

IN THE MATTER OF THE INTESTATE ESTATE OF THE LATE JULIANA REYES, PAULINA SANTOS DE PARREÑO SPECIAL ADMINISTRATRIX, GREGORIA ARANZANSO, APPELLANT.

G.R. No. L-27657. August 30, 1982

Ponente: ABAD SANTOS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/e7aee1f874c2/>

ABAD SANTOS, J.:

This case is about the all-too-familiar problem as to who shall administer the estate of the deceased. It exposes human nature in its most naked form -- acquisitive.

Juliana Reyes died intestate. Her substantial estate is still being settled in Special Proceedings No. 34354 of the Court of First Instance of Manila, Branch IV. The settlement has spawned a number of litigation which has reached this Court and includes not only the instant case but also other cases with the following docket numbers: 23828, 26940 and 27130.

The estate had only special administrators until Gregoria Aranzanso who claims to be a first cousin of the decedent asked that she be appointed regular administrator. Her motion provoked counter motions, oppositions, replies, rebuttal and rejoinder which take up 120 pages of the printed record on appeal and which demonstrate the zeal of the various counsel in espousing their clients claims to the estate which as aforesaid is substantial.

On January 29, 1966, the Court issued an order appointing Gregoria Aranzanso as regular administrator and relieving Araceli A. Pilapil as special administrator. The order reads:

"This incident refers to the appointment of the regular administrator or administratrix of this intestate estate of the late Juliana Reyes de Santos.

"This proceeding was instituted upon petition of the late Simplicio Santos on November 25, 1957, after the death of the decedent on October 21, same year. On August 22, 1959, Simplicio Santos was appointed as Special Administrator with the bond of P5,000.00, and acted as such until his death on July 1, 1962. A special proceeding was likewise instituted for the settlement of his estate (Sp. Proc. No. 50994, of this Court) by persons claiming to be the children of Simplicio Santos, in which Do-minador Santos and Zenaida Diaz Vda. de Santos were appointed as administrator and administra-trix, respectively. On August 1, 1962, Araceli Pilapil was appointed special administratrix of this intestate upon petition of the late Aurora Santos and Paulina Santos. It appears that Araceli A. Pilapil has no relation to the decedent, except as attorney-in-fact of Paulina Santos.

"On August 3, 1963, Filomena Santos de Lagunera through counsel, filed a motion for the ap-pointment of a regular administrator. On December 13, 1963, this Court in an order issued direct-ed the parties to show cause why this case should not be set for hearing for the appointment of a regular administrator. Because of the length of time that had already elapsed since the filing or institution of this proceeding on November 25, 1957, without a regular administrator having been appointed, this Court issued an order on October 4, 1965, ordering the setting of the case for hearing on October 11, 1965, for the appoint-ment of the regular administrator or

administratrix.

"On October 9, 1965, Paulina Santos filed a motion praying that she be appointed as regular administratrix, but in the interim apparently because she is out of the country, asked that the special administratrix Araceli A. Pilapil be appointed in the meantime. On October 9, 1965, the surviving spouse of the late Simplicio Santos, Zenaida Diaz Vda. de Santos, and her son, Simplicio Santos, Jr. , filed a motion praying the Court that Atty. Olimpio Capalungan be appointed as the regular administrator. In the hearing on October 11, 1965, the oppositors Consuelo and Pacita Pasion proposed the appointment of the former as the regular administratrix although in subsequent hearings withdrew in favor of Gregoria Aranzan-so. On October 12, 1965, oppositor Gregoria Aranzan-so proposed that she or her son-in-law Manuel Cariaga be appointed as the regular administrator or administratrix, as the case may be. The oppositors are the nearest surviving relatives of the decedent Juliana Reyes who died without issue, being their first cousin. In the hearing of October 15, 1965, persons claiming to be the children of Simplicio Santos proposed the appointment of Dominador Santos as the regular administrator.

"Hearings were held and the parties adduced their respective evidence to support their contentions, but only the oppositors presented oral evidence to show that the properties under administration are the paraphernal or exclusive properties of the decedent Juliana Reyes. To further support their contention the oppositors presented numerous exhibits consisting of certified true copies of torrens titles issued in the name of the decedent Juliana Reyes. Paulina Santos adopted most of these exhibits presented by the oppositors and objected to some, while the heirs of Simplicio Santos adopted also some of the exhibits presented by the oppositors and adduced four (4) exhibits, to support their contention.

