

**IN THE MATTER OF THE INTESTATE ESTATE OF FELISA F. HARRIS,
DECEASED. ANNE H. MOLL, ADMINISTRATRIX AND APPELLANT, VS.
ROSE HARRIS AND WILLIAM HARRIS, PETITIONERS AND
APPELLEES.**

G. R. No. 13926. December 29, 1959

Ponente: BARRERA, J.

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BARRERA, J.:

This is an appeal taken from an order issued by the Court of First Instance of Rizal (in Special Proceeding No. 2144) on January 30, 1956, removing appellant Annie Harris Moll from her office as Administratrix of the Intestate Estate of her deceased mother, Felisa F. Harris; ordering her to reimburse to the funds of the estate within 30 days from notice of the order, the sum of P11,687.67; directing her to submit a statement of the value of the 55 common shares of the "La Fabrica de Cerveza de San Miguel" sold on March 19, 1955 and to deposit with the Clerk of Court the sum of P1,700 placed in her own account at the Commercial Bank & Trust Co.

It appears that on September 15, 1955, the administratrix-appellant filed a verified ex-parte petition for authority to mortgage the house and lot Under her administration, situated in San Juan, Rizal, with an assessed value of P10,340.00, for the purpose of securing funds to be used in finishing the construction of the house erected on said lot, with the express conformity of petitioners-appellees William and Rose Harris, two of the five surviving children of the deceased.¹ On September 17, 1955, the court issued an order granting her the authority to mortgage said house and lot, for a sum not to exceed P20,000.00 "said amount to be utilized for the purpose stated in the petition, namely, in finishing the construction of said house and lot."

On September 22, 1955, contrary to the authority granted her, the administratrix-appellant obtained from the Philippine National Bank an agricultural and or commercial loan for P19,000.00, and out of the proceeds thereof, she paid Caruso S. Moll, her husband, the sum of P6,000.00 in reimbursement, so she alleged, of his advances for the construction of the house of the deceased during her lifetime; P500.00 each to appellees Rose and William Harris; and the balance in the sum of P11,687.67 she invested in the Moll Enterprises allegedly "for the purpose of deriving profits with which to pay all the obligations of the intestacy." The mortgage constituted in favor of the Philippine National Bank to guarantee the loan has never been submitted to the court for approval.

Required to make an explanation of her actuation, the administratrix-appellant filed a written manifestation claiming that the dispositions of the proceeds of the mortgage were made with the verbal conformity of the petitioners-appellees. In the same manifestation, she prayed (1) that the order of the court dated December 10, 1955, requiring her to deposit the proceeds of the mortgage with a banking institution be reconsidered and set aside; and (2) that the order of the court dated September 17, 1955, be modified to the extent of authorizing the dispositions she had already made of the amount obtained from the Philippine National Bank, the same having been made in good faith and being beneficial to the intestate estate under administration.

On January 25, 1956, the petitioners-appellees filed an opposition to the aforesaid manifestation (explanation) of

the administratrix-appellant, and the court finding the dispositions a grave violation of the authority granted, on January 30, 1956, issued an order in the tenor set forth at the beginning of this opinion.

On February 6, 1956, the administratrix-appellant appealed to the Court of Appeals, but said Court, in its resolution of April 28, 1958, certified the case to this Court stating:

"The main questions poised in this appeal are: whether the authority to mortgage was validly granted; whether the mortgage contract executed in virtue thereof is valid and binding upon the estate; and whether the proceeds of the said mortgage are funds of the administration of the estate which must be accounted for by the administratrix-appellant. On the previous resolution of these questions depends the final judgment on whether the order appealed from should be affirmed or reversed.

"Considering that the foregoing questions, predicated on undisputed facts, are purely of law and come under the exclusive appellate jurisdiction of the Supreme Court, let this case be certified to the Supreme Court for final disposition, as prayed for by counsel for appellant."

We agree with the Court of Appeals that the issues raised by appellant-administratrix in this appeal are as stated in the foregoing quotation. But in the view we take of the case as a whole, these questions need not be decided in this instance because appellant is in estoppel to invoke the invalidity of the authority granted her at her own behest as well as of the mortgage executed by her, specially in the absence of the mortgagee, the Philippine National Bank, as a party to these proceedings. She can not take advantage of her own irregular, if not illegal, acts and argue therefrom that she is not accountable to the intestate estate under her administration for the funds received by her because the authority with which she succeeded in obtaining them was invalid and that, therefore, the money did not belong to the estate. The fact is that the money was delivered to, and receipted for by her as administratrix of the estate. Whether the authority granted to her was sufficient or not, and whether the estate is bound or not, she must account for the funds and place the same under the disposal of the court that extended the authority to her. This is exactly what the trial court did and we find no reason to disturb its finding.

Wherefore, the order appealed from is affirmed, with costs against the appellant. It is so ordered.

Paras, C. J., Bengzon, Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Endencia, and Gutierrez David, JJ., concur.

[1] The other two, Robert and James Harris, are in the United States.

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