

MARCELA SUGUITAN-AGUILAR ET AL., PLAINTIFFS AND APPELLEES, VS. MARIA JOSEFA-AGUILAR ET AL., DEFENDANTS AND APPELLANTS.

G.R. No. 47476. May 21, 1941

Ponente: LAUREL, J.

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LAUREL, J.:

This is a case where the plaintiffs-appellees in their complaint filed on April 9, 1934, with the Court of First Instance of Manila, claim to be the next and nearest of kin of Hilaria Aguilar, deceased, and therefore entitled to inherit the properties left by her upon her demise. Plaintiffs below, appellees here, are Marcela Suguitan (niece of Hilaria) and Filomena, Pio, Rodolfo, Lydia, Antonio and Romana, all surnamed Dungan (children of Marcela Suguitan who is the sister of Marcela.) Defendants below, appellants here, are Bonifacio Zamora; Toribia, Alexandra, Crescenciano, Eloreto and Reasijo, all surnamed Aguilar; and Felipe, Francisco, and Maria Josefa, all surnamed Aguilar, distributees of the properties of Hilaria in Civil Case No. 38776, Court of First Instance of Manila. Plaintiffs in their complaint pray, among other things, and principally, that the court "declare que los verdaderos y unicos herederos de la finada Hilaria Aguilar, y, por tanto, los llamados a heredarla las propiedades descritas en esta demanda, son los aqui demandantes." (par. [6], prayer of the complaint, p. 31, Bill of Exceptions.) Upon the defendants' demurrer being overruled, an answer was filed setting up the following special defenses:

" (a) Que los bienes dejados por la difunta Hilaria Aguilar ya han sido objeto de particion, distribucion y adjudicacion entre los interesados, herederos de dicha finada en el Expediente de Intestado No. 38776 de este mismo Juzgado, cuyo asunto se habia publicado debidamente y tramitado de acuerdo con la ley y ya esta definitivamente terminado. Los demandantes, sin embargo, no han presentado ninguna reclamacion, ni alegado ningun derecho, interes, o participacion en los bienes de la difunta Hilaria Aguilar en el citado expediente.

"(6) Que en el expediente No. 42501 de este mismo Juzgado en que se ha discutido la legalidad y validez de la particion arriba mencionada, los demandantes en la presente causa solicitaron intervencion, la cual fue desestimada por el Juzgado y la resolucion ya es firme e inapelable.

"(c) Que los aqui demandantes no tienen ningun derecho, interes o participacion en los bienes de la difunta Hilaria Aguilar porque no son herederos legales de la referida difunta.

"Por lo expuesto, respetuosamente pedimos al Hon. Juzgado el sobreseimiento de la demanda con las costas a los demandantes." (P. 40, Bill of Exceptions.)

After trial, the trial court rendered judgment on May 16, 1938, the dispositive part of which reads as follows:

"El Juzgado, en vista de los hechos probados, decide que los demandantes son los legitimos y proximos parientes de la finada Hilaria Aguilar y, por tanto, con derecho de heredar los bienes de la misma descritos en la demanda; y, en su consecuencia, ordena a todos y cada uno de los demandados que entreguen a los demandantes los bienes que recibieron de su intestado, respectivamente; y que paguen las costas del presente

juicio. Una vez firme esta decision, se ordena tambien a los Registradores de Titulos de la Ciudad de Manila y de las provincias de Rizal y Bulacan que cancelen los certificados de titulos expedidos por los mismos en favor y en nombre de los demandados sobre cualquier propiedad, procedente del Intestado de Hilaria Aguilar, causa No. 38776 del Juzgado de Primera Instancia de Manila, y, en su lugar, expidan otros en favor y a nombre de los demandantes correspondiendo la mitad indivisa a Marcela Suguitan, mayor de edad, filipina, casada con Pedro Mabutas, residente en Agoo, La Union; y la otra mitad indivisa a los menores Filomena Dungan, Romana Dungan, proindiviso y en partes iguales, Pio Dungan, Lidia Dungan, Antonio Dungan, filipinos y residentes de la Ciudad de Manila, representados en estos por su padre, Antonio Dungan." (Pp. 47-48, Bill of Exceptions.)

