

**MARGARITA SALVADOR; IN HER OWN BEHALF AND AS
ATTORNEY-IN-FACT OF: CANDIDA SALVADOR, ET AL., PETITIONERS,
VS. THE HON. JUDGE ANDRES STA. MARIA, DOMINADOR CARDENAS,
REMEDIOS CABR...**

G.R. No. L-25952. June 30, 1967

Ponente: BENGZON, J.P. J.

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BENGZON, J.P. J.:

Seven parcels of titled land and two parcels of untitled land, situated in Bigaa, Bulacan, were owned by Celestino Salvador. In 1941, he executed a deed of sale over them in favor of the spouses Alfonso Salvador and Anatolia Halili. Alleging that the sale was void for lack of consideration, he filed on May 12, 1955, against said vendees, a suit for reconveyance of said parcels of land (CFI of Bulacan, Br. I, Civil Case No. 1082).

On April 27, 1956, Celestino Salvador died, testate. As his alleged heirs, twenty-one persons[1] were on May 18, 1956 substituted as plaintiffs in the action for reconveyance. And meanwhile, special proceedings for the pro-bate of his will and for letters testamentary was instituted (CFI of Bulacan, Br. II, Sp. Proceedings No. 940). In said proceedings, Dominador Cardenas was appointed on June 11, 1956 special administrator of Celestino Salvador's testate estate.

On September 4, 1956 the administrator filed in Sp. Proceedings No. 940 an inventory of properties of the estate, covering the same parcels of land subject matter of the reconveyance action. On September 7, 1956, Celestino Salvador's will was admitted to probate and Dominador Cardenas was appointed executor of said will. Actual issuance of letters testamentary to him was made on October 27, 1956.

Twenty-three (23) persons were instituted heirs in the will. Of these, nine (9) were not among the twenty-one (21) alleged relatives substituted in the reconveyance case; and of the twenty-one (21) substituted alleged heirs seven (7) were not instituted in the will.[2]

In the suit for reconveyance, on November 26, 1956, the Court (CFI of Bulacan, Br. 1) rendered judgment, ordering the defendants therein (the spouses Alfonso and Anatolia), to reconvey the parcels of land to the estate of Celestino Salvador. Appeal therefrom to the Court of Appeals was interposed by said defendants.

On August 12, 1961, the Court of Appeals affirmed the reconveyance judgment, with the correction that reconveyance be in favor of the twenty-one (21) heirs substituted as plaintiffs therein.

About three years later, pursuant to an order of the CFI of Bulacan, Br. II, in the testacy proceedings, dated April 21, 1964, one of the parcels of land involved, Lot 6, was sold, so that with its proceeds debtors who filed claims may be paid. The Philippine National Bank bought at P41,184.00. Said amount was then deposited in the same bank by the administrator, subject to court order.

On December 18, 1964, defendants in the suit for reconveyance executed a deed of reconveyance over the

sub-ject parcels of land, in favor of Celestino Salvador's estate. Revoking the same as not in accordance with the judgment therein, the CFI of Bulacan, Br. I, on September 24, 1965, ordered a new deed of reconveyance to be executed, in favor of the twenty-one persons substituted as plaintiffs in that action. Accordingly, on September 30, 1965 a new deed of reconveyance was made, in favor of said twenty-one (21) persons as heirs of Celestino.

Following this, on November 22, 1965, said Br. I, ordered the corresponding title certificate (TCT No. 54639) in the administrator's name, cancelled; new title certificate to be issued in the names of the same twenty-one (21) persons. Said order was carried out, and TCT No. 63734 was issued in the names of the twenty-one persons.[3]

On December 7, 1965, Br. I (reconveyance court) or-dered the Philippine National Bank to release the P41,184.00 proceeds of the sale of Lot 6, to the twenty-one (21) plaintiffs in the reconveyance case. Apparently, altho the passbook was given by the administrator to said twenty-one persons, no release was made, as the Philippine National Bank awaited Br. II's order.

