

ANTONIETTA GARCIA VDA. DE CHUA, PETITIONER, VS. COURT OF APPEALS, (SPECIAL EIGHT DIVISION), HON. JAPAL M. GUIANI, RTC, BRANCH 14, 12TH JUDICIAL REGION, COTABATO CITY, AND FLOR...

G.R. No. 116835. March 05, 1998

Ponente: KAPUNAN, J.

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KAPUNAN, J.:

Assailed before us in this Appeal by Certiorari under Rule 45 of the Rules of Court is the decision of the Court of Appeals in CA-GR Sp. No. 33101, promulgated on 19 April 1994 affirming the decision of the Regional Trial Court, Branch 14, of Cotabato City in Special Procedure Case No. 331.

As culled from the records the following facts have been preponderantly established:

During his lifetime, Roberto Lim Chua lived out of wedlock with private respondent Florita A. Vallejo from 1970 up to 1981. Out of this union the couple begot two illegitimate children, namely Roberto Rafson Alonzo and Rudyard Pride Alonzo.

On 28 May 1992, Roberto Chua died intestate in Davao City.

On 2 July 1992, private respondent filed with the Regional Trial Court of Cotabato City a Petition[1] which is reproduced hereunder:

IN RE: PETITION FOR DECLARATION OF HEIRSHIP, GUARDIANSHIP OVER THE PERSONS AND PROPERTIES OF MINORS ROBERT RAFSON ALONZO SP. PROC. NO/ 331 and RUDYARD PRIDE ALONZO, all surnamed CHUA and ISSUANCE OF LETTERS OF ADMINISTRATION. FLORITA ALONZO VALLEJO, Petitioner.

x ----- x

P E T I T I O N

COMES NOW the petitioner assisted by counsel and unto this Honorable Court most respectfully states:

1. That she is of legal age, Filipino, married but separated from her husband and residing at Quezon Avenue, Cotabato City, Philippines;
2. That sometime from 1970 up to and until late 1981 your petitioner lived with Roberto Lim Chua as husband and wife and out of said union they begot two (2) children, namely, Robert Rafson Alonzo Chua who was born in General Santos City on April 28, 1977 and Rudyard Pride Alonzo Chua who was born in Davao City on August 30, 1978. A xerox copy of the birth certificate of each child is hereto attached as annex 'A' and 'B', respectively.
3. That the aforementioned children who are still minors today are both staying with herein petitioner at her address at Quezon Avenue, Cotabato City;

4. That Roberto Lim Chua, father of the above-mentioned minors, died intestate on May 28, 1992 in Davao City.

5. That the aforementioned deceased left properties both real and personal worth P5,000,000.00 consisting of the following:

a) Lot in Kakar, Cotabato City covered by TCT No. T-12835 with an area of 290 sq. m. estimated at P50,000.00

b) Lot in Kakar, Cotabato City covered by TCT No. T-12834 with an area of 323 sq.m. 50,000.00

c) Lot in Davao City covered by TCT No. T-126583 with an area of 303 sq.m. 50,000.00

d) Lot in Davao City covered by TCT No. T-126584 with an area of 303 sq.m. 50,000.00

e) Residential house in Cotabato City valued at 300,000.00

f) Residential house in Davao City valued at 600,000.00

g) Car, Colt Lancer with Motor No. 4G33-3 AF6393 210,000.00

h) Colt, Galant Super Saloon with Motor No. 4G37-GB0165 545,000.00

I) Car, Colt Galant with Motor No. 4G52-52D75248 110,000.00

j) Reo Isuzu Dump Truck with Motor No. DA640-838635 350,000.00

k) Hino Dump Truck with Motor No. ED100-T47148 350,000.00

l) Stockholdings in various corporations with par value estimated at 3,335,000.00

T o t a l - - - - - P5,000,000.00

6. That deceased Roberto Lim Chua died single and without legitimate descendants or ascendants, hence, the above named minors Robert Rafson Alonzo Chua and Rudyard Pride Alonzo Chua, his children with herein petitioner shall succeed to the entire estate of the deceased. (Article 988 of the Civil Code of the Philippines).

