

IN RE INTESTATE ESTATE OF THE DECEASED SPOUSES IGUIANON (BAGOBO) AND MIDA (BAGOBA): VICENTA PO, PETITIONER, VS. RAYMUNDA CAMPANA AND FAUSTINO CAMPANA, RESPONDENTS.

G.R. No. L-29898. October 09, 1987

Ponente: NARVASA, J.

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NARVASA, J.:

The estate of the deceased spouses, Iguianon (Bagobo) and Mida (Bagoba) is the subject of the proceedings at bar. It chiefly consists of four (4) parcels of land situated at Tagluno, Toril, and Lapoy, Gumati, both at Davao City, with an aggregate area of 47 hectares, more or less. Proceedings for the settlement of their estate were instituted by their granddaughter, Vicenta Po (the daughter of their deceased daughter, Oca) in the Court of First Instance of Davao, docketed therein as Special Proceedings No. 589.

An action was subsequently commenced in the same Court by the appointed administrator, docketed as Civil Case No. 1051, for the recovery of possession of portions of the two (2) lots at Tagluno, Toril, Davao City. Named as defendants in the action were Prudencio Entice, Faustino Campana, Raymunda Campana and Sulpicio Roda, to whom the areas in question had been transferred by two (2) other children of the deceased Iguianon by his second wife, Acklin (Bagoba). The action resulted in a judgment declaring the conveyances to the defendants null and void, and directing said defendants to vacate the property and deliver possession thereof to the administrator.

From this decision, Raymunda Campana and Faustino Campana took an appeal to the Court of Appeals. That Court affirmed the judgment of the Davao Court of First Instance with a slight modification "in the sense that the deeds of assignment of rights in favor of Raymunda Campana and Faustino Campana are valid to the extent of the shares in the land in question which Incol Iguianon and Adsa Iguianon may receive in the settlement of the estate of Iguianon (Bagobo)."

This judgment became final and executory; and on remand of the case to the Court of origin, execution thereof was ordered.

What Raymunda Campana and Faustino Campana did next was to file a series of motions before the Probate Court in Special Proceeding No. 589 praying inter alia that they be allowed to stay on the disputed areas as tenants; that the special proceeding be terminated; that the administration be confined to one-half (1/2) of the land at Tagluno, Toril; and that a declaration of the heirs of Acklin (Bagoba), Iguianon's second wife, be forthwith made. All these motions were ordered stricken from the record by the Probate Court at the instance of the administrator upon the ground that the Campanas had no personality to intervene in the case involving the estate belonging exclusively to the spouses Iguianon and Mida and that said movants were hostile to him as administrator.

The Campanas took another tack. This time they sought the relief of the administrator. They succeeded. A substitute administrator, Julian Sarte, was named by the Probate Court.

Some ten (10) months later, Vicenta Po filed a motion to dismiss the special proceeding on the ground that the heirs of the decedent spouses had already settled the estate extra-judicially among themselves. The Campanas opposed the motion, alleging that they had not been informed of the extra-judicial partition and had been deprived of participation in the estate, as was their right as assignees of the rights of certain heirs of the estate. Po filed a reply, insisting that the Campanas had no personality to intervene in the intestate proceeding, and the heirs have the right under Section 1, Rule 74 of the Rules of Court to divide the inheritance extra-judicially. The Probate Court denied Vicenta Po's motion to dismiss and declared the extra-judicial settlement null and void. Vicenta moved for reconsideration. This was denied.

She has appealed to this Court by certiorari on the theory that this Order of the Probate Court, denying her motion to dismiss and annulling the extra-judicial settlement of the estate, was rendered with grave abuse of discretion amounting to lack or excess of jurisdiction. It is an endeavor in which she cannot succeed.

The insuperable obstacle to Vicenta Po's efforts to preclude and negate the Campanas' participation in the estate proceedings is the final and executory judgment of the Court of Appeals declaring that "the deeds of assignment of rights in favor of Raymunda Campana Faustino Campana are valid to the extent of the shares in the land in question which Incol Iguianon and Adsa Iguianon may receive in the settlement of the estate of Iguianon (Bagobo)." This is a conclusive and authoritative declaration that the Campanas have stepped into the shoes of the children of the intestate Iguianon (Bagobo) by his second wife, Acklin (Bagoba). Vicenta Po is bound by that declaration. She may not escape its effects. The declaration gives the Campanas standing and personality to intervene in the intestate proceedings and to receive a part of the inheritance "to the extent of the shares ** which Incol Iguianon and Adsa Iguianon may receive" as heirs of Iguianon (Bagobo) and Acklin (Bagoba). That same judicial declaration also and quite obviously operates to proscribe and nullify any attempts at partition of the estate to the exclusion of the Campanas.

No error may therefore be ascribed to the Probate Court in denying Vicenta Po's motion to dismiss and declaring the extra-judicial settlement to the exclusion of the Campanas null and void. Indeed, that order is in accord with the facts and applicable law and jurisprudence.

WHEREFORE, the petition is dismissed, with costs against the petitioner. This Resolution is immediately executory, and no motion for extension of time to file a motion for reconsideration will be entertained.

Teehankee, C.J., Cruz, and Paras*, JJ., concur.

Gancayco, J., on leave.

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