"It appears from the evidence presented that the properties under administration are the paraphernal properties of Juliana Reyes, but there are also evidence that the late Simplicio Santos, through a general power of attorney, allegedly sold some lots owned by the decedent Juliana Reyes Santos to Paulina Santos, Dominador Santos, Eduvigis Santos, and a certain Jose F. Sugay. All these lots numbering six in all were later on reconveyed by the aforementioned alleged vendees to Simplicio Santos. The evidence further shows that Paulina Santos and the late Simplicio Santos, while this proceeding had already been instituted and in utter disregard of the law, executed on May 12, 1958, 'Extra-judicial Partition with Sale' covering a property of the decedent in Baguio City. The oppositors claim that these sales are fictitious and would, together with the said extra-judicial partition, automatically disqualify Paulina Santos, Dominador Santos and Atty. Olimpio Kapalungan to be appointed as regular administrator or administratrix of this intestate estate as obviously they have adverse interests against the estate. If appointed as regular administrator or administratrix, naturally they will not institute proceedings to recover those properties which were illegally transferred or sold. This leaves only oppositor Gregoria Aranzan-so as the person most qualified to be appointed regular administratrix.

"WHEREFORE, the Court hereby appoints Gregoria Aranzan-so as the regular administratrix of this intestate estate with a bond of P15,000.00, and upon submission and approval thereof, let letters of administration issue.
x x x."

Motions for reconsideration of the order were filed but the presiding judge held firm "considering that most of the movants have adverse interests against this intestate estate." (Order of February 16, 1966, pp. 140-141, Record on Appeal.)

But the opposition was persistent; it refused to give in. And so on June 20, 1966, the court which incidentally was presided by a different judge issued an order which reads as follows:

"On May 26, 1966, the petitioner Paulina R. Santos de Parreño, filed an omnibus motion for an order:

(1) Declaring that the oppositors Gregoria Aranzan-so, Demetria Ventura, Consuelo Pasion and Pacita Pasion have no right to intervene in this intestate estate proceeding;

(2) Ordering Gregoria Aranzanso and Demetria Ventura to return to the estate the sum of P14, 000. 00 received by them with the authority of this Court;

(3) Revoking the appointment of Gre-goria Aranzanso as regular administratrix and ordering her to render an accounting of her administration;

(4) Appointing the petitioner Paulina R. Santos de Parreño special administratrix of the intestate estate of her late mother, Juliana Reyes de Santos; and

(5) Revoking the previous order of May 9, 1966 allowing the regular administratrix to make extensive repairs on the building belonging to the estate situated at the corners of Barbosa and R. Hidalgo Streets, Quiapo, Manila, and ordering her to return to the estate the sum of P28,040.00 which she was authorized to withdraw from the funds of the estate deposited with the Philip-pine Trust Company.

"In view of the decision of the Honorable Supreme Court rendered on February 28, 1966 in S.C. G.R. No. L-23828, 'Paulina Santos and Aurora Santos vs. Gregoria Aranzanso, et al', which decision declared that the oppositors Gregoria Aranzanso, Demetria Ventura, Consuelo Pasion and Pacita Pasion are without right to intervene as heirs in the settlement of the estate in question and that said oppositors were enjoined permanently from withdrawing any sum from the estate in the concept of the heirs and from intervening in this proceeding, and which judgment of the Supreme Court has already become final and executory, the oppositors aforementioned, more specially the administratrix Gregoria Aranzanso, have lost their right to intervene in this case and the latter to perform any act of adminis-tration in the present proceeding. As a matter of fact, if we have to construe strictly the man-date of the aforementioned judgment of the appel-late Court, it would seem that the oppositors never had any right at all to intervene in this case. Such being the case, the Court, after weighing carefully the circumstances surrounding this case, has arrived at the conclusion that the aforemen-tioned decision of the appellate Court has stripped off the oppositors of any semblance of personality which they may have acquired in this instant proceeding.

"WHEREFORE, and finding the omnibus motion filed by Paulina R. Santos de Parreño on May 26, 1966 to be well-taken, the same is hereby granted.

"The oppositors Gregoria Aranzanso, Demetria Ventura, Consuelo Pasion and Pacita Pasion are declared to be without any right to intervene in this intestate proceeding and, henceforth, they should not be allowed to take part therein.

"GREGORIA ARANZANSO and Demetria Ventura are ordered to return to the estate the sum of P14,000.00 which they received by virtue of the order of this Court dated October 2, 1965.

"The appointment of Gregoria Aranzanso as regular administratrix pursuant to the order of this Court dated January 29, 1966 is revoked and she is ordered to render a final account of her administration within ten (10) days from receipt hereof.

"Paulina R. Santos de Parreño is appointed special administratrix of the intestate estate of the late Juliana Reyes de Santos and upon her filing a bond in the amount of P2,000.00 and the corresponding oath of office, letters of special administration be issued to her. x x x."