Br. II, on March 1, 1966, approved the following claims against the estate:

Taxes - Nat'l. gov't. - - - - -

P 5,328.23

Atty's fees - Atty. Enriquez -

8,000.00

Atty's fees - Atty. Jamir - - -

12,000.00

Loan - R. Cabrera - - - - -

13,544.35

TOTAL - - - - -

P38,872.58

[illegible]

On March 30, 1966, said Br. II (probate court), ordered return of the passbook to the administrator; and release to the administrator by the PNB of the P41,184.00, or so much thereof as needed to pay the afore-stated debts of the estate.

After failing to get reconsideration of said order, the twenty-one (21) substituted heirs, on April 25, 1966, filed with Us the present special civil action for certiorari with preliminary injunction to assail the order to pay the debts of the estate with the P41,184.00 pro-ceeds of the sale of Lot 6; and to question Br. II's (pro-bate court) power to dispose of the parcels of land involved in the reconveyance suit in Br. I.

Raised are these issues: (1) Are the parcels of land and the proceeds of the sale of one of them, properties of the estate or not? (2) Does final judgment in the reconveyance suit in favor of the twenty-one so-called heirs who substituted Celestino Salvador, bar the disposition of the reconveyed properties by the settlement court?

It is a settled point of law that the right of heirs to specific, distributive shares of inheritance does not become finally determinable until all the debt of the estate are paid. Until then, in the face of said claims, their rights cannot be enforced, are inchoate, and subject to the existence of a residue after payment of the debts (Castellvi de Raquiza v. Castellvi, L-17630, Octo-ber 31, 1963; Jimoga-on v. Belmonte, 84 Phil. 545; Sec. 1, Rule 90, Rules of

Court).

Petitioners do not question the existence of the debts abovementioned. They only contend that the properties involved having been ordered by final judgment re-conveyed to them, not to the estate, the same are not properties of the estate but their own, and thus, not liable for debts of the estate.

Said contention, is self-refuting. Petitioners rely for their rights on their alleged character as heirs of Celestino; as such, they were substituted in the reconveyance case; the reconveyance to them was reconveyance to them as heirs of Celestino Salvador. It follows that the properties they claim are, even by their own reasoning, part of Celestino's estate. Their right thereto as allegedly his heirs would arise only if said parcels of land are part of the estate of Celestino, not otherwise. Their having received the same, therefore, in the reconveyance action, was perforce in trust for the estate, subject to its obligations. They cannot distribute said properties among themselves as substituted heirs without debts of the estate being first satisfied.

At any rate, the proceeds of Lot 6 alone (P41,184.00 appears more than sufficient to pay the debt (P38,872.58 and there will remain the other parcels of land not sold. As to the question of who will receive how much as heir the same is properly determinable by the settlement court after payment of the debts (*Pimentel v. Palanca*, 5 Phil. 436; *Maniñgat v. Castillo*, 75 Phil. 532; *Jimoga-on v. Belmonte*, supra).

WHEREFORE, the petition for certiorari is denied, without costs.

SO ORDERED.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Sanchez and Ruiz Castro, JJ., concur.

[1] Surnamed Salvador: Francisca; Juana; Francisco; Marcelo; Luis; Donata; Candida; Pangne; Eusebio; Manala; Perpetua; Margarita; Patricia; Eduviges; Dionisio; Leona; Nicolasa. Surnamed Hernandez: Obinal; Salvador; Maximo; and Felicidad.

[2] Parties in reconveyance not named in will: Pangne; Manala; Nicolasa; Leona; Eduviges; Dionisio; all surnamed Salvador; and Salvador Hernandez.

Named in will not substituted in reconveyance: Virginia; Severina; Victoriano; Milagros; Nicanor; Catalino; all surnamed Salvador; Dionisio Ramos; Dominador Cardenas; and Feliciano Hernandez.

[3] They received said new certificate on Dec. 9, 1965.

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