

HEIRS OF BELINDA DAHLIA A. CASTILLO, NAMELY, BENA JEAN, DANIEL, MELCHOR, MICHAEL AND DANIBEL, ALL SURNAMED CASTILLO, PETITIONERS, VS. DOLORES LACUATA-GABRIEL, RESPONDENT.

G.R. No. 162934. November 11, 2005

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

This is a petition for review on certiorari of the Decision[1] of the Court of Appeals (CA) in CA-G.R. SP No. 70645, as well as its Resolution[2] denying the motion for reconsideration thereof.

On January 25, 1989, Crisanta Yanga-Gabriel, wife of Lorenzo B. Almoradie, died in Malabon City, Metro Manila, leaving behind a sizable inheritance consisting mostly of real estate and shares of stock.[3]

A little over a month after Crisanta's death, her mother, Crisanta Santiago Vda. de Yanga, commenced an intestate proceeding before the Regional Trial Court (RTC) of Malabon City, Branch 72, docketed as Spec. Proc. No. 192-MN. She alleged, among others, that to her knowledge, her daughter died intestate leaving an estate with an estimated net value of P1,500,000.00 and that such estate was being managed by her wastrel and incompetent son-in-law, Lorenzo, and by two other equally incompetent persons. She prayed that letters of administration be issued to her son, Mariano Yanga, Jr., also the brother of the deceased, and that she be awarded her share of the estate of her daughter after due hearing.[4] However, the RTC appointed Lorenzo as administrator.

Meantime, the marriage between Crisanta Yanga-Gabriel and Lorenzo Almoradie was declared void for being bigamous. The RTC then removed Lorenzo as administrator and appointed Mariano, Jr. in his stead.[5]

On October 16, 1989, one Belinda Dahlia Y. Almoradie Castillo, claiming to be the only legitimate child of Lorenzo and Crisanta, filed a motion for intervention.[6] Resolution on this motion was, however, held in abeyance pending some incidents in the CA.

On November 3, 1989, Roberto Y. Gabriel, the legally adopted son of Crisanta Y. Gabriel, filed before the RTC of Malabon City a petition for probate of an alleged will and for the issuance of letters testamentary in his favor. The petition was docketed as Spec. Proc. No. 211-MN. [7] He alleged that he discovered his mother's will on October 25, 1989 in which he was instituted as the sole heir of the testatrix, and designated as alternate executor for the named executor therein, Francisco S. Yanga, a brother of Crisanta, who had predeceased the latter sometime in 1985 or 1986.

On June 2, 1990, Belinda Castillo died.

The two (2) special proceedings were consolidated. On May 15, 1991, the RTC issued an Order dismissing the intestate proceedings, Spec. Proc. No. 192-MN.[8] Mariano Yanga, Jr. questioned the dismissal of the intestate proceedings before the appellate court via a petition for certiorari (CA-G.R. SP No. 25897).

On July 8, 1991, the probate court appointed Roberto Y. Gabriel as special administrator of his mother's estate.[9]

On May 23, 2001, the heirs of Belinda, namely, Bena Jean, Daniel, Melchor, Michael, and Danibel, all surnamed Castillo, filed a Motion[10] praying that they be substituted as party-litigants in lieu of their late mother Belinda, who died in 1990.

On April 16, 2001, Roberto Gabriel died. His widow, Dolores L. Gabriel, filed a "Manifestation and Motion"[11] where she informed the probate court of her husband's death and prayed that she be admitted as substitute in place of her late husband, and be appointed as administratrix of the estate of Crisanta Gabriel as well. She alleged that she had a bachelor's degree in law and had worked for several years in a law office.[12]

On August 14, 2001, the heirs of Belinda opposed Dolores' manifestation and motion. They averred that Dolores was not Crisanta Gabriel's next of kin, let alone the lawful wife of the late Roberto.[13] This elicited a Reply[14] from Dolores where she refuted these allegations.

On August 24, 2001, Bena Jean filed a "Motion for Appointment as Administrator of the Estate of Crisanta Y. Gabriel"[15] praying that she be appointed administratrix of the estate of her grandmother Crisanta.

