

MARIA ANGELES DE MACALINAO, ET AL., PLAINTIFFS AND APPELLANTS, VS. URSULA VALDEZ VDA. DE ANGELES, ET AL., DEFENDANTS AND APPELLEES.

G.R. No. L-5705. June 30, 1954

Ponente: PARAS, C.J.

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PARAS, C.J.:

In land registration case No. 469 of the Court of First Instance of Rizal, Ursula Valdez Vda. de Angeles et al., are the applicants, and Maria Angeles de Macalinao the oppositor, the subject matter being two parcels of land situated in the municipality of Pasig. During a pre-trial counsel for Maria Angeles de Macalinao manifested that she would file intestate proceedings before the same court with a view to determining the ownership of the two parcels of land in question, and this led the court to issue the following order:

"The parties in this case are sisters and near relatives. The Court, in its efforts to have the parties come into an amicable settlement of the case in accordance with the provisions of the new Civil Code, called the parties to a pre-trial, but in spite of the diligent efforts exerted by the Court and the attorneys for both parties the litigants failed to reach an amicable settlement of the case. The attorney for the oppositor manifested to the Court that an intestate proceeding would be presented to this Court in connection with the same property involved in this registration proceeding.

"In view of that manifestation of counsel for the oppositor, the hearing of this case is hereby suspended until the real owner of the properties involved in this case is decided in the intestate estate proceedings to be filed in this court."

On February 4, 1952, Maria Angeles de Macalinao and her husband Sergio Macalinao, instead of filing intestate proceedings, instituted in the Court of First Instance of Rizal against Ursula Valdez Vda. de Angeles et al., an action for accounting, liquidation and partition of a conjugal estate" involving the aforementioned two lots. The basic facts of this action are as follows:

"* * * plaintiff-appellant, Maria Angeles de Macalinao, is the only child of the deceased Jose Angeles by his first marriage to Engracia Antonio; that during the existence of the first marriage of Jose Angeles to Engracia Antonio they acquired the property described in paragraph 4 of the complaint; that sometime in 1902 Engracia Antonio, mother of plaintiff-appellant, Maria Angeles de Macalinao, died intestate, and Jose Angeles, the surviving spouse, instead of effecting the liquidation and partition of the dissolved conjugal property as described in paragraph 2 of the complaint kept the said property pro-indiviso, thereby giving rise to a community of ownership between himself and plaintiff-appellant, Maria Angeles de Macalinao; that thereafter, Jose Angeles contracted a second marriage to Gregoria Antonio, sister of Engracia, and out of such union they acquired another property, that which is described in paragraph 8 of the complaint, and of which defendants-appellees in representation of Ernesto Angeles, Sr. now deceased, are the heirs, Ernesto Angeles, Sr., being the only child of Jose Angeles by his second marriage to Gregoria Antonio; that Jose Angeles and Gregoria Antonio died intestate in the years 1913 and 1943, respectively, leaving the two properties undivided between the heirs, who in this case are the plaintiffs-appellants and defendants-appellees."

The defendants Ursula Valdez Vda. de Angeles et al., filed a motion to dismiss the complaint for accounting, partition and liquidation, on the ground that the directive in the land registration case was for the filing by Maria Angeles de Macalinao of an intestate proceeding. This motion to dismiss was granted by the lower court, which also denied a subsequent motion for reconsideration filed by the plaintiffs Maria Angeles de Macalinao and Sergio Macalinao. The latter have appealed.

Section 685 of the Code of Civil Procedure, as amended by Act 3176, provides that: "When the marriage is dissolved by the death of the husband or wife, the community property shall be inventoried, administered and liquidated, and the debts thereof shall be paid, in the testamentary or intestate proceedings of the deceased spouse, in accordance with the provisions of this Code relative to the administration and liquidation of the estates of the deceased persons, or in an ordinary liquidation and partition proceeding, unless the parties being all of age and legally capacitated, avail themselves of the right granted to them by this Code of proceeding to an extra judicial partition and liquidation of said property." (*Italics supplied*). Expressly recognized by this legal provision, the ordinary action instituted herein by the appellants is even preferred to an intestate proceeding, when the heirs are of age or duly represented, and the estate has no debts. "When the heirs are all of lawful age and there are no debts there is no reason why the estate should be burdened with the cost and expenses of an administration." (*Ilustre vs. Alaras Frondosa*, 17 Phil., 321; *Bondad vs. Bondad*, 34 Phil., 232; *Baldemor vs. Malangyaon*, 34 Phil., 867). As repeatedly held, "when a person dies without leaving pending obligations to be paid, his heirs, whether of age or not, are not bound to submit the property to a judicial administration, which is always long and costly, or to apply for the appointment of an administrator by the court ... It has been uniformly held that in such case the judicial administration and the appointment of an administrator are superfluous and unnecessary proceedings" (*Utulo vs. Pasion*, 66 Phil., 302, 306 citing other cases).

The fact that the lower court suspended the land registration case upon appellant's manifestation that an intestate proceeding would be filed, did not legally deprive them of availing themselves of the proper judicial (and for that matter less burdensome) remedy, especially in the absence of any law requiring that the estates of deceased persons must always be brought to the courts for administration and liquidation. At any rate, the essential basis of the order suspending the registration case was the necessity for determining the ownership of the controverted land. The theory of the lower court in dismissing the present case, would prefer form to substance.

Appellees' contention that the action at bar is not any better than the land registration case wherein the question of title could as well be decided, finds an easy answer in the fact that the appellants seek, in addition to their ownership, an accounting and liquidation of the conjugal estate of their predecessors in interest.

Wherefore, the appealed order is reversed and set aside, and the case remanded to the lower court for further proceedings. So ordered, with costs against defendants-appellees.

Pablo, Bengzon, Padilla, Montemayor, Reyes, A., Jugo, Bautista Angelo, Labrador and Concepcion, JJ., concur.

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