

FELICISIMA PADILLA, PETITIONER AND APPELLEE, VS. JUANA MATELA, RESPONDENT AND APPELLANT.

G.R. No. L-7479. October 24, 1955

Ponente: REYES, A., J.

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REYES, A., J.:

This is an appeal from an order of the Court of First Instance of Tacloban, Leyte, annulling a deed of sale of real property.

It appears that on November 28, 1949, the appellee Felicisima Padilla filed in said court a petition for the summary settlement of the estate of her aunt Valeriana Padilla, who died intestate in 1948 leaving several properties alleged to be worth not more than P6,000 and 29 collateral heirs. For reasons which do not appear of record the court appointed the provincial sheriff administrator of the estate.

The petition was opposed by Julia Padilla, sister and one of the heirs of deceased, on the grounds that the estate still had debts to be settled and that one of the properties listed in the petition had already been conveyed to her by the deceased during her lifetime in consideration for services rendered for advances made.

With the opposition still unresolved, the property claimed by the oppositor was, on December 11, 1950, sold by her to Diega Matela, while on their part some of the heirs of the deceased sold the same property to Leon Salvation, and this latter sale was approved by the court. Following said approval, the provincial sheriff, in compliance with an order of the court, placed the vendee Leon Salvacion in possession of the property, giving all the occupants thereof 20 days to vacate the same.

One of the occupants, the herein appellant Juana Matela, refused to leave the premises, whereupon a motion was filed to have her cited for contempt. Answering the motion, the appellant alleged that she was occupying the property on behalf of the minor children of Diega Matela, then already dead, who, as already stated, had bought it from Julia Padilla on December 11, 1950.

Pending resolution of the motion for contempt, the appellee Felicisima Padilla, alleging that the provincial sheriff had ceased to be administrator of the estate and that no new administrator had been appointed by the court, filed a motion to have the sale made by Julia Padilla to Diega Matela annulled and another motion to have the property in question included in the inventory of the estate of the deceased Valeriana Padilla. Both motions were opposed by Juana Matela on the ground, among others, that the court had no jurisdiction over her person as well as over the subject matter. But as the motions were granted by the court, the oppositor appealed directly to this Court, raising questions purely legal.

It is a settled rule that questions of title to property cannot be passed upon in testate or intestate proceedings (Bauermann vs. Casas, 10 Phil., 386; Guzman vs. Anog, 37 Phil., 61; Estate of Lee Liong vs. Dinglasan, G. R. No. L-3342, promulgated April 18, 1951). Especially should this be the case in proceedings for the summary settlement of estates of small value where the object is to expedite settlement and distribution of the estate and to

minimize expenses, so much so that even the appointment of an administrator is dispensed with.

Conformably to the above rule, the lower court, as a probate court, should not, for want of jurisdiction, have granted the motion for the annulment of the sale made by Julia Padilla to Diega Matela, but should have directed the parties to have the matter litigated in a separate action.

It also appears that the minor heirs of the deceased buyer Diega Matela, who should be the ones interested in upholding the sale, were not properly represented in the proceeding, the appellant Juana Matela, who, as their grandmother, had taken it upon herself to defend their interests, had not been appointed guardian ad litem. This should have been another reason for not entertaining the motion for the annulment; of the sale and for the inclusion of the property in the inventory of the estate then before the court for settlement.

In view of the foregoing, the order appealed from is revoked, with costs against the appellee.

Paras, C.J., Padilla, Montemayor, Reyes, A. Jugo, Bautista Angelo, Labrador, Concepcion, and Reyes, J.B.L., JJ., concur.

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