On October 11, 2001, Dolores opposed the motion of Bena Jean, claiming that the latter has neither proven her kinship with Crisanta Gabriel nor shown any particular qualification to act as administratrix of the estate.[16]

On November 28, 1991, the CA dismissed the petition for certiorari of Mariano Yanga, Jr. in CA-G.R. SP No. 25897.

In a Resolution[17] dated December 5, 2001, the lower court appointed Dolores as special administratrix upon a bond of P200,000.00. The probate court merely noted the motion for substitution filed by the heirs of Belinda, stating that they were "mere strangers to the case" and that their cause could better be ventilated in a separate proceeding. According to the trial court –

Contrary to the assertions of Oppositors Heirs of Belinda A. Castillo, movant Dolores L. Gabriel has amply proven her kinship with petitioner Roberto Y. Gabriel, and therefore her kinship, by operation of law, with decedent Crisanta Y. Gabriel. In the probate proceedings, this Court has the power to determine questions as to who are the heirs of the decedent ..., the recognition of a natural child ..., the validity of disinheritance effected by the testator ... and the status of a woman who claims to be the lawful wife of the decedent. ...

Guided by the foregoing precepts, this Court is of the opinion, and so holds, that movant Dolores L. Gabriel has established her claim that she is the lawfully wedded wife of petitioner Roberto Y. Gabriel and that the previous marriage between petitioner and one Lucita V. Cruz was already long dissolved prior to the celebration of marriage between petitioner and movant Dolores L. Gabriel's marriage in July 4, 1997.

And even assuming that movant Dolores L. Gabriel's lawful relationship with petitioner, and corollarily with the decedent, was not proven, the stringent rules regarding the order of preference in the appointment of an Administrator does not find application in the instant case ... for what is at stake here is the appointment of a Special Administrator as such position was vacated by the death of the previously appointed Special Administrator in the person of petitioner herein. The reason for the relaxation of the rules regarding the appointment of a Special Administrator is the nature of its position, being merely temporary and will subsist only until a regular administrator or executor is appointed.

...

In view thereof, movant Dolores L. Gabriel is hereby appointed as Special Administrator of the estate of decedent Crisanta Y. Gabriel, and upon posting of a bond in the amount of P200,000.00 pursuant to the mandate of Section 4, Rule 81 of the Rules of Court, may assume the functions and duties of such Special

Administrator.

SO ORDERED.[18]

The heirs of Belinda moved to reconsider.[19] In the meantime, Dolores took her oath of office on January 11, 2002.[20]

The probate court denied the motion for reconsideration filed by Belinda's heirs in its Order[21] dated March 19, 2002. The said heirs then filed with the CA a petition for certiorari with prayer for a temporary restraining order or/and preliminary injunction against Dolores and the probate court. The case was docketed as CA-G.R. SP No. 70645. They prayed, among others, that Bena Jean be appointed as the regular administratrix of Crisanta Gabriel's estate, thus –

WHEREFORE, premises considered, petitioners most respectfully pray that:

- Upon filing of this petition and in order not to prejudice the rights of petitioners, a temporary restraining order and/or writ of preliminary injunction be issued against respondent Dolores L. Gabriel enjoining her to cease and desist from acting as special administratrix of the estate of Crisanta Y. Gabriel;
- After hearing and consideration, a writ of preliminary injunction be issued against respondent Dolores L. Gabriel to cease and desist from acting as special administratrix of Crisanta Y. Gabriel until further order from this Honorable Court;
- An Order be issued nullifying and setting aside the assailed Orders dated December 5, 2001 and March 19, 2002 both issued by the respondent Judge for having been rendered with grave abuse of discretion amounting to lack of jurisdiction and for this Honorable Court to issue a new one by appointing petitioner Bena Jean A. Castillo as regular administratrix of the estate of Crisanta Y. Gabriel.

