IN RE: PETITION FOR PROBATE OF LAST WILL AND TESTAMENT OF BASILIO SANTIAGO, MA. PILAR SANTIAGO AND CLEMENTE SANTIAGO, PETITIONERS, VS. ZOILO S. SANTIAGO, FELICIDAD SANTIAGO-RIVE...

G.R. No. 179859. August 09, 2010

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

Basilio Santiago (Basilio) contracted three marriages--the first to Bibiana Lopez, the second to Irene Santiago, and the third to Cecilia Lomotan. Basilio and his first wife bore two offsprings, Irene and Marta, the mother of herein oppositors Felimon, Leonila, Consolacion, Ananias, Urbano, and Gertrudes, all surnamed Soco.

Basilio and his second wife had six offsprings, Tomas, Cipriano, Ricardo, respondents Zoilo and Felicidad, and petitioner Ma. Pilar, all surnamed Santiago.

Basilio and his third wife bore three children, Eugenia herein petitioner Clemente, and Cleotilde, all surnamed Santiago.[1]

After Basilio died testate on September 16, 1973, his daughter by the second marriage petitioner Ma. Pilar filed before the Regional Trial Court (RTC) of Bulacan[2] a petition for the probate of Basilio's will, docketed as SP No. 1549-M. The will was admitted to probate by Branch 10 of the RTC and Ma. Pilar was appointed executrix.

The will contained the following provisions, among others:

> 4. Ang mga ari-arian ko na nasasaysay sa itaas ay INIWAN, IPINAGKAKALOOB, IBINIBIGAY, at IPINAMAMANA ko sa aking mga nasabing tagapagmana sa ilalim ng gaya ng sumusunod:
>
> x x x x
>
> c) ang aking anak na si Ma. Pilar ang magpapalakad at mamamahala ng balutan na nasa Santiago, Malolos, Bulacan, na nasasaysay sa itaas na 2(y);
>
> d) Sa pamamahala ng bigasan, pagawaan ng pagkain ng hayop at lupa't bahay sa Maynila, ang lahat ng solar sa danay ng daang Malolos-Paombong na nasa Malolos, Bulacan, kasali at kasama ang palaisdaan na nasa likuran niyon, ay ililipat sa pangalan nila Ma. Pilar at Clemente; nguni't ang kita ng palaisdaan ay siyang gagamitin nila sa lahat at anomang kailangang gugol, maging majora o roperacion [sic], sa lupa't bahay sa Lunsod ng Maynila na nasasaysay sa itaas na 2(c);
>
> e) Ang lupa't bahay sa Lunsod ng Maynila na nasasaysay sa itaas na 2(c) ay ililipat at ilalagay sa pangalan nila Ma. Pilar at Clemente hindi bilang pamana ko sa kanila kundi upang pamahalaan at pangalagaan lamang nila at nang ang sinoman sa aking mga anak sampu ng apo at kaapuapuhan ko sa habang panahon ay may tutuluyan kung magnanais na mag-aral sa Maynila o kalapit na mga lunsod x x x.
>
> f) Ang bigasan, mga makina at pagawaan ng pagkain ng hayop ay ipinamamana ko sa aking asawa, Cecilia

