

**CARMEN ADRIANO, PETITIONER, VS. ALFREDO OBLEADA,
TEODORICA MARIANO, NATALIA AREVALO VIUDA DE LOPEZ,
ADMINISTRATRIX OF THE ESTATE OF MARIANO LOPEZ, AND PEDRO
MA. SISON, JUDGE OF ...**

G.R. No. 39938. August 12, 1933

Ponente: VILLA-REAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-39938/>

VILLA-REAL, J.:

In this original petition for a writ of mandamus filed against Pedro Ma. Sison, Judge of the Court of First Instance of Manila, Alfredo Obleada, Teodorica Mariano and Natalia Arevalo Vda. de Lopez as administratrix of the testamentary estate of Mariano Lopez, the petitioner herein, Carmen Adriano, for reasons alleged in her petition, prays that a writ of mandamus be issued against the respondent judge to compel him to permit her to intervene in civil case No. 44327 of the Court of First Instance of Manila, entitled "Alfredo Obleada et al., vs. Natalia Arevalo Vda. de Lopez."

The following relevant facts are necessary for the solution of the questions raised in the instant case:

The petitioner, Carmen Adriano, is the deceased Mariano Lopez's surviving mother whom, under his will, he has instituted his heiress entitled to receive two thirds of his estate.

After the deceased Mariano Lopez's will had been admitted to probate and the corresponding committee on claims and appraisal appointed, the herein respondents, Alfredo Obleada and Teodorica Mariano, presented before said committee their claim consisting in a credit amounting to P4,750 alleged to be the unpaid balance of a promissory note for P5,000 signed by the deceased Mariano Lopez and his wife, Natalia Arevalo Vda. de Lopez, the herein respondent. Inasmuch as their claim was disallowed by the aforementioned committee on claims and appraisal, the creditor-claimants, Alfredo Obleada and Teodorica Mariano, appealed from the committee's adverse resolution and filed in the Court of First Instance of Manila the corresponding action against Natalia Arevalo Vda. de Lopez, as administratrix of the estate of the deceased, Mariano Lopez, for the recovery of the said sum of P4,750 representing the unpaid balance of the promissory note for P5,000, signed by the deceased Mariano Lopez and his wife Natalia Arevalo Vda. de Lopez, one of the herein respondents. The promissory note in question was reproduced by the creditor-claimants in their complaint which was registered as civil case No. 44327.

The defendant, Natalia Arevalo Vda. de Lopez, as administratrix of the estate of the deceased, Mariano Lopez, filed an answer denying generally and specifically the facts alleged in the complaint.

The petitioner, Carmen Adriano, as heiress, instituted by the deceased Mariano Lopez under his will, filed a motion in the court praying that she be permitted to intervene in the aforementioned civil case No. 44327, alleging that she had a legal interest in the case; that the promissory note upon which the alleged creditor-claimants, Alfredo Obleada and Teodorica Mariano, base their claim is fictitious; that the said promissory note is without consideration, and that it was obtained through fraud, in connivance with the defendant, Natalia Arevalo Vda. de

Lopez.

The respondent judge denied the motion for intervention. Not being satisfied with the denial, the herein petitioner has instituted the present proceedings alleging as her ground that, in denying her motion, the respondent judge has committed an abuse of discretion.

Section 121 of the Code of Civil Procedure provides the following:

"Sec. 121. Intervention.—A person may, at any period of a trial, upon motion, be permitted by the court to intervene in an action or proceeding, if he has legal interest in the matter in litigation, or in the success of either of the parties, or an interest against both. Such intervening party may be permitted to join the plaintiff in claiming what is sought by the claimant, or to unite with the defendant in resisting the claims of the plaintiff, or to demand anything adverse to both the plaintiff and defendant. Such intervention, if permitted by the court, shall be made by complaint in regular form, filed in court, and may be answered or demurred to as if it were an original complaint. Notice of motion for such intervention shall be given to all parties to the action, and notice may be given by publication, in accordance with the provisions of this Code relating to publication, in cases where other notice is impracticable."

