

TESTATE ESTATE OF HILARION RAMAGOSA, MARIANO SUMILANG, PETITIONER-APPELLEE, VS. SATURNINA RAMAGOSA, SANTIAGO RAMAGOSA, ENRIQUE PABELLA, LICERIA PABELLA AND ANDREA RAVALO, OPPOSIT...

G.R. No. L-23135. December 26, 1967

Ponente: MAKALINTAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f731313932cb/>

MAKALINTAL, J.:

On July 5, 1960 Mariano Sumilang filed in the Court of First Instance of Quezon a petition for the probate of a document alleged to be the last will and testament of Hilarion Ramagosa, who died on December 1, 1959. Said document, written in Tagalog and dated February 26, 1949, institutes petitioner as sole heir of the testator.

The petition for probate was opposed by two (2) sets of oppositors - appellants herein - who questioned the due execution of the document, claiming that it was made under duress and was not really intended by the deceased to be his last will and testament. Aside from merely opposing the petition for probate, the first set of oppositors - Saturnino and Santiago Ramagosa - also claimed that they, instead of petitioner, were entitled to inherit the estate of the deceased. The other oppositors, representing themselves simply as next of kin, appropriately prayed only for the disallowance of the will.

At the hearings of the petition petitioner adduced his evidence, and then rested his case on February 16, 1961.

Reception of oppositors' evidence was set for July 14, 1961. However, on July 3, 1961 oppositors moved for the dismissal of the petition for probate mainly on the ground that "the court lacks jurisdiction over the subject-matter because the last will and testament of the decedent, if ever it was really executed by him, was revoked by implication of law six years before his death." Oppositors alleged that after making the will Hilarion Ramagosa sold to petitioner Mariano Sumilang and his brother Mario the parcels of land described therein, so that at the time of the testator's death the titles to said lands were no longer in his name.

Petitioner filed his opposition to the motion for dismissal on July 17, 1961, supplemented it by another opposition on August 14, 1961, and by a rejoinder on August 21, 1961. Finally, on October 22, 1962 petitioner moved to strike out the oppositors' pleadings on two grounds, namely:

"1. That oppositors have no legal standing in court and they are bereft of personality to oppose the probate of the last will and testament of the testator; and

"2. That oppositors have no valid claim and interest in the distribution of (the) estate of the aforesaid testator and no existing valid right whatsoever."

On October 18, 1963 the court a quo issued the order now subject of this appeal, which read as follows:

"Acting on the motion to dismiss filed by the oppositors dated July 31, 1961, the same is hereby denied for the allegations contained therein goes (sic) to the very intrinsic value of the will and other grounds stated on said

motion to dismiss are without merit. With respect to the motion to strike out opposition and all other pleadings of oppositors filed by the petitioner, it appears that oppositors have no relationship whatsoever within the fifth degree as provided by law and therefore the oppositors are totally strangers to the deceased whose will is under probate. This being so, the motion to strike out opposition and all other pleadings pertinent thereto is hereby ordered stricken out of the record."

The petition below being for the probate of a will, the court's area of inquiry is limited to the extrinsic validity thereof. The testator's testamentary capacity and the compliance with the formal requisites or solemnities prescribed by law are the only questions presented for the resolution of the court. Any inquiry into the intrinsic validity or efficacy of the provisions of the will or the legality of any devise or legacy is premature. (*Nuguid vs. Nuguid*, G. R. No. L-23445, June 23, 1966).

"To establish conclusively as against everyone and once for all, the facts that a will was executed with the formalities required by law and that the testator was in a condition to make a will, is the only purpose of the proceedings . . . for the probate of a will. The judgment in such proceedings determines and can determine nothing more." (*Aleman, et al., vs. CFI of Manila*, 3 Phil. 424)

Oppositors would want the court a quo to dismiss the petition for probate on the ground that the testator had impliedly revoked his will by selling, prior to his death, the lands disposed of therein.

True or not, the alleged sale is no ground for the dismissal of the petition for probate. Probate is one thing; the validity of the testamentary provisions is another. The first decides the execution of the document and the testamentary capacity of the testator; the second relates to descent and distribution.

"The alleged revocation implied from the execution of the deeds of conveyance in favor of the testamentary heir is plainly irrelevant to and separate from the question of whether the testament was duly executed. For one, if the will is not entitled to probate, or its probate is denied, all questions of revocation become superfluous: in law, there is no such will and hence there would be nothing to revoke. Then, again, the revocation invoked by the oppositors-appellants is not an express one, but merely implied from subsequent acts of the testatrix allegedly evidencing an abandonment of the original intention to bequeath or devise the properties concerned. As such, the revocation would not affect the will itself, but merely the particular devise or legacy." (*Fernandez, et al. vs. Dimagiba*, L-23638 and *Reyes et al. vs. Dimagiba*, L-23662, October 12, 1967)

In their brief, oppositors do not take issue with the court a quo's finding that they "have no relationship whatsoever within the fifth degree as provided by law and therefore . . . are totally (sic) strangers to the deceased whose will is under probate." They do not attempt to show that they have some interest in the estate which must be protected. The uncontradicted evidence, consisting of certified true copies of the parties' baptism and marriage certificates, support the said court's finding in this respect.

"It is a well-settled rule that in order that a person may be allowed to intervene in a probate proceeding he must have an interest in the estate, or in the will, or in the property to be affected by it either as executor or as a claimant of the estate (*Ngo The Hua vs. Chung Kiat Hua, et al.*, L-17091, September 30, 1963); and an interested party has been defined as one who would be benefited by the estate such as an heir or one who has a claim against the estate like a creditor." (*Teo-tico vs. del Val, etc.*, G. R. No. L-18753, March 26, 1965)

"The reason for the rule excluding strangers from contesting the will, is not that thereby the court maybe prevented from learning facts which would justify or necessitate a denial of probate but rather that the courts and the litigants should not be molested by the intervention in the proceedings of persons with no interest in the estate which would entitle them to be heard with relation thereto." (*Paras vs. Narciso*, 35 Phil. 244)

Sometime after this case was elevated to this Court appellee moved to dismiss the appeal on the ground that the

order appealed from is interlocutory. We deferred action on the motion until after the brief of both parties had been filed. The motion, although now practically academic in view of our resolution of the main issues involved, must be denied, since the order of the lower court striking out appellants' opposition to the probate of the will on the ground that they have no personality to intervene in the case, was final and therefore appealable order in so far as they were concerned.

The order appealed from is hereby affirmed, with costs against oppositors-appellants.

Concepcion, C.J., Reyes, JBL, Dizon, Bengzon, Zaldivar, Sanchez, Ruiz Castro, Angeles, and Fernando, JJ., concur.

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.