

**CAROLINA CAMAYA, FERDINAND CAMAYA, EDGARDO CAMAYA
AND ANSELMO MANGULABNAN, PETITIONERS, VS. BERNARDO
PATULANDONG, RESPONDENT.**

G.R. No. 144915. February 23, 2004

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

Before this Court is a petition for review on certiorari under Rule 45 of the 1997 Revised Rules of Court seeking the reversal of the Court of Appeals Decision dated June 19, 2000 in CA-G.R. CV No. 53757, “In re: Petition for the Probate of the Codicil (Will) of Rufina Reyes; Bernardo Patulandong v. Anselmo Mangulabnan v. Carolina G. Camaya, Ferdinand Camaya and Edgardo Camaya.”

On November 17, 1972, Rufina Reyes (testatrix) executed a notarized will wherein she devised, among others, Lot No. 288-A to her grandson Anselmo Mangulabnan (Mangulabnan). The pertinent portion of her will reads:

IKALIMA. — Aking inihahayag at ginagawa na tagapagmana, sa aking kusang loob, ang pinalaki kong APO na si ANSELMO P. MANGULABNAN, may sapat na gulang, kasal kay Flora Umagap, at naninirahan sa San Lorenzo, Gapan, Nueva Ecija, at anak ng aking anak na si SIMPLICIA, at sa aking APO na si ANSELMO ay aking ipinagkakaloob at ipinamamana, sa aking pagkamatay, ang mga sumusunod kong pagaari:

LOT NO. TITLE NO. KINALALAGYAN

NABANGGIT SA

288-A NT-47089 Sta. Cruz (1) p. 2

3348-A 100629 Poblacion (2) p. 2

3349-B 100630 Poblacion (3) p. 2

xxx[1] (Underscoring in the original;

emphasis supplied)

The testatrix’s son Bernardo Patulandong (Patulandong), respondent herein, was in the will appointed as the executor.

During her lifetime, the testatrix herself filed a petition for the probate of her will before the then Court of First Instance (CFI) of Nueva Ecija where it was docketed as Sp. Pro. No. 128.

By Order[2] of January 11, 1973, the CFI admitted the will to probate.

On June 27, 1973, the testatrix executed a codicil modifying above-quoted paragraph five of her will in this wise:

UNA. — Ang Lote No. 288-A na nakalagay sa barrio ng Sta. Cruz, Gapan, Nueva Ecija, magsukat 36,384 metro cuadrados, at nagtataglay ng TCT No. NT-47089, na aking ipinamana sa aking apang si ANSELMO P. MANGULABNAN, sangayon sa Pangkat IKA-LIMA, pp. 5-6, ng aking HULING HABILIN (Testamento), ay ipinasiya kong ipagkaloob at ipamana sa aking mga anak na sina BERNARDO, SIMPLICIA, GUILLERMA at JUAN nagaapellidong PATULANDONG, at sa aking apang si ANSELMO P. MANGULABNAN, sa magkakaparehong bahagi na tig-ikalimang bahagi bawat isa sa kanila.

IKALAWA. — Na maliban sa pagbabagong ito, ang lahat ng mga tadhana ng aking HULING HABILIN ay aking pinagtitiyay na muli.

x x x[3] (Underscoring in the original; emphasis supplied)

On May 14, 1988, the testatrix died.

Mangulabnan later sought the delivery to him by executor Patulandong of the title to Lot 288-A. Patulandong refused to heed the request, however, in view of the codicil which modified the testator's will.

Mangulabnan thus filed an "action for partition" against Patulandong with the Regional Trial Court of Gapan, Nueva Ecija, docketed as Civil Case No. 552 (the partition case).

On June 8, 1989, the trial court rendered a decision in the partition case,[4] the dispositive portion of which reads:

WHEREFORE, the court orders the partitioning of the properties and the defendant to deliver the copy of the Transfer Certificate of Title No. NT-47089.

However, in view of the case cited by the plaintiff himself, the court holds that the partition is without prejudice [to]... the probate of the codicil in accordance with the Rules of Court, [P]alacios vs. Catimbang Palacios cited by the plaintiff:

"After a will has been probated during the lifetime of the testator, it does not necessarily mean that he cannot alter or revoke the same before his death. Should he make a new will, it would also be allowable of his petition and if he should die before he had a chance to present such petition, the ordinary probate proceedings after the testator's death would be in order."

The Court also orders that the right of the tenants of the agricultural land in question should be protected meaning to say that the tenants should not be ejected. (Emphasis and underscoring supplied)

On July 17, 1989 Patulandong filed before the Regional Trial Court of Nueva Ecija a petition[5] for probate of the codicil of the testatrix, docketed as Sp. Proc. No. 218.

