

MARIA BEATRIZ M. VAZQUEZ, PETITIONER, VS. MARIA PACITA GABORRO VAZQUEZ, RESPONDENT.

G.R. Nos. 267662 and 270596, December 01, 2025

Ponente: LOPEZ, J., J.

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LOPEZ, J., J.:

This Court resolves the consolidated Petitions for Review on Certiorari,[1] seeking to reverse and set aside the Decision[2] and Resolution[3] of the Court of Appeals (CA), which nullified the Orders[4] of the Regional Trial Court (RTC) issued after admitting the will of Daniel E. Vazquez (Daniel) into probate on the ground of grave abuse of jurisdiction.

The Antecedents

Maria Pacita G. Vazquez (Pacita) alleged that Daniel was married to Maria Luisa M. Vazquez (Luisa). Daniel and Luisa had four children, namely, Maria Victoria M. Vazquez (Victoria), Juan Miguel M. Vazquez (Juan Miguel), Maria Beatriz M. Vazquez (Beatriz), and Maria Isabel M. Vazquez (Isabel). Isabel and Juan Miguel died before their parents. Juan Miguel was survived by his children, Rosana Maria Luisa D. Vazquez (Rosana) and Jose Miguel D. Vazquez (Jose Miguel).[5]

On April 26, 2016, Luisa died. Subsequently, Daniel and Beatriz filed a petition for the settlement of Luisa's intestate estate, docketed as Spec. Proc. Case No. R-MKT-16-00044-SP (Intestate Case of Luisa) and was assigned to Branch 56, RTC, Makati City (RTC Branch 56). Victoria, who was then estranged from the family, intervened in this case and filed her opposition against it.[6]

In the meantime, on September 16, 2016, Daniel married Pacita.[7]

While the settlement of Luisa's intestate estate was ongoing, Daniel also filed a verified petition before the RTC for the probate of his Last Will and Testament dated January 10, 2019 (First Will). The case was docketed as Spec. Proc. Case No. R-MKT-19-01358-SP (First Probate Case) and was initially handled by Branch 57, RTC, Makati City (RTC Branch 57). The case was later transferred to RTC Branch 56 because of the unavailability of the Presiding Judge of RTC Branch 57, who was set to retire that year.[8]

After due proceedings, RTC Branch 56 granted Daniel's petition and allowed the First Will. However, it declared void the provisions of the will disinheriting Victoria, as well as the institution of heirs insofar as it prejudiced Victoria.[9]

According to Pacita, Daniel executed another will dated January 18, 2021 (Second Will), expressly revoking the First Will and naming Pacita as the sole executor. Unfortunately, Daniel passed away on April 3, 2021, without having presented the alleged Second Will to the court for probate.[10]

Following Daniel's death, Beatriz filed an Entry of Appearance with Motions for Issuance of Letters Testamentary (Motion for Letters Testamentary) in the First Probate Case. It was opposed by Victoria, who filed her Comment/Opposition (to the Motion for Issuance of Letters Testamentary) with Verified Motion (1) To Issue

Letters of Administration to Maria Victoria M. Vazquez (Motion for Letters of Administration); and (2) To Consolidate the Case with the Intestate Case of Maria Luisa Madrigal Vazquez (Motion to Consolidate).[11]

Victoria also filed an Urgent Motion to Freeze (Motion to Freeze) praying for RTC Branch 56 to order any bank and/or financial institutions that hold deposits, assets, credits, and safety deposit boxes under the names of Luisa and/or Daniel and/or Pacita to freeze the accounts, to refrain from allowing any withdrawal, and to submit a report to account for said deposits, assets, credits, and safety deposit boxes. Victoria filed a similar motion in Luisa's Intestate Case, pending before RTC Branch 56.[12]

On May 6, 2021, Pacita filed a Petition for Probate of Daniel's Second Will before the RTC. It was docketed as Spec. Proc. Case No. R-MKT-21-01143-SP (Second Probate Case) and was assigned to Branch 237, RTC, Makati City.[13]