> Lomotan, at mga anak na Zoilo, Ma. Pilar, Ricardo, Cipriano, Felicidad, Eugenia, Clemente, at Cleotilde nang pare-pareho. Ngunit, sa loob ng dalawampong (20) taon mula sa araw ng aking kamatayan, hindi nila papartihin ito at pamamahalaan ito ni Clemente at ang maghahawak ng salaping kikitain ay si Ma. Pilar na siyang magpaparte. Ang papartihin lamang ay ang kita ng mga iyon matapos na ang gugol na kakailanganin niyon, bilang reparacion, pagpapalit o pagpapalaki ay maawas na. Ninais ko ang ganito sa aking pagmamahal sa kanila at pagaaring ibinubuhay ko sa kanila lahat, bukod sa yaon ay sa kanila ding kapakinabangan at kabutihan.
>
> g) Ang lahat ng lupa, liban sa lupa't bahay sa Lunsod ng Maynila, ay ipinapamana ko sa aking nasabing asawa, Cecilia Lomotan, at mga anak na Tomas, Zoilo, Ma. Pilar, Ricardo, Cipriano, Felicidad, Eugenia, Clemente at Cleotilde nang pare-pareho. Datapwa't, gaya din ng mga bigasan, makina at gawaan ng pagkain ng hayop, ito ay hindi papartihin sa loob ng dalawampong (20) taon mula sa aking pagpanaw, at pamamahalaan din nila Ma. Pilar at Clemente. Ang mapaparte lamang ay ang kita o ani ng nasabing mga pag-aari matapos bayaran ang buwis at/o patubig at iba pang mga gugol na kailangan. Si Ma. Pilar din ang hahawak ng ani o salaping manggagaling dito. (emphasis and underscoring supplied)[3]
>
> The oppositors-children of Marta, a daughter of Basilio and his first wife, were, on their motion, allowed to intervene.[4]

After the executrix-petitioner Ma. Pilar filed a "Final Accounting, Partition and Distribution in Accordance with the Will,"[5] the probate court approved the will by Order of August 14, 1978 and directed the registers of deeds of Bulacan and Manila to register the certificates of title indicated therein.[6] Accordingly, the titles to Lot Nos. 786, 837, 7922, 836 and 838 in Malolos, Bulacan and Lot No. 8-C in Manila were transferred in the name of petitioners Ma. Pilar and Clemente.[7]

The oppositors thereafter filed a Complaint-in-Intervention[8] with the probate court, alleging that Basilio's second wife was not Irene but a certain Maria Arellano with whom he had no child; and that Basilio's will violates Articles 979-981 of the Civil Code.[9]

The probate court dismissed the Complaint-in-Intervention, citing its previous approval of the "Final Accounting, Partition, and Distribution in Accordance with the Will."[10]

The oppositors-heirs of the first marriage thereupon filed a complaint for completion of legitime before the Bulacan RTC, docketed as Civil Case No. 562-M-90,[11] against the heirs of the second and third marriages.

In their complaint, oppositors-heirs of the first marriage essentially maintained that they were partially preterited by Basilio's will because their legitime was reduced.[12] They thus prayed, inter alia, that an inventory and appraisal of all the properties of Basilio be conducted and that Ma. Pilar and Clemente be required to submit a fresh accounting of all the incomes of the properties from the time of Basilio's death up to the time of the filing of Civil Case No. 562-M-90.[13]

RTC-Branch 17 decided Civil Case No. 562-M-90 (for completion of legitime) in favor of the oppositors-heirs of the first marriage.

On appeal (docketed as CA G.R. No. 45801), the Court of Appeals, by Decision of January 25, 2002,[14] annulled the decision of RTC-Branch 17, holding that the RTC Branch 17 dismissal of the Complaint-in-Intervention in SP No. 1549-M and its August 14, 1978 Order approving the probate of the will constitute res judicata with respect to Civil Case No. 562-M-90.[15] Thus the appellate court disposed:

> WHEREFORE, premises considered, the Appeal is hereby GRANTED. The Decision in Civil Case No. 562-M-90 is hereby ANNULLED on the ground of res judicata. Let the Decree of Distribution of the Estate of Basilio Santiago remain UNDISTURBED.

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SO ORDERED.[16] (emphasis in the original; underscoring supplied)

Oppositors-heirs of the first marriage challenged the appellate court's decision in CA G.R. No. 45801 by petition for review, docketed as G.R. No. 155606, which this Court denied.[17] The denial became final and executory on April 9, 2003.[18]

In the interregnum, or on October 17, 2000, respondent-heirs of the second marriage filed before the probate court (RTC-Branch 10) a Motion for Termination of Administration, for Accounting, and for Transfer of Titles in the Names of the Legatees.[19] Citing the earlier quoted portions of Basilio's will, they alleged that:

