

IN THE MATTER OF THE TESTATE ESTATE OF THE DECEASED REV. FATHER TEODORO ARANAS, RAMONA B. VDA. DE ARANAS, ADELIA B. ARANAS-FERNANDEZ, HEIRS OF THE LATE RODULFO B. ARANAS, ETC., ...

G.R. No. 56249. May 29, 1987

Ponente: PARAS, J.

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PARAS, J.:

THIS IS A PETITION FOR CERTIORARI WHICH SEEKS TO DECLARE THE ORDERS OF RESPONDENT JUDGE DATED JULY 16, 1980 AND SEPTEMBER 23, 1980 AS AN EXERCISE OF A GROSS ABUSE OF DISCRETION AMOUNTING TO LACK OF JURISDICTION, BY RULING THAT THE PROPERTIES UNDER GROUP C OF THE TESTATE ESTATE OF THE LATE FR. TEODORO ARANAS ARE SUBJECT TO REMUNERATIVE LEGACIES.

THE ANTECEDENT FACTS OF THE CASE ARE AS FOLLOWS:

FR. TEODORO ARANAS, A PRIEST OF THE ROMAN CATHOLIC CHURCH, DIED ON JANUARY 19, 1953. HE HAD EXECUTED ON JUNE 6, 1946 HIS LAST WILL AND TESTAMENT WHICH WAS ADMITTED TO PROBATE ON AUGUST 31, 1956. IN SAID LAST WILL AND TESTAMENT, FR. TEODORO ARANAS STIPULATED THE FOLLOWING:

A. THE RETURN TO ANICETO ARANAS OR HIS HEIRS OF ALL PROPERTIES ACQUIRED BY FR. ARANAS FROM HIS BROTHER ANICETO ARANAS AND TEN (10) PARCELS OF LAND DESCRIBED IN THE WILL INHERITED BY THE TESTATOR FROM HIS PARENTS.

B. THE RETURN TO CARMELO ARANAS OR HIS HEIRS OF ALL PROPERTIES ACQUIRED BY FR. ARANAS FROM HIS BROTHER CARMELO ARANAS AND TEN (10) PARCELS OF LAND DESCRIBED IN THE WILL INHERITED BY THE TESTATOR FROM HIS PARENTS.

C. THE SPECIAL ADMINISTRATION OF THE REMAINDER OF THE ESTATE OF THE TESTATOR BY VICENTE ARANAS, A FAITHFUL AND SERVICEABLE NEPHEW AND DESIGNATING HIM ALSO AS RECIPIENT OF ½ OF THE PRODUCE OF SAID PROPERTIES AFTER DEDUCTING THE EXPENSES FOR THE ADMINISTRATION AND THE OTHER ½ OF THE PRODUCE TO BE GIVEN TO THE CATHOLIC CHURCH FOR THE ETERNAL REPOSE OF THE TESTATOR'S SOUL. SAID PERTINENT PROVISION^[1] READS AS FOLLOWS:

"FOURTH. IT IS MY WILL THAT THE LANDS I HAD BOUGHT FROM OTHER PERSONS SHOULD BE CONVERGED AND PLACED UNDER A 'SPECIAL ADMINISTRATOR'. THE SPECIAL ADMINISTRATOR OF THESE LANDS, FOR HIS OFFICE, SHOULD RECEIVE ONE HALF OF ALL THE PRODUCE FROM WHICH SHALL BE DEDUCTED THE EXPENSES FOR THE ADMINISTRATION, AND THE OTHER HALF OF THE PRODUCE SHOULD BE RECEIVED BY THE

ROMAN CATHOLIC CHURCH AND SHOULD BE SPENT FOR MY SOUL. VICENTE B. ARANAS (TINGTING), BECAUSE HE IS A FAITHFUL AND SERVICEABLE NEPHEW, SHOULD BE THE FIRST SPECIAL ADMINISTRATOR OF SAID PROPERTIES, WITHOUT BOND, UNTIL HIS DEATH OR UNTIL HE SHOULD NOT WANT TO HOLD THE SAID OFFICE ANYMORE. ANYONE OF THE SONS OF MY BROTHER CARMELO ARANAS CAN HOLD THE SAID OFFICE OF SPECIAL ADMINISTRATOR, AND NONE OTHER THAN THEY. THEIR FATHER, MY BROTHER CARMELO ARANAS SHALL BE THE ONE TO DECIDE WHO AMONG THEM SHALL HOLD THE SAID OFFICE, BUT UPON THE DEATH OF MY SAID BROTHER CARMELO ARANAS, HIS SAID SONS WILL HAVE POWER TO SELECT THE ONE AMONG THEMSELVES. THE SPECIAL ADMINISTRATION IS PERPETUAL."

