

PAZ SAMANIEGO-CELADA, PETITIONER, VS. LUCIA D. ABENA, RESPONDENT.

G.R. No. 145545. June 30, 2008

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

This is a petition for review under Rule 45 of the 1997 Rules of Civil Procedure seeking to reverse the Decision[1] dated October 13, 2000 of the Court of Appeals in CA-G.R. CV No. 41756, which affirmed the Decision[2] dated March 2, 1993 of the Regional Trial Court (RTC), Branch 66, Makati City. The RTC had declared the last will and testament of Margarita S. Mayores probated and designated respondent Lucia D. Abena as the executor of her will. It also ordered the issuance of letters testamentary in favor of respondent.

The facts are as follows:

Petitioner Paz Samaniego-Celada was the first cousin of decedent Margarita S. Mayores (Margarita) while respondent was the decedent's lifelong companion since 1929.

On April 27, 1987, Margarita died single and without any ascending nor descending heirs as her parents, grandparents and siblings predeceased her. She was survived by her first cousins Catalina Samaniego-Bombay, Manuelita Samaniego Sajonia, Feliza Samaniego, and petitioner.

Before her death, Margarita executed a Last Will and Testament[3] on February 2, 1987 where she bequeathed one-half of her undivided share of a real property located at Singalong Manila, consisting of 209.8 square meters, and covered by Transfer Certificate of Title (TCT) No. 1343 to respondent, Norma A. Pahingalo, and Florentino M. Abena in equal shares or one-third portion each. She likewise bequeathed one-half of her undivided share of a real property located at San Antonio Village, Makati, consisting of 225 square meters, and covered by TCT No. 68920 to respondent, Isabelo M. Abena, and Amanda M. Abena in equal shares or one-third portion each. Margarita also left all her personal properties to respondent whom she likewise designated as sole executor of her will.

On August 11, 1987, petitioner filed a petition for letters of administration of the estate of Margarita before the RTC of Makati. The case was docketed as SP Proc. No. M-1531.

On October 27, 1987, respondent filed a petition for probate of the will of Margarita before the RTC of Makati. The case was docketed as SP Proc. No. M-1607 and consolidated with SP Proc. No. M-1531.

On March 2, 1993, the RTC rendered a decision declaring the last will and testament of Margarita probated and respondent as the executor of the will. The dispositive portion of the decision states:

In view of the foregoing, judgment is hereby rendered:

- 1) declaring the will as probated;

2) declaring Lucia Abena as the executor of the will who will serve as such without a bond as stated in paragraph VI of the probated will;

3) ordering the issuance of letters testamentary in favor of Lucia Abena.

So ordered.[4]

Petitioner appealed the RTC decision to the Court of Appeals. But the Court of Appeals, in a decision dated October 13, 2000, affirmed in toto the RTC ruling. The dispositive portion of the Court of Appeals' decision states:

WHEREFORE, foregoing premises considered, the appeal having no merit in fact and in law, is hereby ORDERED DISMISSED and the appealed Decision of the trial court AFFIRMED IN TOTO, with cost to oppositors-appellants.

SO ORDERED.[5]

Hence, the instant petition citing the following issues:

I.

WHETHER OR NOT THE COURT OF APPEALS COMMITTED A REVERSIBLE ERROR IN NOT INVALIDATING THE WILL SINCE IT DID NOT CONFORM TO THE FORMALITIES REQUIRED BY LAW;

II.

WHETHER OR NOT THE COURT OF APPEALS COMMITTED ERROR IN NOT INVALIDATING THE WILL BECAUSE IT WAS PROCURED THROUGH UNDUE INFLUENCE AND PRESSURE[;] AND

III.

WHETHER OR NOT THE COURT OF APPEALS GRAVELY ERRED IN NOT DECLARING PETITIONER, HER SIBLINGS AND COUSIN AS THE LEGAL HEIRS OF MARGARITA S. MAYORES AND IN NOT ISSUING LETTERS OF ADMINISTRATION TO HER.[6]

Briefly stated, the issues are (1) whether the Court of Appeals erred in not declaring the will invalid for failure to comply with the formalities required by law, (2) whether said court erred in not declaring the will invalid because it was procured through undue influence and pressure, and (3) whether it erred in not declaring petitioner and her siblings as the legal heirs of Margarita, and in not issuing letters of administration to petitioner.