> x x x x the twenty (20) year period within which subject properties should be under administration of [Ma.] Pilar Santiago and Clemente Santiago expired on September 16, 1993.
>
> Consequently, [Ma.] Pilar Santiago and Clemente Santiago should have ceased as such administrator[s] way back on September 16, 1993 and they should have transferred the above said titles to the named legatees in the Last Will and Testament of the testator by then. Said named legatees in the Last Will and Testament are no[ne] other than the following:
>
> x x x x
>
> Said [Ma.] Pilar Santiago and Clemente Santiago should have also rendered an accounting of their administration from such death of the testator up to the present or until transfer of said properties and its administration to the said legatees.
>
> x x x x[20]

Respondents prayed that petitioners be ordered:

> 1) To surrender the above-enumerated titles presently in their names to [the] Honorable Court and to transfer the same in the names of the designated legatees in the Last Will and Testament, to wit:
>
> 1) asawa, Cecilia Lomotan, at mga anak na
> 2) Tomas
> 3) Zoilo
> 4) Ma. Pilar
> 5) Ricardo
> 6) Cipriano
> 7) Felicidad
> 8) Eugenia
> 9) Clemente at
> 10) Cleotilde
>
> (all surnamed SANTIAGO)
>
> 2) To peacefully surrender possession and administration of subject properties, including any and all improvements thereon, to said legatees.
>
> 3) To render an accounting of their administration of said properties and other properties of the testator under their administration, from death of testator Basilio Santiago on September 16, 1973 up to the present and until possession and administration thereof is transferred to said legatees.[21]

Opposing the motion, petitioners argued that with the approval of the Final Accounting, Partition and Distribution in Accordance with the Will, and with the subsequent issuance of certificates of title covering the properties involved, the case had long since been closed and terminated.[22]

The probate court, finding that the properties in question would be transferred to petitioners Ma. Pilar and Clemente for purposes of administration only, granted the motion, by Order of September 5, 2003,[23] disposing as follows:

> WHEREFORE, premises considered, the Motion for Termination of Administration, for Accounting, and for Transfer of Titles in the Names of the Legatees dated October 3, 2000 filed by some heirs of the testator Basilio Santiago xxx is hereby GRANTED. Accordingly, the administratrix [sic] Ma. Pilar Santiago and Mr. Clemente Santiago are hereby DIRECTED, as follows:
>
> a.) To surrender the above-enumerated titles presently in their names to this Honorable Court and to transfer the same in the names of the designated legatees in the Last Will and Testament, to wit: 1.) asawa, Cecilia Lomotan at mga anak na 2.) Tomas 3). Zoilo 4.) Ma. Pilar 5.) Ricardo 6.) Cipriano 7.) Felicidad 8.) Eugenia 9.) Clemente and 10.) Cleotilde all named SANTIAGO.
>
> b.) To peacefully surrender possession and administration of subject properties including any and all improvements thereon, to said legatees; and
>
> c.) To render an accounting of their administration of subject properties, including any and all improvements thereon, to said legatees; and
>
> d.) To submit an accounting of their administration of the above-mentioned estate of the testator or all the above said lots including the rice mill, animal feeds factory, and all improvements thereon from August 14, 1978 up to the present.
>
> e.) To submit a proposed Project of Partition, indicating how the parties may actually partition or adjudicate all the above said properties including the properties already in the name of all the said legatees xxx.
>
> x x x x.
>
> Further, the Register of Deeds of Bulacan are hereby DIRECTED to cancel and consider as no force and effects Transfer Certificates of Title Nos. T-249177 (RT-46294) [Lot No. 786], T-249175 (RT-46295) [Lot No. 837], T-249174 (RT-46296) [Lot No. 7922], T-249173 (RT-46297) [Lot No. 836], and T-249176 (RT-46293) [Lot No. 838] in the names of Ma. Pilar Santiago and Clemente Santiago and to issue new ones in the lieu thereof in the names of Cecilia Lomotan-Santiago, Tomas Santiago, Zoilo Santiago, Ma. Pilar Santiago, Ricardo Santiago, Cipriano Santiago, Felicidad Santiago, Eugenia Santiago, Clemente Santiago, and Cleotilde Santiago.
>
> Moreover, the Register of Deeds of Manila is hereby DIRECTED to cancel and consider as no force and effect Transfer Certificate of Title No. 131044 [Lot No. 8-C] in the names of Ma. Pilar Santiago and Clemente Santiago and to issue new ones in lieu thereof in the names of the Heirs of Bibiana Lopez, the Heirs of Irene Santiago, and the Heirs of Cecilia Lomotan.
>
> The Motion to Suspend Proceedings filed by Filemon, Leonila, Ma. Concepcion, Ananias, Urbano and Gertrudes, all surnamed Soco, dated December 3, 2002, is hereby DENIED for lack of merit.[24]