7. That the names, ages and residences of the relatives of said minors are the following, to wit:

Names Relationship Ages Residences

1. Carlos Chua Uncle 60 Quezon Avenue,
Cotabato City

2. Aida Chua Auntie 55 Rosary Heights,
Cotabato City

3. Romulo Uy Uncle 40 c/o Overseas Fish-

ing Exporation Co.

Inc., Matina,

Davao City

6. That considering the fact that the aforementioned minors by operation of law are to succeed to the entire estate of Roberto Lim Chua under the provisions of Article 988 of the New Civil Code of the Philippines, it is necessary that for the protection of the rights and interest of Robert Rafson Alonzo Chua and Rudyard Pride Alonzo Chua, both minors and heirs of deceased Roberto Lim Chua, a guardian over the persons and properties of said minors be appointed by this Honorable Court.

7. That herein petitioner being the mother and natural guardian of said minors is also competent and willing to act as the guardian of minors Robert Rafson Alonzo Chua and Rudyard Pride Alonzo Chua both staying and living with her; that petitioner possesses all the qualifications and none of the disqualifications of a guardian.

WHEREFORE, premises considered, it is most respectfully prayed:

1. That, upon proper notice and hearing, an order be issued declaring minors ROBERTO RAFSON ALONZO CHUA and RUDYARD PRIDE ALONZO CHUA as heirs to the intestate estate of deceased ROBERTO LIM CHUA;

2. That Letters of Administration be issued to herein petitioner for the administration of the estate of the deceased ROBERTO LIM CHUA;

3. That the petitioner be also appointed the guardian of the persons and estate of minors ROBERT RAFSON ALONZO CHUA and RUDYARD PRIDE ALONZO CHUA;

4. That after all the property of deceased Roberto Lim Chua have been inventoried and expenses and just debts, have been paid, the intestate estate of Roberto Lim Chua be distributed to its rightful heirs, the minors in this case, pursuant to the provisions of Article 988 of the New Civil Code of the Philippines.

5. And for such other reliefs and remedies this Honorable Court may consider fit and proper in the premises.

Cotabato City, Philippines, June 29, 1992.

(Sgd.) FLORITA ALONZO VALLEJO

(Petitioner)

The trial court issued an order setting the hearing of the petition on 14 August 1992 and directed that notice thereof be published in a newspaper of general circulation in the province of Maguindanao and Cotabato City and or Davao City.

On 21 July 1992, herein petitioner Antoinetta Garcia Vda. de Chua, representing to be the surviving spouse of Roberto Chua, filed a Motion to Dismiss[2] on the ground of improper venue. Petitioner alleged that at the time of the decedent's death Davao City was his residence, hence, the Regional Trial Court of Davao City is the proper forum.

Private respondent filed an opposition to the Motion to Dismiss[3] dated July 20, 1992 based on the following grounds:

(1) That this petition is for the guardianship of the minor children of the petitioner who are heirs to the estate of the late Roberto L. Chua and under Section 1, Rule 92 of the Rules of Court the venue shall be at the place

where the minor resides;

(2) That the above-named minors are residents of Cotabato City:

(3) That the movant in this case has no personality to intervene nor to oppose in the granting of this petition for the reason that she is a total stranger to the minors Robert Rafson Alonzo and Rudyard Pride Alonzo, all surnamed Chua.

(4) That deceased Roberto L. Chua died a bachelor. He is the father of the above-named minors with the petitioner in this case;

(5) That movant/oppositor Antoinetta Chua is not the surviving spouse of the late Roberto L. Chua but a pretender to the estate of the latter since the deceased never contracted marriage with any woman until he died.

