

ELEUTERIO RIVERA, AS ADMINISTRATOR OF THE INTESTATE ESTATE OF ROSITA L. RIVERA-RAMIREZ, PETITIONER, VS. ROBERT RAMIREZ AND RAYMOND RAMIREZ, RESPONDENTS.

G.R. No. 189697. June 27, 2012

Ponente: ABAD, J.

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ABAD, J.:

This case is about a court's adjudication of non-issues and the authority of the administrator to examine and secure evidence from persons having knowledge of properties allegedly belonging to the decedent's estate.

The Facts and the Case

The spouses Adolfo Ramirez (Adolfo) and Rosita Rivera (Rosita) were married in 1942. Their only child died in infancy. They acquired during their lifetime the Sta. Teresita General Hospital and other properties. Rosita died in September 1990, followed by her husband Adolfo in December 1993.

On February 7, 1995 petitioner Eleuterio P. Rivera (Eleuterio) filed a petition for issuance of letters of administration with the Regional Trial Court (RTC) of Quezon City covering the estate of Rosita, who allegedly died without a will and with no direct ascendants or descendants.[1] Eleuterio claimed[2] that he was Rosita's nephew, being the son of her brother Federico. Eleuterio submitted to the intestate court a list of the names of the decedent's other nephews and nieces all of whom expressed conformity to Eleuterio's appointment as administrator of her estate.

On March 28, 1995 the RTC issued letters of administration appointing Eleuterio as Rosita's estate administrator.[3] On September 6, 1995 Eleuterio submitted an initial inventory of her properties. On April 18, 1996 he filed in his capacity as administrator a motion with the court to compel the examination and production of documents relating to properties believed to be a part of her estate, foremost of which was the Sta. Teresita General Hospital that respondent Robert Ramirez (Robert) had been managing.[4] Robert claims, together with Raymond Ramirez (Raymond) and Lydia Ramirez (Lydia), that they were children of Adolfo by another woman. Robert opposed the issuance of the subpoena.

On joint motion of the parties, however, the RTC issued an order on March 26, 1998, suspending the proceedings in the case pending the resolution of a separate case involving the properties of the estate.[5] Four years later or on May 16, 2002 Eleuterio, as administrator of Rosita's estate, moved for the revival of the proceedings and requested anew the production and examination of documents in Robert's possession relating to Rosita's estate. The RTC apparently never got to act on the motion.

Meantime, on March 25, 2005 administrator Eleuterio moved for the joint settlement in the same case of the estates of Rosita and her husband, Adolfo[6] considering that the spouses' properties were conjugal. Eleuterio expressed willingness to co-administer the late spouses' estate with Adolfo's heirs, namely, Raymond, Robert, and Lydia Ramirez. Robert agreed to the joint settlement of the estate of the deceased spouses but insisted that the

court also probate the deceased Adolfo's will of October 10, 1990 which Robert presented.

As a side issue, Robert initially retained the services of Atty. Antonio Pacheco to represent him in the estate case. The lawyer had previously counseled for the late Adolfo and the hospital. But Robert and Atty. Pacheco soon had a parting of ways, resulting in the dismissal of the lawyer. Raymond, who did not see eye to eye with his brother Robert, subsequently retained the services of Atty. Pacheco to represent him in the case. This created an issue because Robert wanted the lawyer inhibited from the case considering that the latter would be working against the interest of a former client.

On July 17, 2006 Eleuterio, as administrator of Rosita's estate, reiterated his motion to compel examination and production of the hospital's documents in Robert's possession. On February 12, 2007 the RTC granted the administrator's motion and ordered Robert to bring to court the books of account, financial statements, and other documents relating to the operations of the Sta. Teresita General Hospital. The RTC also declined to inhibit Atty. Pacheco as Raymond's counsel. Robert moved to quash the subpoena on the grounds that the documents belonged to the hospital, which had a distinct personality; that the hospital did not form part of Rosita's estate; and that Eleuterio, as administrator only of Rosita's estate, had no right to inspect and have access to Adolfo's estate. But the RTC denied Robert's motion on June 19, 2007.

Robert filed a special civil action of certiorari before the Court of Appeals (CA),^[7] imputing grave abuse of discretion by the RTC for allowing the production and examination of the subject documents and for not inhibiting Atty. Pacheco from the case. On February 17, 2009 the CA rendered judgment,^[8] annulling the RTC's orders insofar as they granted the production and examination of the hospital's documents. Essentially, the CA ruled that Eleuterio and Rosita's other collateral relatives were not her heirs since she had an adopted child in Raymond and that, consequently, Eleuterio, et al. had no standing to request production of the hospital's documents or to institute the petition for the settlement of her estate. The CA affirmed, however, the non-inhibition of Atty. Pacheco from the case. Eleuterio's motion for reconsideration having been denied, he filed the present petition for review.

Issues Presented

The case presents two issues:

1. Whether or not the CA erred in ruling that Eleuterio and his relatives were not Rosita's heirs and, therefore, had no right to institute the petition for the settlement of her estate or to seek the production and examination of the hospital's documents; and
2. Whether or not the CA erred in ruling that Eleuterio, et al. had no standing to subpoena the specified documents in Robert's possession.

