

ROMAN CATHOLIC ARCHBISHOP OF MANILA, APPLICANT AND APPELLANT, VS. ENCARNACION AGUSTINES, ET AL., OPPOSITORS AND APPELLEES.

G.R. No. 14710, March 29, 1960

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

The land herein involved consists of nine hectares belonging to Generosa Agustines who inherited it from her father Lucino Agustines. When Generosa died in 1934, she left a will instituting her surviving spouse Severo Valenzuela as her universal heir because she does not have any child or descendant. The will Was admitted to probate in special Proceedings No. 4944 of the Court of First Instance of Bulacan.

Josefa Agustines, sister of the deceased, together with some nephews and nieces, opposed the probate of the will. However, on February 8, 1935 oppositors withdrew their opposition and as a result they executed with the surviving spouse an agreement wherein, among others, they bound themselves to respect the provisions of the will one of which reads: "encargo a mi marido que, despues de que haya percibido todos los bienes recayentes en mi herencia done * * * a la Iglesia Catolica de Polo otro porcion que no exceda de nueve hectares, a discrecion tambien de mi marido, del mismo terreno palayero e inculto, en el sitio de Quiririt, para que su producto se invierta en misas en sufragio de mi alma." In compliance with this mandate, the oppositors agreed to adjudicate the aforesaid nine hectares of land as wished by the deceased inserting in the agreement a clause wherein they set aside that portion, in order that its produce may be used for masses in behalf of her soul. The pertinent portion of the clause provides: "Con excepcion de, y despues de descontar aquella porcion de nueve (9) hectares, cuyo producto, la finada ha destinado, para misas en sufragio de su alma, a discrecion de su esposo, Sr. Severo Valenzuela, por disposicion testamentaria * * *." This agreement was approved by the probate court on October 31, 1936. In its order closing the estate, the Court said in part: "Archivese este expediente por terminado una vez justificada en los autos la entrega a las referidos adjudicatarios de sus respectivas hijuelas."

Severo Valenzuela, the universal heir, failed to carry out the mandate, or even to inform the Catholic Church of the legacy made in its favor, and so, the aforementioned oppositors filed on November 1, 1943, Civil Case No. 158 of the Court of First Instance of Bulacan against Valenzuela alleging that they are the legal heirs of the deceased who instituted Valenzuela as her universal heir charged with the legacy of nine hectares of riceland in favor of the Roman Catholic Church of Polo, but that after receiving the inheritance adjudicated to him he failed and refused to deliver said legacy, wherefore they claimed that they be declared legal owners of the land. The Roman Catholic Church, on learning of the legacy in its favor, filed on August 5, 1944 in said Civil Case No. 158, a complaint in intervention alleging that the deceased, in instituting her husband as universal heir, charged him with the obligation of donating to it a portion of her land not exceeding nine hectares but that said husband failed to execute the necessary deed of donation, wherefore it prayed that Severo Valenzuela be sentenced to transfer to the intervenor said portion of land and to render an accounting of its fruits.

Meantime, on September 7, 1944, Valenzuela filed a motion in the testate proceedings of his late wife (Special Proceedings No. 4944) praying that he be authorized to deliver a portion of the land worked on by one Benito Salazar to the Catholic Church of Polo as directed in the will, of which motion the oppositors were notified. In due time, the motion was approved. Subsequently, oppositors filed a motion to set aside the order on the ground, among others, that the order permits the delivery of only one-hectare instead of nine hectares given in the legacy and that the order would dispose of the issues raised by oppositors in Civil Case No. 158. This motion was denied, as well as the motion for reconsideration filed by the oppositors. On June 11, 1946, the oppositors instituted in the Supreme Court a petition for certiorari and prohibition against the probate court seeking the annulment of the order permitting the delivery on the ground that the court had no jurisdiction to issue it because the previous order rendered on October 31, 1936, approving the legacy of the Roman Catholic Church had become final and executory, and praying further that the probate court be prohibited from further proceeding in the case. The Supreme Court, in a decision promulgated April 3, 1958, annulled the order of the court on the ground that the previous order can no longer be modified. Severo Valenzuela, after receiving the decision of the Supreme Court, filed another petition in Special Proceedings No. 4944 praying this time for authority to deliver nine hectares to the legatee, which petition was objected to by the oppositors who argued that "to authorize Severo Valenzuela to deliver now the nine (9) hectares of land to the Roman Catholic Archbishop of Manila, will constitute a prejudgment of Civil Case No. 158 pending in the same Court." Valenzuela replied to this opposition setting forth the argument that the testamentary proceedings of Generosa Agustines has not yet been definitely closed and that the oppositors are already estopped to question the donation in view of the compromise they submitted to the Court. On May 14, 1948, after hearing all parties, the probate court granted the petition authorizing Severo Valenzuela to donate the nine hectares to the Church. This order became final for lack of appeal.

On June 30, 1948, pursuant to the order of the court, Severo Valenzuela executed the deed of donation in favor of the Roman Catholic Church. This donation was accepted, and the document was registered in the Office of the Register of Deeds of Bulacan on September 17, 1951. Thereafter, the Church took possession of the property.