On 6 August 1992, private respondent Vallejo filed a Motion for Admission of an Amended Petition[4] "in order that the designation of the case title can properly and appropriately capture or capsulize in clear terms the material averments in the body of the pleadings; thus avoiding any confusion or misconception of the nature and real intent and purpose of this petition". The amended petition[5] contains identical material allegations but differed in its title, thus:

IN RE: PETITION FOR THE SETTLEMENT OF THE INTESTATE ESTATE OF ROBERTO CHUA, DECLARATION OF HEIRSHIP, GUARDIANSHIP OVER THE PERSONS AND PROPERTIES OF MINORS ROBERT AND RUDYARD, all surnamed CHUA and ISSUANCE OF LETTERS OF ADMINISTRATION.

FLORITA ALONZO VALLEJO,

Petitioner.

Paragraph 4 of the original petition was also amended to read as follows:

4. That Roberto Lim Chua, father of the abovementioned minors is a resident of Cotabato City and died intestate on May 28, 1992 at Davao City.

The petition contains exactly the same prayers as those in the original petitions.

Petitioner opposed the motion to amend petition alleging that at the hearing of said motion on 24 July 1992, private respondent's counsel allegedly admitted that the sole intention of the original petition was to secure guardianship over the persons and property of the minors. [6]

On 21, August 1992, the trial court issued an order[7] denying the motion to dismiss for lack of merit. The court ruled that Antoinetta Garcia had no personality to file the motion to dismiss not having proven her status as wife of the decedent. Further, the court found that the actual residence of the deceased was Cotabato City, and even assuming that there was concurrent venue among the Regional Trial Courts where the decedent had resided, the R.T.C. of Cotabato had already taken cognizance of the settlement of the decedent's estate to the exclusion of all others. The pertinent portions of the order read:

At the hearing of the motion to dismiss on August 19, 1992, counsel for movant Antonietta G. Chua presented 18 Exhibits in support of her allegation that she was the lawful wife of the decedent and that the latter resides in Davao City at the time of his death. Exh. '1' was the xerox copy of the alleged marriage contract between the movant and the petitioner. This cannot be admitted in evidence on the ground of the timely objection of the counsels for petitioner that the best evidence is the original copy or authenticated copy which the movant cannot produce. Further, the counsels for petitioner in opposition presented the following: a certification from the Local Civil Registrar concerned that no such marriage contract was ever registered with them; a letter from

Judge Augusto Banzali, the alleged person to have solemnized the alleged marriage that he has not solemnized such alleged marriage. Exhibit '2' through '18' consist among others of Transfer Certificate of Title issued in the name of Roberto L. Chua married to Antonietta Garcia, and a resident of Davao City; Residence Certificates from 1988 and 1989 issued at Davao City indicating that he was married and was born in Cotabato City; Income Tax Returns for 1990 and 1991 filed in Davao City where the status of the decedent was stated as married; passport of the decedent specifying that he was married and his residence was Davao City. Petitioner through counsels, objected to the admission in evidence of Exhibits '2' through '18' if the purpose is to establish the truth of the alleged marriage between the decedent and Antonietta Garcia. The best evidence they said is the marriage contract. They do not object to the admission of said exhibit if the purpose is to show that Davao City was the business residence of the decedent.

Petitioner through counsels, presented Exhibit 'A' through 'K' to support her allegation that the decedent was a resident of Cotabato City; that he died a bachelor; that he begot two illegitimate children with the petitioner as mother. Among these exhibits are Income Tax Returns filed in Cotabato City from 1968 through 1979 indicating therein that he was single; birth certificates of the alleged two illegitimate children of the decedent; Resident Certificates of the decedent issued in Cotabato City; Registration Certificate of Vehicle of the decedent showing that his residence is Cotabato City.

It is clear from the foregoing that the movant failed to establish the truth of her allegation that she was the lawful wife of the decedent. The best evidence is a valid marriage contract which the movant failed to produce. Transfer Certificates of Title, Residence Certificates, passports and other similar documents cannot prove marriage especially so when the petitioner has submitted a certification from the Local Civil Registrar concerned that the alleged marriage was not registered and a letter from the judge alleged to have solemnized the marriage that he has not solemnized said alleged marriage. Consequently, she has no personality to file the subject motion to dismiss.

