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Supreme Court of the Philippines 6 1 1018 9.2720 110

12. TRUSTEES**1. Basic Concepts****1. Appointment**

Upon a proper petition, a trustee may be appointed to carry into effect the provisions of a will or written instrument.²⁵² The appointment will be made if the testator omitted in his will A nonresident alien may not avail himself of the same right; such as to appoint a trustee in the Philippines, and if the appointment is necessary to proceeding would not be of much benefit to him.²⁵³

2. Venue

The petition may be filed in the RTC (CFI) in which the will is allowed if allowed here;²⁵⁴ if not, by the RTC (CFI) in the region in which the property or part thereof affected by the trust is situated.^[255]

3. Notice

No publication is required but the appointment is after notice to all persons interested.²⁵⁶

4. Bond, inventory and sale of trust estate

Similar to executors and administrators, the trustee also files a bond except when the court exempts him.²⁵⁷ He also files an inventory. He may sell or encumber trust property with court approval.²⁵⁸

²⁵² Rules of Court, Rule 98, Sec. 1.²⁵³ Ibid, Sec. 2.²⁵⁴ Basas v. Republic, No. L-23595, February 20, 1968, 22 SCRA 652.

²⁵³ Ibid., Sec. 2

²⁵⁴ Basas V. Republic, No. L-23595, February 20, 1968, 22 SCRA 652

²⁵⁶ Ibid, Sec. 2.

²⁵⁷ Ibid, Secs. 5 and 6.

²⁵⁸ Ibid, Sec. 9.

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