Petitioner likewise prays for such other just, fair and equitable relief under the premises.[22]

On October 30, 2003, the appellate court dismissed the petition in CA-G.R. SP No. 70645. It ruled that the probate court did not commit grave abuse of discretion in appointing Dolores as special administratrix.[23]

The heirs of Belinda Dahlia Castillo, now the petitioners, filed the instant petition for review on certiorari against Dolores Lacuata-Gabriel, assigning the following errors –

A

WITH DUE RESPECT, THE DECISION DATED OCTOBER 30, 2003 RENDERED BY THE HONORABLE COURT OF APPEALS IS BASED ON A MISAPPREHENSION OF FACTS.

B

WITH DUE RESPECT, THE HONORABLE COURT OF APPEALS ERRED IN RULING THAT PRIVATE RESPONDENT DOLORES LACUATA-GABRIEL IS ENTITLED TO THE ADMINISTRATION OF THE ESTATE OF CRISANTA Y. GABRIEL, SHE BEING THE HEIR OF HER DECEASED HUSBAND WHOSE ESTATE IS THE FORMER ESTATE OF HIS ADOPTING MOTHER CRISANTA AS THE SAME IS CONTRARY TO THE LAW ON SUCCESSION.

C

THE APPOINTMENT OF PRIVATE RESPONDENT DOLORES LACUATA-GABRIEL IS CONTRARY TO THE RULING LAID DOWN BY THIS HONORABLE COURT IN THE CASE OF GONZALEZ VS. GUIDO, 190 SCRA 112.

D

THE HONORABLE COURT OF APPEALS ERRED IN RULING THAT IT IS SECTION 1, RULE 80 AND NOT SECTION 6, RULE 78 OF THE RULES OF COURT WHICH IS APPLICABLE IN THIS CASE.[24]

The assigned errors in this case boil down to the propriety of the appointment of respondent as special administratrix of the estate left by Crisanta Yanga-Gabriel.

The petitioners argue that since the respondent does not have any right to inherit from their grandmother, either by her own right or by the right of representation, she is not qualified to be appointed as administratrix of the estate; in contrast, they are Crisanta Gabriel's only compulsory heirs. They insist that the respondent's late husband, Roberto, was just a nephew of the decedent and not a legally adopted son as he claimed to be. Even assuming this claim was true, the fact that the respondent is not naturally related to the decedent by blood in the direct descending line makes it unfair to appoint her as the special administratrix. Citing jurisprudence, the petitioners explain that the principal consideration in the appointment of administrator of a deceased person's estate is the applicant's interest therein. This is the same consideration which Section 6,[25] Rule 78 of the Rules of Court takes into account in establishing the order of preference in the appointment of such administrators. The underlying assumption behind this rule, the petitioners insist, is that those who will reap the benefit of a wise, speedy, economical administration of the estate, or suffer the consequences of waste, improvidence or mismanagement, have the highest interest and most influential motive to administer the estate correctly. Lastly, the petitioners posit that since CA-G.R. SP No. 25897 had long been dismissed by the CA, a regular administrator of the said estate should now be appointed.

The petition is without merit.

In ruling against the petitioners and dismissing their petition, the CA ratiocinated as follows:

The appointment of a special administrator lies entirely in the discretion of the court. The order of preference in the appointment of a regular administrator under Section 6, Rule 78 of the Rules of Court does not apply to the selection of a special administrator. In the issuance of such appointment, which is but temporary and subsists only until a regular administrator is appointed, the court determines who is entitled to the administration of the estate of the decedent. On this point, We hold that the preference of private respondent Dolores Gabriel is with sufficient reason.

The facts of this case show that Roberto Gabriel – the legally adopted son of Crisanta Yanga-Gabriel – survived Crisanta's death. When Crisanta died on January 25, 1989, her estate passed on to her surviving adopted son Roberto. When Roberto himself later died on April 16, 2001, pursuant to the law on succession, his own estate which he inherited from Crisanta passed on to his surviving widow, private respondent.