Meanwhile, in the First Probate Case, RTC Branch 56 held a joint hearing to hear Beatriz's Motion for Letters Testamentary and Victoria's Motion for Letters of Administration and Motion to Freeze. During the hearing, Pacita manifested that she had filed a petition for probate of Daniel's Second Will that expressly revoked the First Will. RTC Branch 56 instructed Pacita to file her manifestation/comment on the pending motions.[14]

On May 19, 2021, Daniel's former counsel received an Order issued by RTC Branch 56 confirming the Notice of Appeal with Record of Appeal filed by Daniel, with respect to the trial court's Decision in the First Probate Case.[15]

On May 24, 2021, Pacita filed a Comment/Opposition Ad Cautelam to Beatriz's and Victoria's Motions before RTC Branch 56. Rosana and Jose also filed their respective Comment/Opposition.[16]

Beatriz also filed before RTC Branch 56 an Urgent Motion to Allow Payment of Debt Due on 12 June 2021 to Avoid Cancellation of Contract and Forfeiture of Moneys Already Paid Amounting to Approximately [PHP] 103,663,466.39 (Re: Contract to Sell and Contracts to Sell dated July 18, 2019)[17] (Motion to Pay Debt).[18]

Subsequently, RTC Branch 56 issued a Joint Order (Urgent Motions to Freeze and Refrain Orders)[19] (Freeze Order) in the Intestate Case of Luisa and the First Probate Case, disposing as follows:

WHEREFORE, premises considered, the Urgent Motions dated April 15, 2021 of Oppositor/Intervenor Maria Victoria M. Vazquez, in both the Intestate and Probate cases and duly joined by Heirs Rosana D. Vazquez and Jose Miguel D. Vazquez in their Comment/Reply dated 21 May 2021 in the Probate Case are hereby GRANTED.

Union Bank of the Philippines, Bank of Singapore – Private Banking, Hong Kong and Shanghai Banking Corporation Premiere – Private Banking, Security Bank Corporation, Security Bank Corporation (El Molito Branch), Rizal Commercial Banking Corporation, and all other banks and/or financial institutions entrusted with the assets of the estate are hereby ordered to:

(1)

Immediately FREEZE and REFRAIN from allowing any and all sort of withdrawal, disposition, and/or movement of deposits, assets, credits, safety deposit boxes, and accounts under the name of MARIA LUISA MADRIGAL VAZQUEZ and/or DANIEL EARNSHAW VAZQUEZ and/or MARIA PACITA GABORRO VAZQUEZ, either in their individual capacities or those jointly owned by them with another or with any other persons, or those where they are named and made beneficiaries of; and

(2)

INFORM and REPORT to this Court within fifteen (15) days from receipt hereof, the proceeds of such

dispositions, withdrawals, sales, and/or alienations in the deposits, assets, credits, safety deposit boxes and accounts under the names of MARIA LUISA MADRIGAL VAZQUEZ and/or DANIEL EARNSHAW VAZQUEZ and/or MARIA PACITA GABORRO VAZQUEZ, either in their individual capacities or those jointly owned by them with another or with any other persons, or those where they are named and made beneficiaries of.

Let a copy of this Order be served to the foregoing banks and/or financial institutions for their immediate compliance.

SO ORDERED.[20] (Emphasis in the original)

RTC Branch 56 then issued another Order[21] resolving Beatriz's Motion for Letters Testamentary, as well as Victoria's Motion for Letters of Administration and Motion to Consolidate, as follows:

Wherefore, premises considered, the Honorable Court hereby issues the following rulings:

(1)

The Motion for the Issuance of Letters Testamentary of Executrix Maria Beatriz M. Vazquez is hereby GRANTED.

Let Letters Testamentary be issued to Movant-Heir Maria Beatriz M. Vazquez as the Named Executrix of the Last Will and Testament of Petitioner Daniel E. Vazquez dated 10 January 2019 without bond.

Upon her oath and assumption as Executrix of the Estate of Petitioner Daniel E. Vazquez, Movant Maria Beatriz M. Vazquez shall assume the duties and responsibilities of an executor as set forth under Rules 81, 83, 84[,] and 87[,] among other duties and responsibilities imposed upon her under the Rules of Court as such, and to perform all orders of the court by her to be performed, including but not limited to bring or defend actions for the recovery or protection of the property or rights of the deceased in actions or causes which survive.

