

MEMBERS OF THE CULT OF SAN MIGUEL ARCANGEL, PETITIONERS-APPELLEES, VS. PEDRO NARCISO, TRUSTEE-APPELLANT.

G.R. No. L-24843. July 15, 1968

Ponente: CONCEPCION, C.J.

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CONCEPCION, C.J.:

Appeal from an order of the Court of First Instance of Pangasinan to the Court of Appeals, 'which certified the case to Us, upon the ground that only questions of law are involved in the appeal.

Upon the death of Policarpio Narciso, a bachelor, with-out forced heirs, residing in the barrio of San Miguel Abu, Municipality of Bani, Province of Pangasinan, sometime before August 9, 1920, special proceeding No. 546 of the Court of First Instance of Pangasinan, for the settlement of his estate, was com-menced. A document, executed by the deceased, on January 3, 1910, as his last will and testament, and allowed to probate in said proceeding, provided, inter alia:

" x x x que en caso me llamara la Divina Justicia tendran derecho mis sobrinos de primer grado y mis parientes que debieran heredarde mis bienes expresados en este testamento re-partiran en tres; que en la primera parte es el deber que repartiran los rnismos herederos; en la segunda parte es mi donacion que sirve en la Ermita de este barrio con las imagines de los Santos precisamente el Patron Sr. San Miguel Arcangel para sostener los necesarios ocasionados, y la tercera parte me comprometo dar volun-tariamente al Albacea que to nombre para que cuidase arreglar todos mis bienes, lo cual es el Sr. Tranquilino Jimenez.

"Todos los bienes espresados en los docu-mento que entregue a dicho Albacea, desde hoy en adelante, digo en realidad traspase el poder para que tendra derecho de distribuir en la espresada primera parte, a los herederos, en la segunda parte es mi donacion que cuidase de mi Albacea que no podran reclamar de mis herederos en la espresada segunda parte, por que donde previene los gastos que sirve en la Ermita, los bultos y vestuarios de los santos con la casa como convento de la citada Ermita; en la tercera parte es mi promesa que le doy a mi albacea libre de toda gravamen como cor-responde de sus trabajos que no podran renovar de mis herederos y parientes de ambas partes, y todos los bienes que ya entregue al citado Albacea son los siguientes:

x x x x x x x x"

Purporting to act in conformity with these provisions of the will, on August 9, 1920, the court ordered the executor therein named, Tranquilino Jimenez, (1) to segregate from the mass of the estate of the deceased a building used as chapel (Ermita), a house of wood intended for convent, a bell, and the religious images and ornaments specified in said instrument; (2) to divide the rest of the estate into three (3) equal parts; (3) to distribute one part among the nearest relatives[1] of the deceased; and (4) to keep another part for himself, as compensation for his (executor's) services. The order, likewise, provided that the remaining third part:

"x x x se destina-para las atenciones y sostenimiento del culto en la Ermita y tambien de la casa-convento y los ornamentos y estara bajo el cuidado y administracion del albacea Tranquilino Jimenez, quien como tal

fideicomisario prestara una fianza igual al valor de los bienes y de la Ermita convento y demas cosas, presentando ademas un inventario de todos los bienes puestos a su cuidado coma fideicomisario; x x x "

By an order, dated April 21, 1921, the court directed that said third part be administered by the executor, as trustee thereof, for the application of its products to the support of the Cult (to St. Michael Archangel) as ordained by the testator, without authority to alienate the chapel and other religious objects mentioned in the order of August 9, 1920, but with the duty to conserve them, according to the testator's will. Another order, dated September 13, 1921, commanded the executor to institute a trusteeship proceeding for the administration of the property bequeathed for the support of the Cult in the Chapel (Ermita) in the barrio of San Miguel. In compliance with this order, Tranquilino Jimenez commenced special proceeding No. 979 of the court above mentioned, which, on December 18, 1922, appointed him trustee, for the administration of said property.

Since then, said proceeding No. 979 was included in the monthly report, to the Department of Justice, of cases pending in the Court of First Instance of Pangasinan, up to October 31, 1956, when its presiding judge ordered that it be no longer included in said report, because for all "practical purposes", it should be "considered as terminated without prejudice, however, that the annual report of accounts of the trustee and/or any incident that may hereinafter arise x x x be presented to the court for its resolution."

Meanwhile, Tranquilino Jimenez had died¹ and was succeeded, as trustee, by Pedro Narciso. Thereafter, two (2) petitions were filed for a change of trustee: one,² by several members of the "Cult of San Miguel Arcangel", alleging mismanagement by Pedro Narciso and praying that Bonifacio Orias, another member of the "Cult", be appointed in his stead; and another,³ by Bartolome Aquino, likewise, a regular member of said "Cult", who prayed that he be the one appointed as trustee. In view of the seeming division among the members of the "Cult", the court issued an order, dated November 8, 1962, postponing the hearing of the petitions for change of trustee and, urging the different factions to get together and settle their internal conflicts.