Respecting petitioners' argument that the case had long been closed and terminated, the trial court held:

> x x x x [I]t is clear from the Last Will and Testament that subject properties cannot actually be partitioned until after 20 years from the death of the testator Basilio Santiago x x x x. It is, therefore, clear that something more has to be done after the approval of said Final Accounting, Partition, and Distribution. The testator Basilio Santiago died on September 16, 1973, hence, the present action can only be filed after September 16, 1993. Movant's cause of action accrues only from the said date and for which no prescription of action has set in.
>
> The principle of res judicata does not apply in the present probate proceeding which is continuing in character, and terminates only after and until the final distribution or settlement of the whole estate of the deceased in

> accordance with the provision of the will of the testator. The Order dated August 14, 1978 refers only to the accounting, partition, and distribution of the estate of the deceased for the period covering from the date of the filing of the petition for probate on December 27, 1973 up to August 14, 1978. And in the said August 14, 1978 order it does not terminate the appointment of petitioner[s] Ma. Pilar Santiago and Clemente Santiago as executrix and administrator, respectively, of the estate of the deceased particularly of those properties which were prohibited by the testator to be partitioned within 20 years from his death. Since then up to the present, Ma. Pilar Santiago and Clemente Santiago remain the executor and administrator of the estate of the deceased and as such, they are required by law to render an accounting thereof from August 14, 1978 up to the present; there is also now a need to partition and distribute the aforesaid properties as the prohibition period to do so has elapsed. (emphasis and underscoring supplied)[25]

Petitioners, together with the oppositors, filed a motion for reconsideration,[26] which the probate court denied, drawing them to appeal to the Court of Appeals which docketed it as CA G.R. No. 83094.

The Court of Appeals affirmed the decision of the probate court,[27] hence, the petition[28] which raises the following grounds:

> I.
>
> "CAN THE HONORABLE COURT OF APPEALS REVERSE ITSELF"
>
> A. THE COURT OF APPEALS ERRED IN NOT BINDING ITSELF WITH ITS PREVIOUS DECISION INVOLVING THE SAME PARTIES AND SAME PROPERTIES;
>
> B. THE COURT OF APPEALS ERRED IN AFFIRMING THE RTC AS IT AGREED WITH THE RTC THAT THIS CASE IS NOT BARRED BY RES JUDICATA;
>
> C. IN C.A.-G.R. NO. 45801, THE HONORABLE COURT OF APPEALS HELD THAT THERE WAS RES JUDICATA; IN C.A.-G.R. CV NO. 83094, THERE WAS NO RES JUDICATA.
>
> II.
>
> "GRANTING THAT THE COURT OF APPEALS HAS ALL THE COMPETENCE AND JURISDICTION TO REVERSE ITSELF, STILL THE COURT OF APPEALS ERRED IN AFFIRMING THE RTC'S ORDER TO TRANSFER THE MANILA PROPERTY COVERED BY TCT NO. 131004 TO THE NAMES OF CECILIA LOMOTAN, TOMAS, ZOILO, MA. PILAR, RICARDO, CIPRIANO FELICIDAD, EUGENIA, CLEMENTE AND CLEOTILDE, ALL SURNAMED SANTIAGO."[29] (emphasis in the original)

The petition lacks merit.