On the issue of the residence of the decedent at the time of his death, the decedent as a businessman has many business residences from different parts of the country where he usually stays to supervise and pursue his business ventures. Davao City is one of them. It cannot be denied that Cotabato City is his actual residence where his alleged illegitimate children also reside.

The place of residence of the deceased in settlement of estates, probate of will, and issuance of letters of administration does not constitute an element of jurisdiction over the subject matter. It is merely constitutive of venue (*Fule vs. CA*, L-40502, November 29, 1976). Even assuming that there is concurrent venue among the Regional Trial Courts of the places where the decedent has residences, the Regional Trial Court first taking cognizance of the settlement of the estate of the decedent, shall exercise jurisdiction to the exclusion of all other courts (Section 1, Rule 73). It was this Court which first took cognizance of the case when the petition was filed on July 2, 1992, docketed as Special Proceeding No. 331 and an order of publication issued by this Court on July 13, 1992.

WHEREFORE, in view of the foregoing, the motion to dismiss is hereby denied for lack of merit.

On 31 August 1992, upon motion of private respondent, the trial court issued an order appointing Romulo Lim Uy, a first cousin of the deceased, as special administrator of the decedent's estate.[8]

On the same day, the trial court likewise issued an Order appointing Florita Vallejo as the guardian over the persons and properties of the two minor children.[9]

Thereafter, petitioner filed a Motion dated 25 October 1993[10] praying that the letters of administration issued to Vallejo be recalled and that new letters of administration be issued in her. She, likewise, filed a Motion dated 5 November 1993[11] to declare the proceedings a mistrial. Both motions were denied by the trial court in its Order dated 22 November 1993[12] Petitioner's motion for reconsideration of the order was denied by the trial

court in an order dated 13 December 1993[13]

Assailing the last two orders of the trial court, petitioner filed a petition for certiorari and prohibition (Rule 65) with the respondent Court of Appeals, docketed as CA G.R. No. Sp. 33101, alleging that the trial court acted with grave abuse of discretion in:

- (1) unilaterally and summarily converting, if not treating, the guardianship proceedings into an intestate proceeding;
- (2) summarily hearing the intestate proceedings without jurisdiction and without any notice to herein petitioner whatsoever; and
- (3) issuing the questioned order (sic) on the alleged pretension that herein petitioner has no personality to intervene in SPL Proc. No. 331 questioning the highly anomalous orders precipitately issued ex-parte by the public respondent R.T.C. without notice to the petitioners.

Petitioner in the main argued that private respondent herself admitted in in her opposition to petitioner's motion to dismiss filed in the trial court and in open court that the original petition she filed is one for guardianship; hence, the trial court acted beyond its jurisdiction when it issued letters of administration over the estate of Robert C. Chua, thereby converting the petition into an intestate proceeding, without the amended petition being published in a newspaper of general circulation as required by Section 3, Rule 79.

The Court of Appeals in its decision promulgated on 19 April 1994[14] denied the petition ratiocinating that the original petition filed was one for guardianship of the illegitimate children of the deceased as well as for administration of his intestate estate. While private respondent may have alleged in her opposition to the motion to dismiss that petition was for guardianship, the fact remains that the very allegations of the original petition unmistakably show a twin purpose: (1) guardianship; and (2) issuance of letters of administration. As such, it was unnecessary for her to republish the notice of hearing through a newspaper of general circulation in the province. The amended petition was filed for the only reason stated in the motion for leave: so that the the "case title can properly and appropriately capture or capsulize in clear terms the material averments in the body of the pleadings; thus avoiding any confusion or misconception of the nature and real intent and purpose of this petition", which was for guardianship over the persons and properties of her minor children and for the settlement of the intestate estate of the decedent who was their father. In other words, there being no change in the material allegations between the original and amended petitions, the publication of the first in a newspaper of general circulation sufficed for purposes of compliance with the legal requirements of notice.

