

**PABLO RALLA, SUBSTITUTED BY HIS WIFE AND CO-DEFENDANT
CARMEN MUNOZ-RALLA, AND HIS LEGAL HEIRS, HILDA
RALLA-ALMINE, BELISTA, RENE RALLA-BELISTA AND GERARDO M.
RALLA, PETITIONERS,...**

G.R. No. 78646. July 23, 1991

Ponente: CRUZ, J.

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CRUZ, J.:

Rosendo Ralla had two sons, Pablo and Pedro. The father apparently loved the former but not the latter. Pablo and his family lived with Rosendo, who took care of all the household expenses. Pablo administered part of the family properties and received a monthly salary of P250.00 plus part of the produce of the land. Pedro lived with his mother, Paz Escarella, in another town. He was not on good terms with his father.

Paz Escarella died in 1957 and the two brothers partitioned 63 parcels of land she left as her paraphernal property. The partition was sustained by this Court in G.R. Nos. 63253-54 on April 27, 1989.[1] Meanwhile, on December 22, 1958, Rosendo executed a will disinheriting Pedro and leaving everything he owned to Pablo, to whom he said he had earlier sold a part of his property for P10,000.00. Rosendo himself filed for the probate of the will but pendente lite died on October 1, 1960.

On November 3, 1966, the probate judge converted SP 564 into an intestate proceeding. On February 28, 1978, a creditor of the deceased filed a petition for the probate of Rosendo's will in SP 1106, which was heard jointly with SP 564. On August 3, 1979, the order of November 3, 1966, was set aside.

The last will and testament of Rosendo Ralla was allowed on June 7, 1982,[2] but on October 20, 1982, the disinheritance of Pedro was disapproved.[3] This order was elevated to the Court of Appeals in AC-G.R. Nos. 00472, 00489.

In a decision dated July 25, 1986, the Court of Appeals[4] reversed the trial court and reinstated the disinheritance clause after finding that the requisites of a valid disinheritance had been complied with in the will. The appellate court noted that Pedro had threatened to kill his father, who was afraid of him and had earlier sued him for slander and grave oral defamation.

The decision was assailed before this Court in G.R. Nos. 76657-58, which was dismissed in our resolution of August 26, 1987, reading as follows:

x x x Assuming that, as claimed, the petitioners' counsel received a copy of the questioned decision only on August 15, 1986 (although it should have been earlier because it was mailed to him at his address of record on July 28, 1986), they had 15 days, or until August 30, 1986, within which to move for its reconsideration or appeal therefrom by certiorari to this Court. Instead, they filed on August 28, 1986, a motion for extension of time to file a motion for reconsideration, which was not allowed under our ruling in *Habaluyas Enterprises, Inc. v. Japson*, 142 SCRA 208, and so did not interrupt the running of the reglementary period. Indeed, even if

the period were to be counted from October 7, 1986, when notice of the denial of the motion for extension was received by the petitioners, the petition would still be 30 days late, having been filed on December 8, 1986. Moreover, the petitioners have not shown that the questioned decision is tainted with grave abuse of discretion or that it is not in accord with law and jurisprudence. For these reasons, the Court Resolved to DISMISS the petition.

The motion for reconsideration was denied with finality in the following resolution dated October 26, 1987:

x x x The Court, after deliberation, Resolved to DENY with finality the motion for reconsideration, wherein the petitioners pray that they be relieved from the effects of our ruling in *Habaluyas Enterprises, Inc. v. Japson*, 142 SCRA 208, under which the petition was denied for tardiness. Counsel are expected to be abreast of current developments in law and jurisprudence and cannot plead ignorance thereof as an excuse for non-compliance with the same. As earlier observed, the petition was filed extremely late, and, moreover, it was inadequate even on the merits, same having failed to show that the questioned decision was tainted with grave abuse of discretion or reversible error.

What is involved in the present petition is the correctness of the decision of the respondent court annulling the deed of sale executed by Rosendo Ralla in favor of Pablo over 149 parcels of land. Pedro had filed on May 19, 1972, a complaint to annul the transaction on the ground that it was simulated.[5] The original decision of the trial court declared the sale null and void.[6] In the resolution of the motion for reconsideration, however, Judge Jose F. Madara completely reversed himself and held the deed of sale to be valid.[7] This order was in turn set aside by the respondent court, which reinstated the original decision invalidating the deed of sale.