Petitioners' argument that the decision of the appellate court in the earlier CA-G.R. NO. 45801 (upheld by this Court in G.R. No. 155606) constitutes res judicata to the subsequent CA G.R. No. 83094 (the subject of the present petition for review) fails.

Res judicata has two aspects, which are embodied in Sections 47 (b) and 47 (c) of Rule 39 of the Rules of Civil Procedure.[30] The first, known as "bar by prior judgment," proscribes the prosecution of a second action upon the same claim, demand or cause of action already settled in a prior action.[31] The second, known as "conclusiveness of judgment," ordains that issues actually and directly resolved in a former suit cannot again be raised in any future case between the same parties involving a different cause of action.[32]

Both aspects of res judicata, however, do not find application in the present case. The final judgment regarding oppositors' complaint on the reduction of their legitime in CA-G.R. NO. 45801 does not dent the present petition, which solely tackles the propriety of the termination of administration, accounting and transfer of titles in the names of the legatees-heirs of the second and third marriages. There is clearly no similarity of claim, demand or

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cause of action between the present petition and G.R. No. 155606.

While as between the two cases there is identity of parties, "conclusiveness of judgment" cannot likewise be invoked. Again, the judgment in G.R. No. 155606 would only serve as an estoppel as regards the issue on oppositors' supposed preterition and reduction of legitime, which issue is not even a subject, or at the very least even invoked, in the present petition.

What is clear is that petitioners can invoke res judicata insofar as the judgment in G.R. No. 155606 is concerned against the oppositors only. The records reveal, however, that the oppositors did not appeal the decision of the appellate court in this case and were only impleaded pro forma parties.

Apparently, petitioners emphasize on the directive of the appellate court in CA G.R. No. 45801 that the decree of distribution of the estate of Basilio should remain undisturbed. But this directive goes only so far as to prohibit the interference of the oppositors in the distribution of Basilio's estate and does not pertain to respondents' supervening right to demand the termination of administration, accounting and transfer of titles in their names.

Thus, the Order of September 5, 2003 by the probate court granting respondents' Motion for Termination of Administration, for Accounting, and for Transfer of Titles in the Names of the Legatees is a proper and necessary continuation of the August 14, 1978 Order that approved the accounting, partition and distribution of Basilio's estate. As did the appellate court, the Court notes that the August 14, 1978 Order was yet to become final pending the whole settlement of the estate. And final settlement of the estate, in this case, would culminate after 20 years or on September 16, 1993, when the prohibition to partition the properties of the decedent would be lifted.

Finally, petitioners object to the inclusion of the house and lot in Manila, covered by TCT No. 131044, among those to be transferred to the legatees-heirs as it would contravene the testator's intent that no one is to own the same.

The Court is not persuaded. It is clear from Basilio's will that he intended the house and lot in Manila to be transferred in petitioners' names for administration purposes only, and that the property be owned by the heirs in common, thus:

> e) Ang lupa't bahay sa Lunsod ng Maynila na nasasaysay sa itaas na 2(c) ay ililipat at ilalagay sa pangalan nila Ma. Pilar at Clemente hindi bilang pamana ko sa kanila kundi upang pamahalaan at pangalagaan lamang nila at nang ang sinoman sa aking mga anak sampu ng apo at kaapuapuhan ko sa habang panahon ay may tutuluyan kung magnanais na mag-aral sa Maynila o kalapit na mga lunsod sa medaling salita, ang bahay at lupang ito'y walang magmamay-ari bagkus ay gagamitin habang panahon ng sinomang magnanais sa aking kaapuapuhan na tumuklas ng karunungan sa paaralan sa Maynila at katabing mga lunsod x x x x[33] (emphasis and underscoring supplied)

But the condition set by the decedent on the property's indivisibility is subject to a statutory limitation. On this point, the Court agrees with the ruling of the appellate court, viz:

> For this Court to sustain without qualification, [petitioners]'s contention, is to go against the provisions of law, particularly Articles 494, 870, and 1083 of the Civil Code, which provide that the prohibition to divide a property in a co-ownership can only last for twenty (20) years x x x x
>
> x x x x
>
> x x x x Although the Civil Code is silent as to the effect of the indivision of a property for more than twenty years, it would be contrary to public policy to sanction co-ownership beyond the period expressly mandated by the Civil Code x x x x[34]

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WHEREFORE, the petition is DENIED.