Moreover, the appellate court ruled that the petitioner's remedy is appeal from the orders complained of under Section 1(f), Rule 109 of the Rules of Court, not certiorari and prohibition.

Not satisfied with the decision of the Court of Appeals, petitioner comes to this Court contending that the appellate court committed the following errors:

I

THE PUBLIC RESPONDENT COURT OF APPEALS GRAVELY AND SERIOUSLY ERRED IN HOLDING THAT THE ORIGINAL PETITION (Annex F, Petition) WAS FOR A TWIN PURPOSE, TO WIT: FOR GUARDIANSHIP AND FOR INTESTATE ESTATE PROCEEDINGS;

II

THE PUBLIC RESPONDENT COURT OF APPEALS SERIOUSLY ERRED IN HOLDING THAT THERE IS NO NEED TO PUBLISH THE AMENDED PETITION FOR ADMINISTRATION OF THE INTESTATE ESTATE THEREBY CONTRAVENING THE RULES OF COURT AND THE RULINGS OF THE SUPREME COURT

III

THE PUBLIC RESPONDENT COURT OF APPEALS SERIOUSLY ERRED IN NOT NULLIFYING THE ORDERS (Annex "P" to "T") PRECIPITATELY ISSUED EX-PARTE BY THE PUBLIC RESPONDENT REGIONAL TRIAL COURT IN THE INTESTATE PROCEEDINGS WITHOUT PRIOR HEARING OR NOTICE TO HEREIN PETITIONER THEREBY DEPRIVING THE LATTER (ANTOINETTA GARCIA VDA. DE CHUA) OF DUE PROCESS AND OPPORTUNITY TO BE HEARD.

IV

THE PUBLIC RESPONDENT COURT OF APPEALS GRAVELY ERRED IN SWEEPINGLY HOLDING THAT PETITIONER'S REMEDY IS APPEAL.[15]

In support of her first assignment of errors, petitioner submits that the Court of Appeals' conclusion that the original petition was one for guardianship and administration of the intestate estate is contradicted by the evidence on hand, asserting that the original petition failed to allege and state the jurisdictional facts required by the Rules of Court in petitions for administration of a decedent's estate, such as: (a) the last actual residence of the decedent at the time of his death; (b) names, ages and residences of the heirs; and (c) the names and residences of the creditors of the decedent. Petitioner also reiterates her argument regarding private respondent's alleged admission that the original petition was one for guardianship and not for issuance of letters of administration, pointing to the Opposition to the Motion to Dismiss dated 20 July 1992, where the private respondent alleged:

1. That this petition is for guardianship of the minor children of the petitioner who are heirs to the estate of the late Roberto L. Chua and under Section 1, Rule 92 of the Rules of Court the venue shall be at the place where the minor resides.[16]

As well as to the statements made by counsel for the private respondent during the 24 July 1992 hearing on the motion to dismiss:

ATTY. RENDON:

We filed our opposition to the motion to dismiss the petition because this is a petition for guardianship of minors, not for intestate proceedings. So this is a case where the mother wanted to be appointed as guardian because she is also the litigant here. Because whenever there is an intestate proceedings, she has to represent the minors, and under the Rules of Court in any guardianship proceedings, the venue is at the place where the minor is actually residing.[17]

The petition is devoid of merit.

The title alone of the original petition clearly shows that the petition is one which includes the issuance of letters of administration. The title of said petition reads:

IN RE: PETITION FOR DECLARATION OF HEIRSHIP, GUARDIANSHIP OVER THE PERSON AND PROPERTIES OF MINORS ROBERTO ALONZO AND RUDYARD ALONZO, all surnamed CHUA and ISSUANCE OF LETTERS OF ADMINISTRATION.[18]

Likewise, the prayer of the petition states:

2. That Letters of Administration be issued to herein petition for the administration of the estate of the deceased ROBERTO LIM CHUA.