THE LOWER COURT IN ITS ORDER[2] DATED NOVEMBER 17, 1977 RULED, UPON PETITIONERS' (IN SP. PROC. NO. 303) "MOTION FOR THE DECLARATION OF HEIRS AND PARTITION; AND FOR REMOVAL OF THE ADMINISTRATOR (VICENTE ARANAS) AND/OR FOR HIS PERMISSION TO RESIGN, AND APPOINTMENT OF HIS SUCCESSOR" THAT THE "PERPETUAL INALIENABILITY AND ADMINISTRATION OF THE PORTION OF THE ESTATE OF THE LATE REV. FR. TEODORO ARANAS, ADMINISTERED BY VICENTE ARANAS, IS NULL AND VOID AFTER TWENTY YEARS FROM JANUARY 19, 1954x x x" AND DECLARED IN THE SAME ORDER THE HEIRS OF THE LATE FR. TEODORO ARANAS. IT ALSO DECLARED THAT "THE REMOVAL OF VICENTE ARANAS WILL, THEREFORE, NOT SERVE THE ENDS OF JUSTICE AND FOR THE BEST INTEREST OF ALL THE HEIRS, PARTICULARLY WITH RESPECT TO THE PORTION OF THE ESTATE TAKEN BY THE HEIRS OF ANICETO ARANAS, REPRESENTED BY THE PETITIONERS HEREIN AND THE REST OF THE HEIRS OF CARMELO, REPRESENTED BY THE INTERVENORS, CO-HEIRS OF ADMINISTRATOR VICENTE ARANAS."[3]

HOWEVER, THE ABovesaid ORDER WAS SUBSEQUENTLY SET ASIDE UPON THE "URGENT MOTION FOR RECONSIDERATION AND TO DECLARE TESTATE AND INTESTATE HEIRS OF THE LATE FR. TEODORO ARANAS," FILED BY THE ADMINISTRATOR VICENTE ARANAS ON THE ALLEGATION THAT SAID ORDER WAS VIOLATIVE OF DUE PROCESS AND WITHOUT LEGAL AND FACTUAL BASIS BE-CAUSE ONLY THE ISSUE FOR THE REMOVAL OF THE ADMINISTRA-TOR WAS HEARD AND NOT THE MATTER OF THE DECLARATION OF HEIRS. THUS, THE LOWER COURT DECLARED IN ITS ORDER[4] DATED JULY 16, 1980 THAT THE ORDER DATED NOVEMBER 17, 1977 IS "SET ASIDE AND IN THE INTEREST OF JUSTICE, RE-OPENED IN ORDER THAT OTHER HEIRS, SUCCESSORS-IN-INTEREST OF FELINO ARANAS,[5] COULD LIKEWISE ASSERT THEIR CLAIMS, AS IN THE CASE OF THE HEIRS OF ANICETO ARANAS AND CARMELO ARANAS."[6]

THEIR MOTION FOR RECONSIDERATION HAVING BEEN DENIED BY THE LOWER COURT IN ITS ORDER DATED SEPTEMBER 23, 1980, PETITIONERS NOW COME BEFORE US BY CERTIORARI RAISING THE ISSUE THAT THE LOWER COURT ERRED IN SETTING ASIDE ITS ORDER DATED NOVEMBER 17, 1977 AND IN NOT APPLYING THE PROVISIONS ON USUFRUCT OF THE NEW CIVIL CODE WITH RESPECT TO THE PROPERTIES REFERRED TO AS GROUP "C" IN THE LAST WILL AND TESTAMENT.

THE COURT RULED IN ITS QUESTIONED ORDER THAT THIS PARTICULAR GROUP OF PROPERTIES (GROUP "C") IS SUBJECT TO THE FOLLOWING:

"1. REMUNERATIVE LEGACY BY WAY OF USUFRUCT OF THE NET PROCEEDS OF ½ OF THE ES-TATE AFTER DEDUCTING EXPENSES FOR ADMI-NISTRATION IN FAVOR OF VICENTE ARANAS, DURING HIS LIFETIME AND SHALL CONTINUE AN ADMINISTRATOR OF THE ESTATE,

AND, WHO, UPON HIS DEATH OR REFUSAL TO CONTINUE SUCH USUFRUCT, MAY BE SUCCEEDED BY ANY OF THE BROTHERS OF THE ADMINIS-TRATOR AS SELECTED BY THEIR FATHER, CARMELO ARANAS, IF STILL ALIVE OR ONE SELECTED BY HIS SONS IF, HE, CARMELO, IS DEAD; PURSUANT TO THE WILL. (ARTI-CLE 562, 563, 564 AND 603 OF THE NEW CIVIL CODE).