(2)

The Verified Omnibus Motion to Issue Letters of Administration to Maria Victoria M. Vazquez by Oppositor Maria Victoria M. Vazquez is hereby DENIED.

(3)

The Motion to Consolidate the Case with the Intestate Case of Ma. Luisa Madrigal Vazquez by Oppositor Ma. Victoria M. Vazquez is hereby DENIED.

[SO ORDERED].[22] (Emphasis in the original)

Meanwhile, in another Order,[23] RTC Branch 56 granted Beatriz's Motion to Pay Debt resolving as follows:

Wherefore, premises considered, the Urgent Motion under consideration is hereby GRANTED.

As prayed for by Executrix Maria Beatriz M. Vazquez, she is hereby ALLOWED to make withdrawal of funds from the available bank accounts of the deceased Daniel E. Vazquez and/or make arrangements for the payment of and to pay for and in behalf of the Estate of Petitioner Daniel E. Vazquez the amount due from the Contracts to Sell entered into by Petitioner Daniel E. Vazquez in his lifetime, including any and all interests and penalties due thereon, as necessary.

Executrix Maria Beatriz M. Vazquez is hereby DIRECTED to submit to this Court her compliance to this Order together with her accounting and liquidation of the amounts that may be withdrawn as necessary for the purpose stated herein within a period of fifteen (15) days from settlement of the stated debts of the deceased in the motion.

[SO ORDERED].[24] (Emphasis in the original)

For her part, Victoria filed a Motion for Partial Reconsideration against the Order denying her Motion for Letters of Administration and Motion to Consolidate. RTC Branch 56 granted it, which ordered that Beatriz and Victoria be co-administrators of Daniel's and Luisa's estate. The dispositive portion of the Order[25] states:

Wherefore, premises considered, the Motion for Partial Reconsideration (Re: Order 8 June 2021 Order) dated 11 June 2021 of Movant-Oppositor Maria Victoria M. Vazquez is hereby GRANTED.

The Order of this Court dated 08 June 2021, in so far as it denied Movant-Oppositor Maria Victoria M. Vazquez's prayer for Letters of Administration is hereby REVERSED and SET ASIDE, and let Letters of Administration be issued to Movant-Oppositor Maria Victoria M. Vazquez as Co-Administrator of the Estate of Petitioner Daniel E. Vazquez upon posting of a bond which is fixed at Two Million Pesos ([PHP] 2,000,000.00) subject to the conditions set forth under [Rule 81, Section 1] of our Rules of Court.

To avoid any confusion. Executrix Maria Beatriz M. Vazquez shall continue to act as the legal representative of the Estate of Petitioner Daniel E. Vazquez in all actions, including those that survive his death. She is further directed to continue to collate and make an inventory of the Estate of Daniel E. Vazquez and to represent the estate of the decedent in SP Case No. R-MKT-16-00044-SP and proceed with her presentation of inventory in the Estate of Maria Luisa M. Vazquez on 11 August 2021 as executrix of the decedent.

Movant-Oppositor Maria Victoria M. Vazquez shall co-administer and co-manage the Estate of the Petitioner Daniel E. Vazquez with Executrix Maria Beatriz M. Vazquez for the best interest and preservation thereof.

[SO ORDERED].[26] (Emphasis in the original)

Aggrieved by the RTC Branch 56 Orders, Pacita filed a Petition for Certiorari before the CA. She assailed the jurisdiction of RTC Branch 56 to issue its Orders granting the Motion to Freeze, Motion for Letters Testamentary, Motion for Letters Administration, and Motion to Pay Debt filed by Beatriz and Victoria in the First Probate Case.[27]

Pacita argued that RTC Branch 56 lost jurisdiction to hear and decide the motions in the First Probate Case when it granted and allowed the probate of Daniel's First Will.[28]