On December 28, 1989, the probate court issued an Order[6] setting the petition for hearing and ordering the publication of said order.

On February 7, 1991, by virtue of the decision in the partition case, Mangulabnan caused the cancellation of the title of the testatrix over Lot No. 288-A and TCT No. NT-215750[7] was issued in his name.

Mangulabnan later sold to herein petitioners Camayas Lot No. 288-A by a Deed of Sale dated February 19, 1991.[8] TCT No. NT-215750 was thus cancelled and TCT No. NT-216446[9] was issued in the name of the

Camayas.

On January 16, 1996, the trial rendered a decision[10] in Sp. Proc. No. 218 admitting the codicil to probate and disposing as follows:

WHEREFORE, in view of all the foregoing, judgment is hereby rendered in the following manner:

1. Declaring Transfer Certificate of Title No. NT-215750 issued by the Register of Deeds of Nueva Ecija in the name of Anselmo Mangulabnan dated February 7, 1991 and the Deed of Absolute Sale executed by him in favor of the intervenors Carolina, Ferdinand and Edgardo, all surnamed Camaya on February 19, 1991 and Transfer Certificate of Title No. NT-216446 under date March 18, 1991 issued in the names of the above-named intervenors as NULL and VOID and of no force and effect; and,

2. Ordering the Register of Deeds of Nueva Ecija to cancel Transfer of Certificate of Title Nos. NT-215750 and NT-216446 and reissue the corresponding Certificate of Titles to Bernardo R. Patulandong, Filipino, married to Gorgonia Mariano residing at San Vicente, Gapan, Nueva Ecija, Juan R. Patulandong, Filipino, widower and residing at San Lorenzo, Gapan, Nueva Ecija; Guillerma R. Patulandong Linsangan of legal age, Filipino, widow and residing at San Vicente, Gapan, Nueva Ecija, Simplicia R. Patulandong Mangulabnan, of legal age, widow, and residing at San Lorenzo, Gapan, Nueva Ecija and her grandson, Anselmo Mangulabnan with full personal circumstances stated herein to the extent of one fifth (1/5) each pursuant to the approved codicil (will) of Rufina Reyes dated June 27, 1973.[11]

The Camayas who had been allowed to intervene in Sp. Proc. No. 218, and Mangulabnan, filed a Motion for Reconsideration of the above-said decision but it was denied by Order[12] of February 28, 1996.

On appeal to the Court of Appeals, the Camayas and Mangulabnan (hereinafter referred to as petitioners) raised the following errors:

1. THERE WERE SERIOUS SUBSTANTIAL DEPARTURES FROM THE FORMALITIES REQUIRED BY THE RULES, THE LAW, AND THE AUTHORITY OF THE REGIONAL TRIAL COURT SETTING AS A PROBATE COURT.

2. THE OPPOSITOR DID NOT ONLY ACQUIRE LOT NO. 288-A BY WILL BUT HE ALSO ACQUIRED THE SAME BY PARTITION IN A CIVIL CASE WHERE THE DECISION HAS ALREADY REACHED ITS FINALITY AND THEREFORE CAN NO LONGER BE NEGATED BY A QUESTIONABLE CODICIL.

3. THAT THE SUBJECT LOT 288-A IS NO LONGER WITHIN THE REACHED (sic) OF THE PETITIONER CONSIDERING THAT THE OPPOSITOR VENDOR HAD A CLEAN TITLE AND THAT THE INTERVENORS-VENDEED HAD ACQUIRED THE SAME BY WAY OF SALE AS INNOCENT PURCHASER IN GOOD FAITH AND FOR VALUE.[13]

By Decision[14] of June 19, 2000, the Court of Appeals affirmed that of the trial court.

Hence, the present petition for Review on Certiorari proffering the following issues:

1. Whether the probate court exceeded its jurisdiction when it declared null and void and ordered the cancellation of the TCTs of petitioners and the deed of sale; and

2. Whether the final judgment in Civil Case No. 552 bars the allowance of the codicil.

As to the first issue, petitioners contend that the under the law, the probate court has no power, authority, and jurisdiction to declare null and void the sale and titles of petitioners;[15] and that the probate court can only resolve the following issues:

1. Whether or not the instrument which is offered for probate is the last will and testament of the decedent; in

other words, the question is one of identity[;]

2. Whether or not the will has been executed in accordance with the formalities prescribed by law; in other words, the question is one of due execution[; and]