"2. LEGACY IN FAVOR OF THE ROMAN CATHOLIC CHURCH, PARTICULARLY THE ARCHBISHOP DIOCESE OF CAGAYAN DE ORO CITY REPRESENTED BY THE REVEREND ARCHBISHOP PATRICK H. CRONIN OVER ONE-HALF OF THE PROCEEDS OF THE PROPERTIES UNDER GROUP "C". (ARTICLE 603, NEW CIVIL CODE) AND TO LAST FOR A PERIOD OF FIFTY YEARS FROM THE EFFECTIVE DATE OF THE LEGACY, ARTICLE 605, NEW CIVIL CODE)." (ANNEX "L-14", P. 87, ROLLO)

ASSAILING THE AFOREMENTIONED RULING, PETITIONERS RELY HEAVILY ON THE DOCTRINE LAID DOWN IN ART. 870 OF THE NEW CIVIL CODE TO WIT:

"ART. 870. THE DISPOSITIONS OF THE TESTATOR DECLARING ALL OR PART OF THE ESTATE INALIENABLE FOR MORE THAN TWENTY YEARS ARE VOID."

A CURSORY READING OF THE ENGLISH TRANSLATION OF THE LAST WILL AND TESTAMENT SHOWS THAT IT WAS THE SIN-CERE INTENTION AND DESIRE OF THE TESTATOR TO REWARD HIS NEPHEW VICENTE ARANAS FOR HIS FAITHFUL AND UNSELFISH SERVICES BY ALLOWING HIM TO ENJOY ONE-HALF OF THE FRUITS OF THE TESTATOR'S THIRD GROUP OF PROPERTIES UNTIL VICENTE'S DEATH AND/OR REFUSAL TO ACT AS ADMINISTRATOR IN WHICH CASE, THE ADMINISTRATION SHALL PASS TO ANYONE CHOSEN BY CARMELO ARANAS AMONG HIS SONS AND UPON CARMELO'S DEATH, HIS SONS WILL HAVE THE POWER TO SELECT ONE AMONG THEMSELVES. VICENTE ARANAS THEREFORE AS A USUFRUCTUARY HAS THE RIGHT TO ENJOY THE PROPERTY OF HIS UNCLE WITH ALL THE BENEFITS WHICH RESULT FROM THE NORMAL ENJOYMENT (OR EXPLOITATION) OF ANOTHER'S PROPERTY, WITH THE OBLIGATION TO RETURN, AT THE DESIGNATED TIME, EITHER THE SAME THING, OR IN SPECIAL CASES ITS EQUIVALENT. THIS RIGHT OF VICENTE TO ENJOY THE FRUITS OF THE PROPERTIES IS TEMPORARY AND THEREFORE NOT PERPETUAL AS THERE IS A LIMITATION NAMELY HIS DEATH OR HIS REFUSAL. LIKEWISE HIS DESIGNATION AS ADMINISTRATOR OF THESE PROPERTIES IS LIMITED BY HIS REFUSAL AND/OR DEATH AND THEREFORE IT DOES NOT RUN COUNTER TO ART. 870 OF THE CIVIL CODE RELIED UPON BY THE PETITIONERS. BE IT NOTED THAT VICENTE ARANAS IS NOT PROHIBITED TO DISPOSE OF THE FRUITS AND OTHER BENEFITS ARISING FROM THE USUFRUCT. NEITHER ARE THE NAKED OWNERS (THE OTHER HEIRS) OF THE PROPERTIES, THE USUFRUCT OF WHICH HAS BEEN GIVEN TO VICENTE ARANAS PROHIBITED FROM DISPOSING OF SAID NAKED OWNERSHIP WITHOUT PREJUDICE OF COURSE TO VICENTE'S CONTINUING USUFRUCT. TO VOID THE DESIGNATION OF VICENTE ARANAS AS USUFRUCTUARY AND/OR ADMINISTRATOR IS TO DEFEAT THE DESIRE AND THE DYING WISH OF THE TESTATOR TO REWARD HIM FOR HIS FAITHFUL AND UNSELFISH SERVICES RENDERED DURING THE TIME WHEN SAID TESTATOR WAS SERIOUSLY ILL OR BED-RIDDEN. THE PROVISIO MUST BE RESPECTED AND BE GIVEN EFFECT UNTIL THE DEATH OR UNTIL THE REFUSAL TO ACT AS SUCH OF THE INSTITUTED USUFRUCTUARY/ADMINISTRATOR, AFTER WHICH PERIOD, THE PROPERTY CAN BE PROPERLY DISPOSED OF, SUBJECT TO THE LIMITATIONS PROVIDED IN ART. 863 OF THE CIVIL CODE CONCERNING A FIDEICOMMISSARY SUBSTITUTION, SAID ARTICLE SAYS:

