

MARIO F. OUANO AND LETICIA O. ARNAIZ, PETITIONERS VS. THE COURT OF APPEALS, ET AL., RESPONDENTS.*G. R. No. 20472. May 31, 1965*

Ponente: PAREDES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-20472-2/>**PAREDES, J.:**

Anunciacion P. Vda. de Ouano, widow of Damian M. Ouano, was the duly appointed administratrix of the Intestate Estate of her husband by the CFI of Cebu. (Sp. proc. No. 2143-R) On July 31, 1961, she presented a Petition for authority to sell her one fourth (1/4) pro indiviso share in four parcels of land, described therein on August 18, 1961, the Court granted the petition and she was "authorized to execute the necessary deed of sale covering one-half undivided share belonging to this estate in the properties described in the petition for the sum of P155,000.00 in favor of Atty. Antonio M. Cui." Cui was required to deposit the amount. Under date of August 28, 1961, the administratrix filed a motion praying that the offer of Cui be rejected, it appearing that in making the deposit of P155,000.00, Cui claimed that said amount was in payment of the four (4) parcels, and not just for the one-half (1/2), as ordered by the Court. An opposition to the motion was interposed by Cui. On September 8, 1961 the lower Court sustained the stand of Cui, stating that the bid offered by him (Cui) was understood to be for the four parcels of land. In another Order, of the same date, the court also denied the motion of the administratrix and required her, together with the co-owner of the property, Jovita O. Vda. de Martinez, who appeared before the Court, to execute the necessary deed of sale for the four (4) parcels of land for P155,000.00.

Claiming that the P155,000.00 offer of Cui was accepted by the lower court, without benefit of public bidding, and that there is in fact an offer by the Corominas, Richards & Co., to purchase the same property for P270,000.00, the petitioners herein, Mario B. Ouano and Leticia O. Arnaiz, as heirs of Damian Ouano, "presented with the trial court an "Urgent Motion for Reconsideration and/ or Motion to Set Aside Court's Orders dated August 18 and September 8, 1961." Movants therein (now petitioners) were allowed to adduce evidence in support of their Urgent Motion, both oral and documentary. The lower court denied the motion for reconsideration, in an order dated April 3, 1962. On April 11, 1962, petitioners filed a Notice of Appeal against the orders dated August 18, September 8, 1961, and April 3, 1962. The Appeal Bond and Record on Appeal were also presented, within the reglementary period. In an Order of May 3, 1962, the lower court rejected the appeal, on the ground that petitioners "have no legal standing to meddle and interfere with the administration" of the state, there being a duly appointed administratrix "who is the only party legally clothed with authority to represent it" and also for the reason that the administratrix, having already appealed the orders directing the sale of the property to Antonio Ma. Cui, the appeal of petitioners involving: the same subject-matter, would clearly be a superfluity.

Petitioners, claiming that the reasons advanced by the lower court in rejecting their appeal, were not valid, brought the matter to the Court of Appeals on a petition for "Mandamus", praying that the lower court be compelled to give due course to said appeal. After proper proceedings, the Court of Appeals rendered judgment, dismissing the petition, sustaining the lower court in its ruling that petitioners herein have no legal standing in the

case.

During the pendency of this appeal in this Court, however, counsel for the petitioners, on May 12, 1964, submitted a "Motion" praying for the dismissal of the petition. Attached to said petition is an Order of the respondent Judge, dated March 25, 1964, the contents of which read:

"In her motion, dated March 19, 1964, the administratrix that she be allowed to withdraw the petition for authority to sell, dated July 24, 1961, the previous resolutions of which by this Court, having been reversed on appeal by the Court of Appeals.

"In view whereof, the Court hereby declares the aforesaid petition for authority to sell filed by the administratrix withdrawn."

Considering that the present case is an incident to the Petition filed by the said administratrix, on July 24, 1961, for authority to sell the interest of the estate over the 4 parcels of land, heretofore mentioned, with the withdrawal of Paid petition for authority to sell, the issues herein involved have become moot and academic. Appeal is dismissed, without pronouncement to costs.

Benzon, C. J., Bautista Angelo, Reyes, J. B. L. Barrera, Regala, Makalintal, Bengzon, J. P. and Zaldivar, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.