3. Whether the testator had testamentary capacity at the time of the execution of the will; in other words, the question is one of capacity.[16]

In *Cuizon v. Ramolete*, [17] this Court elucidated on the limited jurisdiction of a probate court, to wit:

It is well-settled rule that a probate court or one in charge of proceedings whether testate or intestate cannot adjudicate or determine title to properties claimed to be a part of the estate and which are equally claimed to belong to outside parties. All that said court could do as regards said properties is to determine whether they should or should not be included in the inventory or list of properties to be administered by the administrator. If there is no dispute, well and good; but if there is, then the parties, the administrator, and the opposing parties have to resort to an ordinary action for a final determination of the conflicting claims of title because the probate court cannot do so.

x x x

Having been apprised of the fact that the property in question was in the possession of third parties and more important, covered by a transfer certificate of title issued in the name of such third parties, the respondent court should have denied the motion of the respondent administrator and excluded the property in question from the inventory of the property of the estate. It had no authority to deprive such third persons of their possession and ownership of the property. x x x (Emphasis and underscoring supplied)

Following *Cuizon*, the probate court exceeded its jurisdiction when it further declared the deed of sale and the titles of petitioners null and void, it having had the effect of depriving them possession and ownership of the property.

Moreover, following Section 48 of the Property Registry Decree which reads:

SECTION 48. Certificate not subject to collateral attack. — A certificate of title shall not be subject to collateral attack. It cannot be altered, modified, or cancelled except in a direct proceeding in accordance with law,

petitioners' titles cannot, under probate proceedings, be declared null and void.

As to the second issue, petitioners argue that by allowing the codicil to probate, it in effect amended the final judgment in the partition case which is not allowed by law;[18] and that petitioner Camayas are innocent purchasers for value and enjoy the legal presumption that the transfer was lawful.[19]

Petitioners' first argument does not persuade.

Though the judgment in the partition case had become final and executory as it was not appealed, it specifically provided in its dispositive portion that the decision was "without prejudice [to] ... the probate of the codicil." The rights of the prevailing parties in said case were thus subject to the outcome of the probate of the codicil.

The probate court being bereft of authority to rule upon the validity of petitioners' titles, there is no longer any necessity to dwell on the merits of petitioners Camayas' claim that they are innocent purchasers for value and enjoy the legal presumption that the transfer was lawful.

WHEREFORE, the petition is GRANTED IN PART.

The Decision of the Court of Appeals dated June 19, 2000 in CA-G.R. CV No. 53757 affirming the January 16, 1996 Decision of Regional Trial Court, Branch 35, of Gapan, Nueva Ecija, is hereby AFFIRMED with

MODIFICATION.

The decision allowing the codicil is **AFFIRMED**, but the 1) declaration as null and void of Transfer Certificate of Title No. NT-215750 issued on February 7, 1991 by the Register of Deeds of Nueva Ecija in the name of Anselmo Mangulabnan, the February 19, 1991 Deed of Absolute Sale executed by him in favor of the intervenors - herein petitioners Carolina, Ferdinand and Edgardo Camaya, and Transfer Certificate of Title No. NT-216446 issued on March 18, 1991 in favor of the petitioners Camayas, and 2) the order for the Register of Deeds of Nueva Ecija to cancel Transfer of Certificate of Title Nos. NT-215750 and NT-216446 and reissue the corresponding Certificate of Titles to Bernardo R. Patulandong, Juan R. Patulandong, Guillerma R. Patulandong Linsangan, Simplicia R. Patulandong Mangulabnan, and Anselmo Mangulabnan to the extent of one-fifth (1/5) each pursuant to the approved codicil are **SET ASIDE**, without prejudice to respondent and his co-heirs' ventilation of their right in an appropriate action.

SO ORDERED.

Vitug, (Chairman), Sandoval-Gutierrez, and Corona, JJ., concur.

[1] Records at 9-10.

[2] Id. at 13-14.

[3] Id. at 15-16.

[4] Id. at 29-36.

[5] Id. at 1-2.

[6] Id. at 23.

[7] Rollo at 88.

[8] Vide Entry No. 7816/NT-216-446 inscribed in TCT No. NT-215750; Rollo at 88.

[9] Rollo at 89.

[10] Records at 244-248.

[11] Id. at 248.

[12] Id. at 271.

[13] Court of Appeals (CA) Rollo at 40-41.

[14] Rollo at 7-20.

[15] Id. at 30.

[16] Id. at 31.

[17] 129 SCRA 495 (1984).

[18] Rollo at 34.

[19] Id. at 35 - 36.

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