In its Decision,[29] the CA granted the Petition for Certiorari. First, it ruled that Pacita availed of the correct remedy since the Orders of RTC Branch 56 are interlocutory in nature and, hence, correctible only by certiorari. In any event, the CA held that a petition for certiorari is allowed even when an appeal is available, provided that the appeal does not constitute a speedy and adequate remedy, or where the assailed orders were issued either in excess of, without jurisdiction, or with a grave abuse of discretion, as in this case.[30]

On the merits, the CA held that the probate of a will filed by the testator himself during his lifetime is limited to a determination of the extrinsic validity of the will and not the distribution of the estate since the testator is still alive and is not precluded from executing another will. It agreed with Pacita that the First Probate Case was terminated upon the allowance of Daniel's First Will, and RTC Branch 56 no longer had jurisdiction when it issued the assailed Orders after Daniel's death and during the pendency of the Second Probate Case.[31]

The CA further held that the Joint Order (Urgent Motions to Freeze and Refrain Orders) in the Intestate Case of Luisa and the First Probate Case issued by RTC Branch 56 was also issued in grave abuse of discretion. It was noted that the Joint Order did not specify the bank account numbers or the names of the other persons who may jointly own accounts in these banks, together with Daniel, Luisa, and Pacita.

According to the CA, by issuing a freeze order encompassing accounts under the name of Pacita, on her own or jointly with individuals, even those other than Daniel and Luisa, RTC Branch 56 acted beyond its mandate as a

probate court of limited jurisdiction. It emphasized that the Rules of Court do not even provide for a grant of authority to the probate court to issue freeze orders in the first place. The CA held that the issuance of the Joint Order was also violative of the Bank Secrecy Law.[32]

Victoria filed a Motion for Reconsideration, but the CA denied it in its Resolution.[33]

Hence, the present Petitions filed by Beatriz and Victoria.

In G.R. No. 267662, Beatriz argues that RTC Branch 56 did not lose jurisdiction upon the probate of Daniel's First Will or the filing of the petition for the probate of the alleged Second Will. She cites Rule 73, Section 1 of the Rules of Court, which states that "[t]he court taking cognizance of the settlement of the estate of a decedent, shall exercise jurisdiction to the exclusion of all other courts," and argued that the provision does not make a distinction between wills probated antemortem and postmortem.[34]

In relation to. this, Beatriz contends that allowing the trial court in the Second Probate Case to take cognizance over the probate of Daniel's Second Will and the distribution of his estate goes against the policy of the law having only one probate court to settle the estate of the deceased, which is essential to prevent conflicting decisions, confusion, and delay.[35]

Beatriz also avers that the settlement of estate proceedings ends upon the distribution of the estate and not upon the probate of the will. She pointed out that under Rule 78, Section 4 of the Rules of Court, it is provided that "[w]hen a will has been proved and allowed, the court shall issue letters testamentary thereon to the person named as executor therein, if he is competent, accepts the trust, and gives bond as required by these rules." [36]

Beatriz argues that the filing of the Second Probate Case is not one of the grounds to deprive RTC Branch 56 of jurisdiction under Rule 73, Section 1 of the Rules of Court, which grounds are limited only to (1) appeal, and (2) when the want of jurisdiction appears on record.[37]

Beatriz posits that the CA erred in giving due course to the Petition for Certiorari since other plain, speedy, and adequate remedies were available to Pacita, which she did not timely avail herself of. Beatriz points out that Pacita did not file any motion for reconsideration and/or appeal of the assailed Orders of RTC Branch 56 before she filed her Petition for Certiorari with the CA. Further, the assailed Orders of RTC Branch 56 are not interlocutory but final orders and are thus proper subjects of appeal, rather than a Petition for Certiorari under Rule 65 of the Rules of Court.[38]

In G.R. No. 270596, Victoria argues that after the allowance of the First Will in the First Probate Case, the proceedings in RTC Branch 56 were converted into the settlement of the estate of Daniel when Beatriz and Victoria filed for the issuance of letters testamentary and letters of administration, respectively. Thus, RTC Branch 56 continued to exercise jurisdiction over the estate to the exclusion of all other courts in accordance with Rule 73, Section 1 of the Rules of Court.[39]