The first question to decide in the present case is whether or not the petitioner herein has a legal interest in the payment of the balance of the promissory note which is the subject matter of the action in which she seeks permission to intervene.

If the promissory note in question is declared null and void, the amount thereof will form a part of the estate of the deceased Mariano Lopez, by whom it had been executed. Therefore, the herein petitioner, whom the said deceased, under his will, has instituted heiress of two thirds of his hereditary estate, has a legal interest in the case. If there was fraud in obtaining the promissory note in question, as the herein petitioner alleges under oath, the fact that it was executed by the deceased Mariano Lopez does not prevent his heiress from impugning its validity in the same way that the signer himself would not have been prevented from so doing under the same circumstances. The petitioner herein having inherited the two-thirds undivided portion of the estate left by the deceased, she has also inherited all rights of action her predecessor in interest might have had in the same property.

The second question to decide is whether or not the petitioner herein, being an heiress instituted by the deceased, Mariano Lopez, can intervene in the case, there being in fact a judicial administratrix to represent the testamentary estate.

As a general rule, when there is an administrator who represents a testamentary estate, he alone is authorized to defend the rights of the deceased against any claim or action that might be brought against him (sections 702, 705, 691, of Act No. 190). But when the administrator appointed is careless or negligent in the performance of his duties, or is inefficient, the heirs may intervene in order to protect the deceased's rights which had become theirs by inheritance.

In the case of *Dais vs. Court of First Instance of Capiz*, (51 Phil., 396), this court laid down the following rule:

"1. Heirs; RIGHT TO INTERVENE IN AN ACTION INVOLVING INHERITANCE.—The heirs have the right to intervene in an action involving some of the property of the hereditas jacens of a decedent when they believe that the acts of the judicial administrator are prejudicial to their interest."

In the case at bar, the creditor-claimants have reproduced the promissory note upon which they base their claim in the complaint presented by them on appeal. In her answer to the complaint, the defendant-administratrix, Natalia Arevalo Vda. de Lopez, has done nothing more than enter a general and specific denial of the material allegations contained therein. She has not specifically denied under oath the genuineness and due execution of the promissory

note in question, knowing as she should know that the failure to enter a denial in the form indicated above is deemed an admission thereof (section 103, Act No. 190; Bough and Bough vs. Cantiveros and Hanopol, 40 Phil., 209). Neither has she interposed a special defense by alleging fraud and lack of consideration in order to entitle her to prove them during the trial (Garriz, Terren & Co. vs. North China Ins. Co., 44 Phil., 749; Bank of the Philippine Islands vs. Laguna Coconut Oil Co., 48 Phil., 5).

Either because the administratrix, Natalia Arevalo Vda. de Lopez, is in connivance with the creditor-claimants, or because she is negligent in protecting the interests of the testamentary estate she represents, the petitioner herein has the right to intervene in order that those interests may be the better protected. In denying her the permission to intervene, which she seeks, the respondent judge committed an abuse of discretion.

In view of the foregoing considerations, we are of the opinion and so hold: (1) That an heir has a legal interest in the result of a claim based upon a promissory note signed by his predecessor in interest, alleged to have been obtained through fraud and lack of consideration; (2) that when a judicial administrator of a testamentary estate, who is made a party defendant in an action on appeal for the recovery from the testator of a claim rejected by the committee on claims and appraisal, does not interpose the necessary and effective legal defense, the heirs have the right to intervene in order to protect the deceased's interests; and (3) that the judge who denies the said heirs the permission to intervene, which they seek in such cases, commits an abuse of discretion and may be compelled to grant said authority through a writ of mandamus.

Wherefore, the remedy applied for is hereby granted and the respondent judge is ordered to permit the herein petitioner to intervene as a party-defendant in the civil case No. 44327 of the Court of First Instance of Manila, entitled Alfredo Obleada et al. vs. Natalia Arevalo Vda. de Lopez, as administratrix of the testamentary estate of Mariano Lopez, with costs against the respondents, Alfredo Obleada, Teodorica Mariano and Natalia Arevalo Vda. de Lopez. So ordered.

Avanceña, C. J., Malcolm, Hull, and Imperial, 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.