Petitioner, in her Memorandum,[7] argues that Margarita's will failed to comply with the formalities required under Article 805[8] of the Civil Code because the will was not signed by the testator in the presence of the instrumental witnesses and in the presence of one another. She also argues that the signatures of the testator on pages A, B, and C of the will are not the same or similar, indicating that they were not signed on the same day. She further argues that the will was procured through undue influence and pressure because at the time of execution of the will, Margarita was weak, sickly, jobless and entirely dependent upon respondent and her nephews for support, and these alleged handicaps allegedly affected her freedom and willpower to decide on her own. Petitioner thus concludes that Margarita's total dependence on respondent and her nephews compelled her to sign the will. Petitioner likewise argues that the Court of Appeals should have declared her and her siblings as the legal heirs of Margarita since they are her only living collateral relatives in accordance with Articles 1009[9] and 1010[10] of the Civil Code.

Respondent, for her part, argues in her Memorandum[11] that the petition for review raises questions of fact, not

of law and as a rule, findings of fact of the Court of Appeals are final and conclusive and cannot be reviewed on appeal to the Supreme Court. She also points out that although the Court of Appeals at the outset opined there was no compelling reason to review the petition, the Court of Appeals proceeded to tackle the assigned errors and rule that the will was validly executed, sustaining the findings of the trial court that the formalities required by law were duly complied with. The Court of Appeals also concurred with the findings of the trial court that the testator, Margarita, was of sound mind when she executed the will.

After careful consideration of the parties' contentions, we rule in favor of respondent.

We find that the issues raised by petitioner concern pure questions of fact, which may not be the subject of a petition for review on certiorari under Rule 45 of the Rules of Civil Procedure.

The issues that petitioner is raising now i.e., whether or not the will was signed by the testator in the presence of the witnesses and of one another, whether or not the signatures of the witnesses on the pages of the will were signed on the same day, and whether or not undue influence was exerted upon the testator which compelled her to sign the will, are all questions of fact.

This Court does not resolve questions of fact in a petition for review under Rule 45 of the 1997 Rules of Civil Procedure. Section 1[12] of Rule 45 limits this Court's review to questions of law only.

Well-settled is the rule that the Supreme Court is not a trier of facts. When supported by substantial evidence, the findings of fact of the Court of Appeals are conclusive and binding on the parties and are not reviewable by this Court, unless the case falls under any of the following recognized exceptions:

- (1) When the conclusion is a finding grounded entirely on speculation, surmises and conjectures;
- (2) When the inference made is manifestly mistaken, absurd or impossible;
- (3) Where there is a grave abuse of discretion;
- (4) When the judgment is based on a misapprehension of facts;
- (5) When the findings of fact are conflicting;
- (6) When the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee;
- (7) When the findings are contrary to those of the trial court;
- (8) When the findings of fact are conclusions without citation of specific evidence on which they are based;
- (9) When the facts set forth in the petition as well as in the petitioners' main and reply briefs are not disputed by the respondents; and
- (10) When the findings of fact of the Court of Appeals are premised on the supposed absence of evidence and contradicted by the evidence on record.[13]

We find that this case does not involve any of the abovementioned exceptions.

Nonetheless, a review of the findings of the RTC as upheld by the Court of Appeals, reveal that petitioner's arguments lack basis. The RTC correctly held:

With [regard] to the contention of the oppositors [Paz Samaniego-Celada, et al.] that the testator [Margarita Mayores] was not mentally capable of making a will at the time of the execution thereof, the same is without merit. The oppositors failed to establish, by preponderance of evidence, said allegation and contradict the

presumption that the testator was of sound mind (See Article 800 of the Civil Code). In fact, witness for the oppositors, Dr. Ramon Lamberte, who, in some occasions, attended to the testator months before her death, testified that Margarita Mayores could engage in a normal conversation and he even stated that the illness of the testator does not warrant hospitalization.... Not one of the oppositor's witnesses has mentioned any instance that they observed act/s of the testator during her lifetime that could be construed as a manifestation of mental incapacity. The testator may be admitted to be physically weak but it does not necessarily follow that she was not of sound mind. [The] testimonies of contestant witnesses are pure aforethought.

Anent the contestants' submission that the will is fatally defective for the reason that its attestation clause states that the will is composed of three (3) pages while in truth and in fact, the will consists of two (2) pages only because the attestation is not a part of the notarial will, the same is not accurate. While it is true that the attestation clause is not a part of the will, the court, after examining the totality of the will, is of the considered opinion that error in the number of pages of the will as stated in the attestation clause is not material to invalidate the subject will. It must be noted that the subject instrument is consecutively lettered with pages A, B, and C which is a sufficient safeguard from the possibility of an omission of some of the pages. The error must have been brought about by the honest belief that the will is the whole instrument consisting of three (3) pages inclusive of the attestation clause and the acknowledgement. The position of the court is in consonance with the "doctrine of liberal interpretation" enunciated in Article 809 of the Civil Code which reads:

"In the absence of bad faith, forgery or fraud, or undue [and] improper pressure and influence, defects and imperfections in the form of attestation or in the language used therein shall not render the will invalid if it is proved that the will was in fact executed and attested in substantial compliance with all the requirements of Article 805."