While it is true, as petitioners submit, that private respondent is neither a compulsory nor a legal heir of Crisanta Yanga-Gabriel and is considered a third person to the estate of Crisanta, nonetheless, private respondent is undeniably entitled to the administration of the said estate because she is an heir of her husband Roberto, whose estate is the former estate of his adopting mother Crisanta.[26]

The ruling of the CA is correct. The Court has repeatedly held that the appointment of a special administrator lies in the sound discretion of the probate court.[27] A special administrator is a representative of a decedent appointed by the probate court to care for and preserve his estate until an executor or general administrator is appointed.[28] When appointed, a special administrator is regarded not as a representative of the agent of the parties suggesting the appointment, but as the administrator in charge of the estate, and, in fact, as an officer of the court.[29] As such officer, he is subject to the supervision and control of the probate court and is expected to work for the best interests of the entire estate, especially its smooth administration and earliest settlement.[30] The principal object of appointment of temporary administrator is to preserve the estate until it can pass into hands of person fully authorized to administer it for the benefit of creditors and heirs.[31] In many instances, the

appointment of administrators for the estates of decedents frequently become involved in protracted litigations, thereby exposing such estates to great waste and losses unless an authorized agent to collect the debts and preserve the assets in the interim is appointed. The occasion for such an appointment, likewise, arises where, for some cause, such as a pendency of a suit concerning the proof of the will, regular administration is delayed.[32]

Section 1, Rule 80 of the Revised Rules of Court provides:

Section 1. Appointment of Special Administrator. – When there is delay in granting letters testamentary or of administration by any cause including an appeal from the allowance or disallowance of a will, the court may appoint a special administrator to take possession and charge of the estate of the deceased until the questions causing the delay are decided and executors or administrators appointed.

The new Rules have broadened the basis for the appointment of an administrator, and such appointment is allowed when there is delay in granting letters testamentary or administration by any cause, e.g., parties cannot agree among themselves. Nevertheless, the discretion to appoint a special administrator or not lies in the probate court.[33] In *De Guzman v. Guadiz, Jr.*,[34] the Court further elucidated –

Under the above rule, the probate court may appoint a special administrator should there be a delay in granting letters testamentary or of administration occasioned by any cause including an appeal from the allowance or disallowance of a will. Subject to this qualification, the appointment of a special administrator lies in the discretion of the Court. This discretion, however, must be sound, that is, not whimsical, or contrary to reason, justice, equity or legal principle.

The basis for appointing a special administrator under the Rules is broad enough to include any cause or reason for the delay in granting letters testamentary or of administration as where a contest as to the will is being carried on in the same or in another court, or where there is an appeal pending as to the proceeding on the removal of an executor or administrator, or in cases where the parties cannot agree among themselves. Likewise, when from any cause general administration cannot be immediately granted, a special administrator may be appointed to collect and preserve the property of the deceased.

It is obvious that the phrase "by any cause" includes those incidents which transpired in the instant case clearly showing that there is a delay in the probate of the will and that the granting of letters testamentary will consequently be prolonged necessitating the immediate appointment of a special administrator.[35]

As enunciated above, the probate court has ample jurisdiction to appoint respondent as special administratrix. The deceased Crisanta Yanga-Gabriel left a document purporting to be her will where her adopted son, Roberto, was named as the sole heir of all her properties. However, pending probate of the will, Roberto died leaving his widow, the respondent herein, as his sole heir. Thus, the respondent has much stake in Crisanta's estate in case the latter's will is allowed probate. It needs to be emphasized that in the appointment of a special administrator (which is but temporary and subsists only until a regular administrator is appointed), the probate court does not determine the shares in the decedent's estate, but merely appoints who is entitled to administer the estate. The issue of heirship is one to be determined in the decree of distribution, and the findings of the court on the relationship of the parties in the administration as to be the basis of distribution.[36] Thus, the preference of respondent is sound, that is, not whimsical, or contrary to reason, justice, equity or legal principle.