Defendants appealed. The Court of Appeals, by resolution of May 18, 1940, elevated the case to this Court, the amount in controversy exceeding P50,000.

Defendants Felipe, Francisco and Maria Josefa-Aguilar, defaulted in the court below and are not parties to this appeal.

The defendants-appellants assign various errors in their brief, all of which converge on the two principal propositions embodied in the following first two assignments:

"I. El Juzgado inferior erro al no declarar que, habiendose cerrado definitivamente el expediente de intestado de la finada Hilaria Aguilar, Civil No. 38776 del Juzgado de Primera Instancia de Manila, despues de las publicaciones de rigor y demas tramitaciones consiguientes, un procedimiento in rent, sin que los demandantes-apelados hubiesen intervenido en el mismo, la accion tomada por el Juzgado en dicho expediente lcs obliga a ellos y, por ende, les impide a impugnarla.

"II. El Juzgado inferior erro al no declarar que, habien- dose promovido demanda por Maria Josefa Aguilar contra Bonifacio Zamora y otros en la Causa Civil No. 42501 del Juzgado de Primera Instancia de Manila para la anulacion de la partition hecha en la Causa Civil No. 38776 de los bienes en cuestion y su adjudication a ella como presunta unica heredera de la finada Hilaria Aguilar, sin que los hoy demandantes-apelados hubiesen intervenido a tiempo, sino que tan solo trataron de intervenir cuando se habfa ya pro mulgado la decision en contra de Maria Josefa Aguilar y en favor de los demandados, intervention que fue denegada—que dichos apelados estan ahora impedidos para reclamar los referidos bienes por negligencia (laches)." It appears that upon the death of Hilaria Aguilar which occurred in the City of Manila in the month of November, 1930, the herein defendants-appellants initiated the intestate proceedings of the said Hilaria (Case No. 38776, Court of First Instance of Manila). The properties involved there and here were later distributed among the defendants-appellants as the nearest relatives of the deceased, and the administration ordered closed on May 22, 1931. Subsequently, Maria Josefa-Aguilar, one of the distributees, sought to annul the distribution (Case No. 42501, Court of First Instance, Manila), but was unsuccessful. In this annulment suit, the herein plaintiffs and appellees sought to intervene but their petition was denied "sin perjuicio del derecho de estas partes de entablar accion separada." Plaintiffs-appellees accordingly instituted the action adverted to in the beginning of this opinion.

According to the finding of the trial court, which finding is amply supported by the evidence on record, the herein plaintiffs-appellees were not able to assert their claims in Case No. 38776 "dado el poco tiempo empleado en la tramitacion de la misma; pues que ni siquiera se ha dejado transcurrir los 6 meses de tiempo que la ley seiiala para la presentacion de las reclamaciones ante la Comision de Avaluos y Reclamaciones, y la mocion de intervention de los demandantes, presentada en la causa civil No. 42501 de este mismo Juzgado, incoada mas tarde por uno de los declarados herederos, Maria Josefa-Aguilar, en el expediente de abintestado de Hilaria Aguilar, No. 38776, contra sus coherederos a raiz de la reclamacion de dicha Maria Josefa- Aguilar sobre los bienes en cuestion, despues de repartidos ya los citados bienes, fue desestimada por el Juzgado en 6 de abril de 1934 si bien en el auto de desestimaci6n se ha reservado a los demandantes su derecho de entablar accion separada, razon por la

cual se ha incoado esta causa." (Pp. 42-43, Bill of Exceptions.) The trial court also found that the reason why the plaintiffs-appellees did not present any claim in the intestate was that they did not know of the death of Hilaria, until after the apportionment of her properties amongst the defendants-appellants "pues aparece de las declaraciones de Marcela Suguitan, la unica de mayor de edad de los parientes mas pr6ximos de Hilaria Aguilar, que se trato de ocultarlas inclusive dicho fallecimiento en cierta ocasion en que dicha Marcela Suguitan vino a Manila a visitar a su citada tia Hilaria Aguilar diciEndola su tio, el demandado Felipe Aguilar, que estaba en Antipolo cuando en realidad acababa de morir hasta cuando con motivo de la muerte de su hermana Itomana Suguitan volvio a la , casa de su citada tia para informarla de la muerte de esta fue solamente cuando su mismo tio Felipe Aguilar la infor- me que Hilaria Aguilar ya habia muerto; o sea despues de repartidos ya sus bienes. (Pp. 43-44, Bill of Exceptions.) We have then here a case where the defendants-appellants succeeded in securing the distribution of the properties amongst themselves as the nearest relatives of the deceased