The original petition also contains the jurisdictional facts required in a petition for the issuance of letters of administration. Section 2, Rule 79 of the Rules of Court reads:

Sec. 2. Contents of petition for letters of administration - A petition for letters of administration must be filed by an interested person and must show, so far as known to the petitioner:

- (a) jurisdictional facts;
- (b) The names, ages, and residences of the heirs and the names and residences of the creditors, of the decedent
- (c) The probative value and character of the property of the estate;
- (d) The name of the person for whom letters of administration are prayed;

But no defect in the petition shall render void the issuance of letters of administration. (underscoring ours).

The jurisdictional facts required in a petition for issuance of letters of administration are: (1) the death of the testator; (2) residence at the time of death in the province where the probate court is located; and (3) if the decedent was a non-resident, the fact of being a resident of a foreign country and that the decedent has left an estate in the province where the court is sitting.[19]

While paragraph 4 of the original petition stating:

(4) That Roberto Lim Chua, father of the above mentioned minors, died intestate on May 28, 1992 in Davao City.

failed to indicate the residence of the deceased at the time of his death, the omission was cured by the amended petitions wherein the same paragraph now reads:

(4) That Roberto Lim Chua, father of the abovementioned minors is a resident of Cotabato City and died intestate on May 28, 1992 at Davao City.[20] (Underscoring in the original.)

All told the original petition alleged substantially all the facts required to be stated in the petition for letters of administration. Consequently, there was no need to publish the amended petition as petitioner would insist in her second assignment of errors.

Be that as it may, petitioner has no legal standing to file the motion to dismiss as she is not related to the deceased, nor does she have any interest in his estate as creditor or otherwise. The Rules are explicit on who may do so:

Sec. 4. Opposition to petition for administration - Any interested person, may by filing a written opposition, contest the petition on .the ground of incompetency of the person for whom letters of administration are prayed therein, or on the ground of the contestant's own right to the administration, and may pray that letters issue to himself, or to any competent person or persons named in the opposition.

Only an interested person may oppose the petition for issuance of letters of administration. An interested person is one who would be benefited by the estate such as an heir, or one who has a claim against the estate, such as a creditor; his interest is material and direct, and not one that is only indirect or contingent.[21]

Petitioner was not able to prove her status as the surviving wife of the decedent. The best proof of marriage

between man and wife is a marriage contract which Antoinetta Chua failed to produce. The lower court correctly disregarded the photostat copy of the marriage certificate which she presented, this being a violation of the best evidence rule, together with other worthless pieces of evidence. The trial court correctly ruled in its 21 August 1992 Order that:

xxx Transfer Certificates of Title, Residence Certificates, passports and other similar documents cannot prove marriage especially so when the petitioner has submitted a certification from the Local Civil Registrar concerned that the alleged marriage was not registered and a letter from the judge alleged to have solemnized the marriage that he has not solemnized said alleged marriage. xxx[22]

Under her third assignment of error, petitioner claims that the trial court issued its orders, Annexes “P” to “T” without prior hearing or notice to her, thus, depriving her of due process.

The orders referred to by petitioner are: Order dated 31 August 1992 appointing Romulo Lim Uy, first cousin of the deceased, as special administrator of the estate; Order dated 31 August 1992 appointing private respondent as guardian over the person and property of the minors; Order dated 5 August 1993, directing the transfer of the remains of the deceased from Davao City to Cotabato City; Order dated 6 September 1993 directing petitioner to turn over a Mitsubishi Gallant car owned by the estate of the deceased to the special administrator; and Order dated 28 September 1993, authorizing the sheriff to break open the deceased’s house for the purpose of conducting an inventory of the properties found therein, after the sheriff was refused entry to the house by the driver and maid of petitioner.