Having already succeeded in acquiring and possessing the land which was the object of its complaint in intervention in Civil Case No. 158, the Church filed on December 13, 1948 a motion to dismiss its complaint in so far as the nine hectares are concerned, which motion was duly granted. And on September 7, 1951, the Church instituted the present proceedings for registration before the Court of First Instance of Bulacan in order that the land may be registered in its name in accordance with the Land Registration Law. After the requisite publication, the application was called for initial hearing on March 25, 1952 where only the oppositors appeared to oppose the application. Then an order of general default against the whole world was entered by the court. On April 3, 1952 the oppositors filed their opposition to the application claiming that they are the owners in fee simple of the land for having inherited it from the deceased Generosa Agustines, that its ownership was decreed in their favor in Civil Case No. 158, and that, the donation executed by Valenzuela in favor of the applicant was declared invalid in said civil case.

After due trial, the lower court rendered decision on November 15, 1956, ordering the registration of the land subject of the application in favor of the oppositors, but ordering the oppositors to refund to the applicant the fees for registration of the application and for publication, as well as the cost of making the plans. This is the decision now subject of this appeal. It was certified to this Court by the Court of Appeals on the ground that it merely involves questions of law.

The main question to be determined is whether the probate court had jurisdiction to act on the petition for authority to donate and deliver the nine hectares in question to appellant filed by the trustee Severo Valenzuela in Special Proceedings No. 4944 it appearing that nearly twelve years had elapsed since said motion was filed and

the probate court had already declared the testamentary proceedings closed and terminated.

Appellee claims that the probate court had no longer jurisdiction to act on said motion and so when it approved the same on May 14, 1948 and authorized Severo Valenzuela to execute the necessary deed of donation in favor of the appellant over the nine hectares in question in accordance with the mandate of the will the probate court acted without jurisdiction. This contention was upheld by the trial court and this is now assigned as error.

We are inclined to agree to the claim of appellant that the trial court erred in holding that the probate court could no longer entertain the petition for authority to make the donation for the reason that the order issued on October 31, 1936 approving the partition agreement submitted in the testate proceedings has already terminated the jurisdiction of the probate court, for said ruling runs counter to the very terms of the aforesaid order of October 31, 1936. We refer to the last portion of the order which says: "Archivese esta expediente por terminado una vez justificada de los autos la entrega a los referidos adjudicatarios de sus respectivas hijuelas." In other words, the order in question shows that the court did not close the proceedings entirely but held the same open until it is proven in the record that the legacies had been delivered to the beneficiaries thereof, and it is obvious that even without such reservation, the court has the inherent power to enforce and compel obedience to its orders in view of its jurisdiction to see to it that the estate be properly distributed, adjudicated and delivered to those entitled thereto. This can be clearly inferred from Rule 91 of the Rules of Court which gives the probate court continued jurisdiction to pass upon and decide any claim or demand of any interested person or legatee for the recovery of the share of the estate that may be adjudicated to him from the executor or administrator, all of which comes within the jurisdiction of the probate court. Until all this is done its jurisdiction is not deemed terminated..

It is true that this court annulled and set aside the previous order of the probate court granting the trustees authority to donate a portion of the estate to the Roman Catholic Church (Exh. 23), but the nullification was predicated not on the ground of lack of jurisdiction but on the fact that it tried to amend a prior order of the court which has already become final and executory. This Court did not even prohibit the trustee to take any further step in the testate case relative to the donation in question, as was asked by the oppositors in their petition for certiorari.

Now, as already stated, when the Supreme Court set asides the order of the probate court authorizing the donation of only one hectare of land, the trustee Severo Valenzuela, apparently repentant of what he had done, moved to rectify his mistake by applying with the same probate court for a new authority to donate to appellant the nine hectares of land mentioned in the will, of which appellees were duly notified, so much so that they filed a vigorous opposition thereto. One of the grounds advanced by them was that "to authorize Severo Valenzuela to deliver now the nine hectares of land to the Roman Catholic Archbishop of Manila will constitute a prejudgment of Civil Case No. 158 pending in the same Court," because there the question of whether or not the parish of Polo, now represented by appellant, was still entitled to said parcel of land was in issue, considering the failure of the trustee to make the donation and the apparent inaction of the legatee to receive it. In reply to this opposition, appellant set up the defense that the oppositors are already estopped to question the right of appellant to the donation in view of the agreement of adjudication signed by them and approved by the court. And on May 14, 1948, after hearing all the parties, the probate court overruled the opposition and granted the necessary authority. This order became final for lack of appeal.

Considering the foregoing circumstances, we hold that said order of May 14, 1948 which overruled the opposition of appellees and granted the trustee the necessary authority to donate the land as in fact he did on June 30, 1948, has the effect of res judicata on the decision rendered in Civil Case No. 158. And we say so because the issues and parties involved in the two cases are the same. They both refer to the validity of the donation and the right of the donee to the property.

Moreover, even if we disregard the order of the court above adverted to granting the trustee authority to make the donation, we are of the opinion that the steps taken by the trustee in executing the donation on June 30, 1948 is valid and proper for the same is in accordance with the agreement of the parties which was duly approved by the court on October 31, 1936. It should be noted that the pertinent portion of the legacy embodied in the agreement of the parties provides that "encargo a mi marido que, despues de que haya a percibido todos los bienes recayente en mi herencia done a la Iglesia Catolica de Polo otro porcion que no exceda de nueve hectares, * * * para que su producto se invierta en misas en sufragio de mi alma." This is a valid and subsisting trust given to the husband to be carried out sometime in the future. And since the same has already been approved by the court, no further court authority is necessary to carry it out.

Wherefore, the decision appealed from is reversed. It is ordered that the nine hectares subject of the application for registration be registered in the name of the applicant in accordance with law. With costs against appellees.

Paras, C.J., Bengzon, Montemayor, Labrador, Concepcion, Reyes, J. B. L., Barrera, and Gutierrez David, JJ., concur.

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