A motion for reconsideration of the order was denied which prompted Gregoria Aranzanso to appeal the order to this Court with a lone assignment of error, to wit:

"THE LOWER COURT ERRED IN REMOVING THE APPELLANT AS REGULAR ADMINISTRATRIX OF THE INTESTATE ESTATE OF THE LATE JULIANA REYES AND THE REVOCATION OF HER APPOINTMENT IS CONTRARY TO LAW."

There is merit in the appeal. As indicated in the lone assignment of error, the only issue in this appeal, is whether

or not the lower court was justified in revoking the appointment of Gregoria Aranzanso as the administrator of the intestate estate of Juliana Reyes. Alien to the issue is the question of preference -- whether it should be Gregoria Aranzanso who is a first cousin of the decedent or Paulina Santos de Parreño who is an adopted child of the decedent -- in receiving letters of administration.

It stands to reason that the appellant having been appointed regular administrator of the intestate estate of Juliana Reyes may be removed from her office but only for a cause or causes provided by law. What is the law on removal? It is found in Rule 82, Section 2, of the Rules of Court which reads as follows:

"Sec. 2. Court may remove or accept resignation of executor or administrator. Proceedings upon death, resignation, or removal. - If an executor or administrator neglects to render his account and settle the estate according to law, or to perform an order or judgment of the court, or a duty expressly provided by these rules, or absconds, or becomes insane, or otherwise incapable or unsuitable to discharge the trust, the court may remove him, or, in its discretion, may permit him to resign. When an executor or administrator dies, resigns, or is removed the remaining executor or administrator may administer the trust alone, unless the court grants letters to someone to act with him. If there is no remaining executor or administrator, administration may be granted to any suitable person."

It is obvious that the decision of this Court, cited in the appealed order, that Gregoria Aranzanso, among other persons, is without right to intervene as heir in the settlement of the estate in question is not one of the grounds provided by the Rules of Court.

Let it be recalled that in G.R. No. L-23828, Paulina Santos, et al. vs. Gregoria Aranzanso, et al., 123 Phil. 160 (1966), a collateral attack on the adoption of the two girls was not allowed under the following facts:

When Juliana Reyes died intestate, Simplicio Santos filed in the Court of First Instance of Manila a petition for the settlement of her estate. In said petition he stated among other things that the surviving heirs of the deceased are: he, as surviving spouse, Paulina Santos and Aurora Santos, 27 and 17 years of age, respectively. In the same petition, he asked that he be appointed administrator of the estate.

Gregoria Aranzanso, alleging that she is first cousin to the deceased, filed an opposition to the petition for appointment of administrator. For her grounds she asserted that Simplicio Santos' marriage to the late Juliana Reyes was bigamous and thus void; and that the adoption of Paulina Santos and Aurora Santos was likewise void ab initio for want of the written consent of their parents who were then living and had not abandoned them.

The Court of First Instance decided the point in dispute, ruling that the validity of the adoption in question could not be assailed collaterally in the intestate proceedings (Sp. Proc. No. 34354). The order was appealed to the Court of Appeals.

The Court of Appeals reversed the appealed order, finding instead that the adoption was null and void ab initio due to the absence of consent thereto by the natural parents of the minor children, which it deemed a jurisdictional defect still open to collateral attack.

Stating that, "The principal issue on the merits in this appeal is whether respondents-oppositors Aranzanso and Ventura, could assail in the settlement proceedings the adoption decree in favor of Paulina and Aurora Santos," this Court gave a negative answer.

Thereafter, this Court rendered judgment which insofar as relevant reads as follows:

"Wherefore, the judgment of the Court of Appeals is hereby reversed and the order of the probate court a quo sustaining the adoption, dated April 6, 1959, is affirmed. Respondents Gregoria Aranzanso and Demetria Ventura as well as Consuelo and Pacita Pasion are de-clared without right to intervene as heirs in the

settle-ment of the intestate estate of Juliana Reyes. x x x."

The decision denied to Gregoria Aranzanso the right to intervene in the settlement proceedings as an heir of Juliana Reyes. But an administrator does not have to be an heir. He can be a stranger to the deceased. In fact, in one of her motions Paulina Santos de Parreño proposed the appointment of the Philippine National Bank as special administrator. (Record on Appeal, pp. 144-146.) We hold that the intervention of Gregoria Aranzanso in the settlement proceedings is not in the capacity of heir although she might be one if her direct attack on the adoption of the two girls should succeed. We have authorized such direct attack in G.R. No. L-26940.

WHEREFORE, the order of June 20, 1966, removing Gregoria Aranzanso as administrator is hereby set aside and she is reinstated as administrator of the intestate estate of Juliana Reyes. Cost against the appellee.

SO ORDERED.

Aquino, Concepcion, Jr., Guerrero, De Castro, and Escolin, JJ., concur.
Barredo, (Chairman), J., is on official leave.

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.