

IN THE MATTER OF THE WILL OF DONATA MANAHAN. TIBURCIA MANAHAN, PETITIONER AND APPELLEE, VS. ENGRACIA MANAHAN, OPPONENT AND APPELLANT.

G.R. No. 38050. September 22, 1933

Ponente: IMPERIAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-38050/>

IMPERIAL, J.:

This is an appeal taken by the appellant herein, Engracia Manahan, from the order of the Court of First Instance of Bulacan dated July 1, 1932, in the matter of the will of the deceased Donata Manahan, special proceedings No. 4162, denying her motion for reconsideration and new trial filed on May 11, 1932.

The facts in the case are as follows:

On August 29, 1930, Tiburcia Manahan instituted special proceedings No. 4162, for the probate of the will of the deceased Donata Manahan, who died in Bulacan, Province of Bulacan, on August 3, 1930. The petitioner herein, niece of the testatrix, was named the executrix in said will. The court set the date for the hearing and the necessary notice required by law was accordingly published. On the day of the hearing of the petition, no opposition thereto was filed and, after the evidence was presented, the court entered the decree admitting the will to probate as prayed for. The will was probated on September 22, 1930. The trial court appointed the herein petitioner executrix with a bond of P1,000, and likewise appointed the committee on claims and appraisal, whereupon the testamentary proceedings followed the usual course. One year and seven months later, that is, on May 11, 1932, to be exact, the appellant herein filed a motion for reconsideration and a new trial, praying that the order admitting the will to probate be vacated and the authenticated will declared null and void ab initio. The appellee herein, naturally filed her opposition to the petition and, after the corresponding hearing thereof, the trial court entered its order of denial on July 1, 1932. Engracia Manahan, under the pretext of appealing from this last order, likewise appealed from the judgment admitting the will to probate.

In this instance, the appellant assigns seven (7) alleged errors as committed by the trial court. Instead of discussing them one by one, we believe that, essentially, her claim narrows down to the following: (1) That she was an interested party in the testamentary proceedings and, as such, was entitled to and should have been notified of the probate of the will; (2) that the court, in its order of September 22, 1930, did not really probate the will but limited itself to decreeing its authentication; and (3) that the will is null and void ab initio on the ground that the external formalities prescribed by the Code of Civil Procedure have not been complied with in the execution thereof.

The appellant's first contention is obviously unfounded and untenable. She was not entitled to notification of the probate of the will and neither had she the right to expect it, inasmuch as she was not an interested party, not having filed an opposition to the petition for the probate thereof. Her allegation that she had the status of an heir, being the deceased's sister, did not confer on her the right to be notified on the ground that the testatrix died leaving a will in which the appellant has not been instituted heir. Furthermore, not being a forced heir, she did not

acquire any successional right.

The second contention is puerile. The court really decreed the authentication and probate of the will in question, which is the only pronouncement required of the trial court by the law in order that the will may be considered valid and duly executed in accordance with the law. In the phraseology of the procedural law, there is no essential difference between the authentication of a will and the probate thereof. The words authentication and probate are synonymous in this case. All the law requires is that the competent court declare that in the execution of the will the essential external formalities have been complied with and that, in view thereof, the document, as a will, is valid and effective in the eyes of the law.

The last contention of the appellant may be refuted merely by stating that, once a will has been authenticated and admitted to probate, questions relative to the validity thereof can no more be raised on appeal. The decree of probate is conclusive with respect to the due execution thereof and it cannot be impugned on any of the grounds authorized by law, except that of fraud, in any separate or independent action or proceeding (sec. 625, Code of Civil Procedure; *Castaneda vs. Alemany*, 3 Phil., 426; *Pimentel vs. Palanca*, 5 Phil., 436; *Sahagun vs. De Gorostiza*, 7 Phil., 347; *Limjoco vs. Ganara*, 11 Phil., 393; *Montanano vs. Suesa*, 14 Phil., 676; *In re Estate of Johnson*, 39 Phil., 156; *Riera vs. Palmaroli*, 40 Phil., 105; *Austria vs. Ventenilla*, 21 Phil., 180; *Ramirez vs. Gmur*, 42 Phil., 855; and *Chiong Joe-Soy vs. Vaño*, 8 Phil., 119).

But there is another reason which prevents the appellant herein from successfully maintaining the present action and it is that inasmuch as the proceedings followed in a testamentary case are in rem, the trial court's decree admitting the will to probate was effective and conclusive against her, in accordance with the provisions of Section 306 of the said Code of Civil Procedure which reads as follows:

"SEC. 306. EFFECT OF JUDGMENT.— * * *.

"1. In case of a judgment or order against a specific thing, or in respect to the probate of a will, or the administration of the estate of a deceased person, or in respect to the personal, political, or legal condition or relation of a particular person, the judgment or order is conclusive upon the title of the thing, the will or administration, or the condition or relation of the person: Provided, That the probate of a will or granting of letters of administration shall only be prima facie evidence of the death of the testator or intestate; * * *."

On the other hand, we are at a loss to understand how it was possible for the herein appellant to appeal from the order of the trial court denying her motion for reconsideration and a new trial, which is interlocutory in character. In view of this erroneous interpretation, she succeeded in appealing indirectly from the order admitting the will to probate which was entered one year and seven months ago.

Before closing, we wish to state that it is not timely to discuss herein the validity and sufficiency of the execution of the will in question. As we have already said, this question can no more be raised in this case on appeal. After due hearing, the court found that the will in question was valid and effective and the order admitting it to probate, thus promulgated, should be accepted and respected by all. The probate of the will in question now constitutes res judicata.

Wherefore, the appeal taken herein is hereby dismissed, with costs against the appellant. So ordered.

Avanceña, C. J., Malcolm, Villa-Real, and Hull, 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.