The court also rejects the contention of the oppositors that the signatures of the testator were affixed on different occasions based on their observation that the signature on the first page is allegedly different in size, texture and appearance as compared with the signatures in the succeeding pages. After examination of the signatures, the court does not share the same observation as the oppositors. The picture (Exhibit "H-3") shows that the testator was affixing her signature in the presence of the instrumental witnesses and the notary. There is no evidence to show that the first signature was procured earlier than February 2, 1987.

Finally, the court finds that no pressure nor undue influence was exerted on the testator to execute the subject will. In fact, the picture reveals that the testator was in a good mood and smiling with the other witnesses while executing the subject will (See Exhibit "H").

In fine, the court finds that the testator was mentally capable of making the will at the time of its execution, that the notarial will presented to the court is the same notarial will that was executed and that all the formal requirements (See Article 805 of the Civil Code) in the execution of a will have been substantially complied with in the subject notarial will.[14] (Emphasis supplied.)

Thus, we find no reason to disturb the abovementioned findings of the RTC. Since, petitioner and her siblings are not compulsory heirs of the decedent under Article 887[15] of the Civil Code and as the decedent validly disposed of her properties in a will duly executed and probated, petitioner has no legal right to claim any part of the decedent's estate.

WHEREFORE, the petition is DENIED. The assailed Decision dated October 13, 2000 of the Court of Appeals in CA-G.R. CV No. 41756 is AFFIRMED.

Costs against petitioner.

SO ORDERED.

Carpio Morales, Tinga, Velasco, Jr., and Brion, JJ., concur.

[1] Rollo, pp. 41-48. Penned by Associate Justice Jose L. Sabio, Jr., with Associate Justices Salvador J. Valdez, Jr. and Eliezer R. delos Santos concurring.

[2] Id. at 34-40. Penned by Judge Eriberto U. Rosario, Jr.

[3] Id. at 31-33.

[4] Id. at 40.

[5] Id. at 47.

[6] Id. at 85.

[7] Id. at 82-102.

[8] Art. 805. Every will, other than a holographic will, must be subscribed at the end thereof by the testator himself or by the testator's name written by some other person in his presence, and by his express direction, and attested and subscribed by three or more credible witnesses in the presence of the testator and of one another.

The testator or the person requested by him to write his name and the instrumental witnesses of the will, shall also sign, as aforesaid, each and every page thereof, except the last, on the left margin, and all the pages shall be numbered correlatively in letters placed on the upper part of each page.

The attestation shall state the number of pages used upon which the will is written, and the fact that the testator signed the will and every page thereof, or caused some other person to write his name, under his express direction, in the presence of the instrumental witnesses, and that the latter witnessed and signed the will and all the pages thereof in the presence of the testator and of one another.

If the attestation clause is in a language not known to the witnesses, it shall be interpreted to them.

[9] Art. 1009. Should there be neither brothers nor sisters nor children of brothers or sisters, the other collateral relatives shall succeed to the estate.

The latter shall succeed without distinction of lines or preference among them by reason of relationship by the whole blood.

[10] Art. 1010. The right to inherit ab intestato shall not extend beyond the fifth degree of relationship in the collateral line.

[11] Rollo, pp. 108-111.

[12] SECTION 1. Filing of petition with Supreme Court.—A party desiring to appeal by certiorari from a judgment or final order or resolution of the Court of Appeals, the Sandiganbayan, the Regional Trial Court or other courts whenever authorized by law, may file with the Supreme Court a verified petition for review on certiorari. The petition shall raise only questions of law which must be distinctly set forth.

[13] Ontimare, Jr. v. Elep, G.R. No. 159224, January 20, 2006, 479 SCRA 257, 265.

[14] Rollo, pp. 38-40.

[15] Art. 887. The following are compulsory heirs:

- (1) Legitimate children and descendants, with respect to their legitimate parents and ascendants;
- (2) In default of the foregoing, legitimate parents and ascendants, with respect to their legitimate children and descendants;
- (3) The widow or widower;
- (4) Acknowledged natural children, and natural children by legal fiction;
- (5) Other illegitimate children referred to in article 287.

Compulsory heirs mentioned in Nos. 3, 4 and 5 are not excluded by those in Nos. 1 and 2; neither do they exclude one another.

In all cases of illegitimate children, their filiation must be duly proved.

The father or mother of illegitimate children of the three classes mentioned, shall inherit from them in the manner and to the extent established by this Code.

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