in civil case No. 38776 through concealment and fraudulent representations. At any rate, they were not the nearest relatives of the deceased, and were not, in law, entitled to inherit the properties from her. While there is weight in the argument that proceedings of this character are in rem and therefore binding upon those claiming any right or interest in the properties under judicial administration (1 Am. Jur., 436), this is not an absolute rule, as no principle of law could be so absolute as to bar a claim of the herein plaintiffs-appellees under the circumstances found by the lower court in this case, and which claim is here asserted in a separate and independent action expressly reserved to them by the lower court. On the other hand, it is revolting to our sense of justice that the plaintiffs-appellees should be deprived of the properties to which they are entitled notwithstanding the fact that they, and not the defendants-appellants, were the nearest relatives of the deceased; and notwithstanding the fact that, through no fault attributable to them, they did not have an opportunity to be heard in the proceedings.

With reference to the imputation of laches to the plaintiffs-appellees, neither are we inclined to view this defense with sympathy under the circumstances. It is true that the death of Hilaria Aguilar occurred on November 12, 1930, and that the first attempt made by the plaintiffs-appellees to assert their claim appears to have been made on March 20, 1934, when they sought intervention in the suit brought by Maria Josefa-Aguilar in case No. 42501, Court of First Instance of Manila, or after a period of more than two (2) years from the termination of the administration proceedings. The conclusion of the lower court, however, regarding the concealment of the demise of Hilaria and the surreptitious steps taken thereafter by the defendants, are amply supported by the evidence on record. There is also evidence that Marcela Suguitan lived in the provinces most of the time and that the other plaintiffs hereinabove mentioned were all minors then. There is no rigid and flexible rule as to what constitutes laches or staleness of demand. Each case is to be determined according to its own particular circumstances. Certainly, laches cannot be imputed to the plaintiffs-appellees who were justifiably ignorant of the facts creating his right or cause of action, and who therefore failed to assert it. It is an essential element of laches that the party charged should have had knowledge or the means of knowledge of the facts creating his right or causg^of action. (Cf. *La Insular vs. Jao Oge*, 47 Phil., 75.)

During the pendency of this appeal in the Court of Appeals, defendants-appellants filed a motion for a new trial impugning the actuaciones of Honorable Francisco Zandueta who rendered the decision appealed from, invoking the doctrine laid down by this Court in the case of *People vs. Tolentino* (G. R. No. 46325). The Court of Appeals, however, on January 28, 1939, adopted the following resolu tion:

"Upon consideration of the petition for new trial filed by the attorneys for the appellants in case CA-G. R. No. 3821, Marcela Suguitan-Aguilar et al., vs. Maria Josef a Aguilar et al, praying that the judgment appealed from be set aside and the case remanded to the lower court for new trial on the ground that although said judgment was signed by Hon. Francisco Zandueta on May 16, 1938, the defendants-appellants were nevertheless not

notified of it until May 20, 1938, one day after Judge Zanduetta's appointment was disapproved by the Commission on Appointments of the National Assembly; and it appearing from the answer filed by the attorney for the plaintiffs-appellees that the judgment signed by the Honorable Francisco Zanduetta on the 16th of May, 1938, was received by the clerk of court at 8.30 in the morning of May 19, 1938, and notice thereof was sent by registered mail to the parties litigant on the same day, it is hereby ordered that the motion for new trial be denied, for the reason that the judgment appealed from was signed and promulgated by the clerk of court when the judge who signed it was still a judge de jure." The conclusion of the Court of Appeals, upon the facts set forth in the resolution, is correct.

The judgment appealed from is hereby affirmed, with costs against the defendants-appellants. So ordered.

Avancena, Pres., Imperial, Diaz, and Horrilleno, JJ., concur.

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