Apart from the fact that petitioner was not entitled to notice of the proceedings of the trial court, not being able to establish proof of her alleged marriage to the deceased, or of her interest in the estate as creditor or otherwise, petitioner categorically stated in the instant petition that on 25 October 1993 she filed a motion praying for the recall of the letters of administration issued by the trial court and another motion dated 5 August 1993 praying that the proceedings conducted by the trial court be declared as a mistrial and the court orders relative thereto be set aside and nullified. Petitioner further stated that her motions were denied by the trial court in its Order dated 22 November 21, 1993 and that on 30 November 1993 she filed a motion for reconsideration of the order of denial which in turn was denied by the trial court on 13 December 1993.

Due process was designed to afford opportunity to be heard, not that an actual hearing should always and indispensably be held.[23] The essence of due process is simply an opportunity to be heard. [24] Here, even granting that the petitioner was not notified of the orders of the trial court marked as Exhibits “P” to “T,” inclusive, nonetheless, she was duly heard in her motions to recall letters of administration and to declare the proceedings of the court as a “mistrial,” which motions were denied in the Order dated 22 November 1993.[25] A motion for the reconsideration of this order of denial was also duly heard by the trial court but was denied in its Order of 13 December 1993.[26]

Denial of due process cannot be successfully invoked by a party who has had the opportunity to be heard on his motion for reconsideration.[27]

As to the last assignment of errors, we agree with the Court of Appeals that the proper remedy of the petitioner in said court was an ordinary appeal and not a special civil action for certiorari; which can be availed of if a party has no plain, speedy and adequate remedy in the ordinary course of law. Except for her bare allegation that an ordinary appeal would be inadequate, nothing on record would indicate that extraordinary remedy of certiorari or prohibition is warranted.

Finally, petitioner further argues as supplement to her memorandum that the ruling of the Court of Appeals treating the Special Proceeding No. 331 as one for both guardianship and settlement of estate is in contravention

of our ruling in Gomez vs. Imperial,[28] which the petitioner quotes:

The distribution of the residue of the estate of the deceased is a function pertaining properly not to the guardianship proceedings, but to another proceeding which the heirs are at liberty to initiate.

Petitioner's reliance on said case is misplaced. In the Gomez case, the action before the lower court was merely one for guardianship. Therefore said court did not have the jurisdiction to distribute the estate of the deceased. While in the case at bar, the petition filed before the court was both for guardianship and settlement of estate.

IN VIEW OF THE FOREGOING, the petition of petitioner Antoinetta Chua is hereby denied.

SO ORDERED.

Narvasa, C.J., Romero, and Purisima, JJ., concur.

[1] Rollo, p. 45.

[2] Id., at 51.

[3] Id., at 53.

[4] Id., at 60.

[5] Id., at 66-68

[6] Id., at 64-65.

[7] Id., at 66-68.

[8] Id., at 69.

[9] Id., at 71.

[10] Id., at 110-111.

[11] Id., at 113-118.

[12] Id., at 122-123.

[13] Id., at 124.

[14] Id., at 31-37.

[15] Id., at 15-16.

[16] Id., at 11.

[17] Ibid.

[18] Id., at 45.

[19] Diez Serra, 51 Phil. 283; Santos v. Castillo, 64 Phil. 211, Moran, Commentaries on the Rules of Court, Vol III 1980 ed.

[20] Id., at 60.

[21] Pilipinas Shell Petroleum vs. Dumlao, 206 SCRA 40.

[22] Rollo, p. 67.

[23] Pamantasan ng Lungsod ng Maynila vs. Civil Service Commission, 241 SCRA 506

[24] Roces vs. Aportadera, 243 SCRA 108.

[25] Rollo, pp. 122-123.

[26] Id., at 124.

[27] Rubenecia vs. Civil Service Commission, 244 SCRA 640; Rodriguez vs. Project 6 Market Service Cooperative, Inc., 247 SCRA 528.

[28] 25 SCRA 883; 888.

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