Ruling of the Court

One. The CA held that based on the article Women Physicians of the World^[9] found in the record of the case before it, the late Rosita, a physician, had adopted Raymond as her child. An adopted child, said the CA, is deemed a legitimate child of the adopter. This being the case, Raymond's presence barred Eleuterio and Rosita's other collateral relatives from inheriting intestate from her.^[10] A further consequence is that they also did not have the right to seek the production and examination of the documents allegedly in Robert's possession.

But, whether or not the late Rosita had judicially adopted Raymond as her child is a question of fact that had neither been considered nor passed upon by the RTC in a direct challenge to the claim of Eleuterio and Rosita's other collateral relatives that they have the right to inherit from her. The relevant issue before the RTC was only

whether or not the duly appointed administrator of Rosita's estate had the right to the production and examination of the documents believed to be in Robert's possession. Indeed, one of the reasons Robert brought the special civil action of certiorari before the CA is that Eleuterio had no right to inspect the requested documents and have access to Adolfo's estate when Eleuterio's authority as administrator extended only to Rosita's estate.

The Court understands the CA's commendable desire to minimize multiple appeals. But the issues regarding the late Rosita's supposed judicial adoption of Raymond as her child and the consequent absence of right on the part of Eleuterio, et al. to file a petition for the settlement of Rosita's estate were never raised and properly tried before the RTC. Consequently, the CA gravely abused its discretion in adjudicating such issues and denying Eleuterio and his relatives their right to be heard on them.

Two. As for the right of the administrator of Rosita's estate to the production and examination of the specified documents believed to be in Robert's possession, Section 6, Rule 87 of the Rules of Court provides that these can be allowed based on the administrator's belief that the person named in the request for subpoena has documents in his possession that tend to show the decedent's right to real or personal property. Thus:

Section 6. Proceedings when property concealed, embezzled, or fraudulently conveyed. – If an executor or administrator, heir, legatee, creditor, or other individual interested in the estate of the deceased, complains to the court having jurisdiction of the estate that a person is suspected of having concealed, embezzled, or conveyed away any of the money, goods or chattels of the deceased, or that such person has in his possession or has knowledge of any deed, conveyance, bond, contract or other writing which contains evidence of or tends to disclose the right, title, interest, or claim of the deceased to real or personal estate, or the last will and testament of the deceased, the Court may cite such suspected person to appear before it and may examine him on oath on the matter of such complaint; and if the person so cited refuses to appear, or to answer on such examination or such interrogatories as are put to him, the court may punish him for contempt, and may commit him to prison until he submits to the order of the court. The interrogatories put to any such person, and his answers thereto, shall be in writing and shall be filed in the clerk's office. (Emphasis supplied)

The production and examination is nothing to be afraid of since the intestate court has no authority to decide who the decedent's heirs are in connection with such incident which is confined to the examination of documents which may aid the administrator in determining properties believed to belong to the decedent's estate. What is more, that court has no authority to decide the question of whether certain properties belong to the estate or to the person sought to be examined.[11]

In fact, if after the examination the court has good reason to believe that the person examined is in possession of properties that belong to the deceased, the administrator cannot detain the property. He has to file an ordinary action for recovery of the properties.[12] The purpose of the production and examination of documents is to elicit information or secure evidence from persons suspected of having possession of, or knowledge of properties suspected of belonging to the estate of the deceased. The procedure is inquisitorial in nature, designed as an economical and efficient mode of discovering properties of the estate.[13]

WHEREFORE, the Court GRANTS the petition, REVERSES the decision of the Court of Appeals in CA-G.R. SP 100203 dated February 17, 2009, and REINSTATES the February 12, 2007 order of the Regional Trial Court of Quezon City in Special Proceedings Q-95-22919 granting petitioner Eleuterio P. Rivera's motion to compel examination and production of document dated July 17, 2006.

SO ORDERED.

Velasco, Jr., (Chairperson), Peralta, Bersamin,[*] and Perlas-Bernabe, JJ., concur.

[*] Designated Acting Member in lieu of Associate Justice Jose Catral Mendoza, per Special Order 1241 dated June 14, 2012.

[1] Docketed as Special Proceeding Q-95-22919.

[2] Records, pp. 1-5.

[3] Id. at 39-41.

[4] Id. at 78-83.

[5] Id. at 217.

[6] Id. at 261-265.

[7] CA-G.R. SP 100203.

[8] Penned by Justice Magdangal M. De Leon and concurred in by Justices Jose L. Sabio, Jr. and Ramon R. Garcia; rollo, pp. 49-60.

[9] Attached to Raymond's pleading entitled Evidence in Support of Opposition to Motions to Quash and Disqualify Counsel; records, pp. 549-555.

[10] Civil Code, Art. 1003.

[11] Francisco, Rules of Court, Vol. V-B, East Publishing, 1970, p. 245.

[12] Modesto v. Modesto, 105 Phil. 1066, 1069 (1959).

[13] Supra note 11.

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