It is indeed intriguing that the trial judge should, in resolving the motion for reconsideration, make a complete turnabout on the basis of the same evidence and jurisprudence that he considered in rendering the original decision. It is no less noteworthy that the respondent court, after studying the two conclusions reached by him, saw fit to sustain his original findings as the correct appreciation of the evidence and the applicable law.

But we find that, regardless of these curious resolutions, the petition must nevertheless be sustained albeit not on the ground that the deed of sale was indeed valid. The Court is inclined to support the findings of the respondent court. However, we do not and cannot make any decision on this matter because of one insuperable obstacle. That obstacle is the proper party personality of Pedro Ralla to question the transaction.

The decision of the Court of Appeals in AC-G.R. Nos. 00472, 00489 approved the disinheritance of Pedro Ralla. That decision was appealed to this Court, but the petition for review was dismissed as above related. The decision has long since become final. Since then, Pedro Ralla no longer had the legal standing to question the validity of the sale executed by Rosendo in favor of his other son Pablo.

The real party-in-interest is the party who stands to be benefited or injured by the judgment or the party entitled to the avails of the suit. "Interest" within the meaning of the rule means material interest, an interest in issue and to be affected by the decree, as distinguished from mere interest in the question involved, or a mere incidental interest. As a general rule, one having no right or interest to protect cannot invoke the jurisdiction of the court as a party-plaintiff in an action.[8]

As the sole heir, Pablo Ralla had the right to inherit the totality of his father's estate after payment of all its debts. Even if it be assumed that the deed of sale was indeed invalid, the subject-matter thereof nevertheless devolved upon Pablo as the universal successor of his father Rosendo. In his will, Rosendo claimed the 149 parcels as "part of my property" - as distinguished from the conjugal estate - which he had earlier sold to Pablo. Significantly, Pedro did not deny this description of the property in his Comment to the present petition, confining himself to assailing the validity of the sale.

The court must note the lackadaisical attitude of the heirs of Pedro Ralla, who substituted him upon his death. They seem to have lost interest in this litigation, probably because of the approval of their father's disinheritance by the respondent court. When the parties were required to submit their respective memoranda after we gave due course to this petition, the petitioners did but not the private respondents. Although the period to do so had already expired, the Court relaxed its rules to give the private respondents another opportunity to comply with the requirement. When the resolution of August 22, 1990, could not be served upon the private respondents' counsel, we directed that it be served on the private respondents themselves.[9] On January 18, 1991, the heirs of Pedro Ralla informed the Court that they were retaining another counsel and asked that they be furnished a copy of the petition and given 30 days within which to file their memorandum.[10] This motion was granted. The records show that they received a copy of the petition on February 26, 1991, but their memorandum was never filed. On May 29, 1991, the Court, noting this omission, finally resolved to dispense with the memorandum and to decide this case on the basis of the available records.

Our decision is that as a validly disinherited heir, and not claiming to be a creditor of his deceased father, Pedro Ralla had no legal personality to question the deed of sale dated November 29, 1957, between Rosendo Ralla and his son Pablo. Legally speaking, Pedro Ralla was a stranger to the transaction as he did not stand to benefit from its annulment. His disinheritance had rendered him *hors de combat*.

WHEREFORE, the decision of the respondent court dated January 23, 1987, is set aside and another judgment is hereby rendered dismissing Civil Case 194 (originally Civil Case 4624) in the Regional Trial Court of Ligao, Albay, Branch 5.

SO ORDERED.

Narvasa, (Chairman), Gancayco, Griño-Aquino, and Medialdea, JJ., concur.

[1] Ralla v. Untalan, 172 SCRA 858.

[2] Rollo, p. 131.

[3] Ibid., p. 130.

[4] Penned by Justice Jose C. Campos, Jr., with Pascual, Camilon and Jurado, JJ., concurring.

[5] Annex "A," Record on Appeal.

[6] Rollo, p. 71.

[7] Ibid., p. 118.

[8] Guinobatan Historical and Cultural Association v. CFI of Albay, Branches III and IV, 182 SCRA 256; Sustiguer v. Tamayo, 176 SCRA 579; House International Building Tenants Association, Inc. v. Intermediate Appellate Court, 151 SCRA 703.

[9] Rollo, p. 351.

[10] Ibid., p. 353.

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