Costs against petitioners.

SO ORDERED.

Bersamin, Del Castillo,[*] Abad,[**] and Villarama, Jr., JJ., concur.

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[*]Additional member per Special Order No. 875 dated August 2, 2010 in view of the sick leave of absence of Associate Justice Arturo D. Brion.

[**] Designated as Additional Member, per Special Order No. 843 (May 17, 2010), in view of the vacancy occasioned by the retirement of Chief Justice Reynato S. Puno.

[1] As narrated in the Last Will and Testament of Basilio Santiago; Vide: Joint Record on Appeal, p. 12.

[2] Then the Court of First Instance of Bulacan.

[3]Joint Record on Appeal, pp. 15-17.

[4] Records, pp. 89.

[5] Id. at 97-102.

[6] Id. at 108.

[7]CA rollo, p. 228.

[8] Records, pp. 271-275.

[9] Article 979: Legitimate children and their descendants succeed to the parents and other ascendants, without distinction as to sex or age, and even if they should come from different marriages.

An adopted child succeeds to the property of the adopting parents in the same manner as a legitimate child.

Article 980: The children of the deceased shall always inherit, from him in their own right, dividing the inheritance in equal shares.

Article 981: Should children of the deceased and descendants of other children who are dead, survive, the former shall inherit in their own right, and the latter by right of representation.

[10] Records, p. 380.

[11] Rollo, p. 302.

[12] Records, p. 421.

[13] Id. at 423.

[14] Penned by Justice Candido Rivera with the concurrence of Justices Delilah Vidallon-Magtolis and Juan Q. Enriquez.

[15] Rollo, pp. 304-305.

[16] Id. at 308.

[17] Id. at 309.

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[18] Id. at 312.

[19] Records, pp. 390-396.

[20] Id. at 393-394.

[21] Id. at 394.

[22] Id. at 409-415.

[23] Id. at 824-847.

[24] Id. at 846-847.

[25] Id. at 623.

[26] Id. at 629-647

[27] CA rollo, pp. 221-239, Decision of February 23, 2007, penned by Court of Appeals Associate Justice Hakim S. Abdulwahid, with the concurrence of Associate Justices Reynato C. Dacudao and Arturo G. Tayag.

[28] Rollo, pp. 34-60.

[29] Id. at 46-47.

[30] Sec. 47. Effect of judgments or final orders.-The effect of a judgment or final order rendered by a court of the Philippines, having jurisdiction to pronounce the judgment or final order, may be as follows:
(a) x x x x

(b) In other cases, the judgment or final order is, with respect to the matter directly adjudged or as to any other matter that could have been raised in relation thereto, conclusive between the parties and their successors in interest by title subsequent to the commencement of the action or special proceeding, litigating for the same thing and under the same title and in the same capacity; and
(c) In any other litigation between the same parties or their successors in interest, that only is deemed to have been adjudged in a former judgment or final order which appears upon its face to have been so adjudged, or which was actually and necessarily included therein or necessary thereto.

[31] Chris Garments Corp. v. Sto. Tomas, G.R. No. 167426, January 12, 2009, 576 SCRA 13, 21 citing Oropeza Marketing Corp. v. Allied Bank, G.R. No. 129788, 393 SCRA 278, 287 (2002).

[32] Id. at 21-22 citing Heirs of Rolando Abadilla v. Galarosa, G.R. No. 149041, 494 SCRA 675, 686 (2006).

[33] Joint Record on Appeal, p. 16.

[34] CA rollo, pp. 234-235.

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