"A FIDEICOMMISSARY SUBSTITUTION BY VIRTUE OF WHICH THE FIDUCIARY OR FIRST HEIR INSTITUTED IS ENTRUSTED WITH THE OBLIGATION TO PRESERVE AND TO TRANSMIT TO A SECOND HEIR THE WHOLE OR PART OF THE INHERITANCE, SHALL BE VALID AND SHALL TAKE EFFECT, PROVIDED SUCH SUBS-TITUTION DOES NOT GO BEYOND ONE DEGREE FROM THE HEIR ORIGINALLY INSTITUTED, AND PROVIDED FURTHER, THAT THE FIDUCIARY OR FIRST HEIR AND THE SECOND HEIR ARE LIVING AT THE TIME OF THE DEATH OF THE TESTATOR."

IT IS CONTENTED BY PETITIONERS THAT THE RULING MADE BY RESPONDENT COURT DATED NOVEMBER 17, 1977 WAS ALREADY FINAL AND NOT SUBJECT TO CORRECTION AS WHAT WAS SET ASIDE AND TO BE REHEARD WAS ONLY REGARDING THE DETERMINATION OF ADDITIONAL HEIRS. SUCH CONTENTION IS NOT WORTHY OF CREDENCE. RESPONDENTS IN THEIR MEMORAN-DUM ALLEGE AND IT IS NOT DISPUTED BY PETITIONERS THAT THE ORDER OF NOVEMBER 17, 1977 HAS NOT YET BECOME FINAL BECAUSE IT WAS RECEIVED ONLY ON JANUARY 12, 1978 BY THE COUNSEL FOR RESPONDENT VICENTE ARANAS AND THE MOTION FOR RECONSIDERATION AND TO DECLARE TESTAMENTARY AND INTESTATE HEIRS DATED JANUARY 17, 1978 WAS FILED BY THE SAID RESPONDENT WITHIN THE REGLEMENTARY PERIOD. BE-SIDES THE VALIDITY OR INVALIDITY OF THE USUFRUCTUARY DISPOSITIONS WOULD AFFECT THE DETERMINATION OF HEIRS.

AS TO PETITIONERS' ALLEGATION THAT THE ORDER OF JULY 16, 1980 IS WITHOUT BASIS, THE RECORD SHOWS THAT DURING THE HEARING OF THE URGENT MOTION FOR RECONSIDERATION AND TO DECLARE TESTAMENTARY AND INTESTATE HEIRS, IT WAS PROVEN CONCLUSIVELY BY THE SAID RESPONDENT VICENTE B. ARANAS THAT HE WAS INSTITUTED AS A REMUNE-RATIVE LEGATEE PER MANDATE OF THE LAST WILL AND TESTA-MENT BY WAY OF USUFRUCTUARY. LIKEWISE THE RIGHT OF THE ROMAN CATHOLIC CHURCH AS THE OTHER USUFRUCTUARY LEGATEE FOR THE DURATION OF THE STATUTORY LIFETIME OF A CORPORATION, THAT IS, 50 YEARS FROM THE DATE OF THE EFFECTIVITY OF SAID LEGACY, WAS ALSO ESTABLISHED.[7]

WHEREFORE, THE INSTANT PETITION IS HEREBY DISMISSED.

SO ORDERED.

Fernan, (Chairman), Gutierrez, Jr., Padilla, Bidin, and Cortes, JJ., concur.

[1] ANNEX "B-4", P. 23, ROLLO.

[2] ANNEX "G", PP. 59-70, ROLLO.

[3] ANNEX "G", P. 68, ROLLO.

[4] ANNEX "I", PP. 73-88, ROLLO.

[5] THE OTHER DECEASED BROTHER OF FR. TEODORO ARANAS.

[6] ANNEX "I", P. 73, ROLLO.

[7] ARTICLE 605, NEW CIVIL CODE.

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