The petitioners' strenuous invocation of Section 6, Rule 78 of the Rules of Court is misplaced. The rule refers to the appointment of regular administrators of estates; Section 1, Rule 80, on the other hand, applies to the appointment of a special administrator. It has long been settled that the appointment of special administrators is not governed by the rules regarding the appointment of regular administrators.[37] Thus, in *Roxas v. Pecson*,[38] this Court ruled:

It is well settled that the statutory provisions as to the prior or preferred right of certain persons to the appointment of administrator under Section 1, Rule 81, as well as the statutory provisions as to causes for removal of an executor or administrator under section 653 of Act No. 190, now Section 2, Rule 83, do not apply to the selection or removal of special administrator. ... As the law does not say who shall be appointed as special administrator and the qualifications the appointee must have, the judge or court has discretion in the selection of the person to be appointed, discretion which must be sound, that is, not whimsical or contrary to reason, justice or equity.

On the plea of the petitioners for this Court to appoint their co-petitioner, Bena Jean Castillo, as the regular administratrix of the estate of Crisanta Yanga-Gabriel, the matter should be addressed to the probate court for its consideration. It is not for this Court to preempt the discretion of the probate court and appoint a regular administrator in the present action.

WHEREFORE, the petition is hereby DENIED. The Decision of the Court of Appeals in CA-G.R. SP No. 70645, dated October 30, 2003, and its Resolution of March 26, 2004 are AFFIRMED. Costs against the petitioners.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, and Tinga, JJ., concur.
Chico-Nazario, J., on leave.

[1] Penned by Associate Justice Ruben T. Reyes, with Associate Justices Edgardo P. Cruz and Noel G. Tijam concurring; Rollo, pp. 171-183.

[2] Rollo, p. 215.

[3] Id. at 6.

[4] Rollo. at 22-26.

[5] Id. at 7.

[6] Id. pp. 28-30.

[7] Rollo. p. 31.

[8] Id. at 8.

[9] Id.

[10] Id. at 34.

[11] Id. at 37.

[12] Rollo, pp. 37-38.

[13] Id. at 43-44.

[14] Id. at 47.

[15] Id. at 53.

[16] Id. at 57-60.

[17] Id. at 71-73.

[18] Rollo, pp. 72-73.

[19] Id. at 80.

[20] Id. at 74.

[21] CA Rollo, p. 25.

[22] Rollo, pp. 18-19.

[23] Id. at 171-183.

[24] Rollo. at 12-13.

[25] Sec. 6. When, and to whom letters of administration granted. – If no executor is named in the will, or the executor or executors are incompetent, refuse the trust, or fail to give bond, or a person dies intestate, administration shall be granted:

(a) To the surviving husband or wife, as the case may be, or next of kin, or both, in the discretion of the court, or to such person as such surviving husband or wife, or next of kin, requests to have appointed, if competent and willing to serve;

(b) If such surviving husband or wife, as the case may be, or next of kin, or the person selected by them, be incompetent or unwilling, or if the husband or widow, or next of kin, neglects for thirty (30) days after the death of the person to apply for administration or to request that administration be granted to some other person, it may be granted to one or more of the principal creditors, if competent and willing to serve;

(c) If there is no such creditor competent and willing to serve, it may be granted to such other person as the court may select.

[26] Rollo, pp. 181-182.

[27] De Gala v. Gonzalez, G.R. No. L-30289, 26 March 1929, 53 Phil. 104.

[28] Fule v. Court of Appeals, G.R. No. L-40502, 29 November 1976, 74 SCRA 189.

[29] De Guzman v. Guadiz, Jr., G.R. No. L-48585, 31 March 1980, 96 SCRA 938.

[30] Valarao v. Pascual, G.R. No. 150164, 26 November 2002, 392 SCRA 695.

[31] De Guzman v. Guadiz, Jr., *supra*.

[32] *Ibid*.

[33] Fule v. Court of Appeals, *supra*.

[34] *Supra*.

[35] Id. at 943-944.

[36] Fule v. Court of Appeals, *supra*.

[37] Ozaeta v. Pecson, et al., G.R. No. L-5436, 30 June 1953, 93 Phil. 416.

[38] G.R. No. L-2211, 20 December 1948, 82 Phil. 407.

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