or, in default of the spouse, (2) any competent person. ²³³

5. Termination

The appointment shall be terminated (1) if the absentee appears personally or by agent; (2) when death is proved and the heirs appear; or (3) when a third person acquires the property of the absentee.

6. A wife filed a petition to declare her missing husband absent and presumed dead. But he left no property. HELD: There is no need for the petition. ²³⁴A declaration of presumption of death can never be final. ²³⁵

²³⁰ Rules of Court, Rule 107, Sec. 1.

²³¹ Ibid, Sec. 2.

²³² Ibid, Sec. 4.

²³³ Rules of Court, Rule 106, Sec. 7.

²³⁴ Reyes v. Alejandro, No. L-32026, January 16, 1986, 141 SCRA 65.

²³⁵ Jones v. Hortiguella, 64 Phil. 179 [1937].

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.