On January 3, 1963, the trustee, namely, Pedro Narciso, and Carmen Narciso, Rafael Narciso and Felix Aquino, herein-after referred to as petitioners - as alleged heirs of the founder of the trust, objected to the appointment of a new trustee and moved for the reversion, to the heirs of Policarpio Narciso, of the properties held in trust, upon the ground that the trust had been terminated by the aforementioned order of October 31, 1956, and that a trust cannot exist for more than twenty (20) years, pursuant to Art. 870 of the Civil Code of the Philippines. In due course, the lower court denied this petition for reversion and set a date for the hearing of the petitions for change of trustee. Forthwith, the petitioners interposed the present appeal, in which they insist on the reasons adduced by them in the trial court.

We find no merit in the appeal. It is not true that the trust was terminated by the aforementioned order of October 31, 1956. The same declared Special Proceeding No. 979 terminated insofar only as the monthly report of pending cases were concerned "without prejudice to the annual report of accounts of the trustee and/or any incident that may arise" thereafter, which "should be presented to the court for its resolution." This qualification clearly refutes petitioner's pretense.

Moreover, the Civil Code of the Philippines became effective in 1950, or thirty (30) years after the establishment of the trust in 1920. Art. 870 of said Code, on which petitioners rely, is not applicable, therefore, to the case at bar, for¹ "changes made and new provisions and rules laid down by this Code which may prejudice or impair vested or acquired rights in accordance with the old legislation shall have no retroactive effect," and² "the Civil Code of 1889 and other previous laws shall govern rights originating under said laws, from acts done or events which took place under their regime, even though" the New Code "may regulate them in a different manner, or may not recognize them,"³ apart from the fact that⁴ "rights to the inheritance of a person who died, with or without a will, before the effectivity" of the Civil Code of the Philippines, "shall be governed by the Civil Code of

1889, by other previous laws and by the Rules of Court."⁵

It is next urged that, at any rate, perpetuities are void under the common law and against public policy and that, accordingly, the provision in the will of Policarpio Narciso seeking to establish a perpetual trust is null and void. The validity of said provision was, however, upheld, by necessary implication, in Special Proceedings Nos. 546 and 979 of the Court of First Instance of Pangasinan: in the first, when the Court ordered the executor therein to submit a project of partition, giving effect to said provision of the will, and later approved¹ said project of partition, as well as directed him to initiate another judicial proceeding for the administration of the trust; and, in the second, when the Court appointed Tranquilino Jimenez as trustee and, then, for many years, passed upon² his accounts as such and those of his successor.³

Even if erroneous, the orders of the Court in said two (2) proceedings recognizing and, hence, upholding, the validity of said trust and actually enforcing as well as implementing the same, were and are valid. The nullity of said trust cannot now be decreed without, in effect, reversing said valid orders, from which no appeal was taken by petitioners herein or their predecessors in interest, and which had become final and executory over 40 years ago. The least that can be said is that petitioners are barred, by the principle of laches, from assailing the validity and existence of said trust.⁴

WHEREFORE, the order appealed from is hereby affirmed and the records of this case remanded to the lower court for further proceedings, in accordance with law, with costs against petitioners herein.

IT IS SO ORDERED.

Reyes, JBL, Dizon, Makalintal, Zaldivar, Sanchez, Angeles, and Fernando, JJ., concur.
Ruiz Castro, J., in the result.

[1] Nephews and nieces.

1 In August 1955.

2 On June 22, 1962.

3 On November 8, 1962.

1 Pursuant to Art. 2252 of the Civil Code of the Philippines.

2 Art. 2252 of the Civil Code of the Philippines provides.

3 Manalansang v. Manalang, L-13646, July 26, 1960; Uson v. Del Rosario, 92 Phil. 531.

4 According to Article 2263 of the Civil Code of the Philippines.

5 Morales v. Yanez, 98 Phil. 677; Vidaurrazaga v. Court of Appeals, 91 Phil. 492.

1 Presumably.

2 Presumably.

3 Petitioner Pedro Narciso.

4 Vismanos vs. Municipality of Tagum, et al., L-20685, August 31, 1965; Felix Vda. de Rodriguez vs. Rodriguez, et al., L-23002, July 31, 1967; Peoples Homesite vs. Mencias, etc., et L-24114, Aug. 16, 1967.

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