Further, Victoria contends that the Order of RTC Branch 56 granting her Motion to Freeze was validly issued. She alleged that the Freeze Order was not violative of the Bank Secrecy Law since the deposits in question are the subject matter of litigation, which is an exception to the prohibition against disclosure or inquiry into deposits.[40]

Victoria also avers that the Freeze Order was meant to preserve the bank accounts under the names of Luisa and/or Daniel and/or Pacita, pending a final determination of what belongs to the estate of Luisa. Thus, it is only logical that the accounts frozen were not yet specified.[41]

Finally, Victoria argues that, considering that the estate settlement court has the power to make a prima facie determination of the properties of the estate, it necessarily has the authority to issue a freeze order as a preventive

step to protect the assets of the estate and prevent them from being unduly disposed of.[42]

In her Comment/Opposition[43] to the petition in G.R. No. 267662, Pacita argues that the CA correctly ruled that RTC Branch 56 lost jurisdiction over the First Probate Case upon allowance of Daniel's First Will. She contends that this is because wills are ambulatory in nature, and the testator may change their will at any time during their lifetime, despite the allowance of a previous will.[44]

Further, Pacita argues that the rule, which states that the court taking cognizance of the case shall exercise jurisdiction to exclude other courts, applies only to the settlement of an estate and not to antemortem probate proceedings. She insisted that proceedings for probate of a will antemortem are limited in nature and purpose, i.e., the determination of the extrinsic validity of the will. On the other hand, the settlement of an estate may commence only after the testator's death.[45]

Pacita also avers that the perfection of Daniel's appeal from the Decision in the First Probate Case deprived RTC Branch 56 of its jurisdiction.[46]

Finally, Pacita argues that the CA did not err in giving due course to her Petition for Certiorari despite her non-filing of a motion for reconsideration against RTC Branch 56's assailed Orders. She alleges that a motion for reconsideration is not required when the assailed order or judgment is a patent nullity, as in this case.[47]

Meanwhile, in her Comment/Opposition[48] to G.R. No. 270596, Pacita added that RTC Branch 56 could not have validly proceeded with the settlement of the estate, given that Daniel was still alive at the time. In other words, an allowance of a will probated antemortem cannot be automatically treated as an estate settlement proceeding since the testator's mind can change for as long as they are alive.[49]

Pacita also contends that it is irrelevant that Beatriz and Victoria filed their motions for issuance of letters testamentary and/or administration after the death of Daniel since the fact remains that they filed the motions after the allowance of the First Will, at which point the jurisdiction of RTC Branch 56 had already ended. Further, Pacita emphasizes that Daniel executed the Second Will, which expressly revoked the First Will.[50]

Finally, Pacita argues that the Freeze Order was not only issued at a time when RTC Branch 56 no longer had jurisdiction over the case, but its issuance also had no basis in law or jurisprudence.[51]

Issue

The issue to be resolved is whether the CA erred in finding that Branch 56, Regional Trial Court, Makati City, committed grave abuse of discretion in issuing its assailed Orders.

This Court's Ruling

The Petitions are denied.

Time and again, this Court has held that to justify the grant of certiorari, "the petitioner must satisfactorily show that the court gravely abused its discretion." [52]

Indeed, the purpose of certiorari proceedings under Rule 65 of the Rules of Court is to determine "whether the public respondent acted without or in excess of its jurisdiction or with grave abuse of discretion." [53] In this regard:

"Without jurisdiction" means that the court acted with absolute lack of authority. There is "excess of jurisdiction" when the court transcends its power or acts without any statutory authority. "Grave abuse of discretion" implies such capricious and whimsical exercise of judgment as to be equivalent to lack or excess of jurisdiction; in other words, power is exercised in an arbitrary or despotic manner by reason of passion, prejudice, or personal hostility; and such exercise is so patent or so gross as to amount to an evasion of a

positive duty or to a virtual refusal either to perform the duty enjoined or to act at all in contemplation of law.[54] (Citations omitted)

To emphasize, the writ of certiorari lies in keeping a court "within the bounds of its jurisdiction or to prevent it from committing such a grave abuse of discretion amounting to lack or excess of jurisdiction." [55] Here, petitioners assail the CA's ruling that RTC Branch 56 gravely abused its discretion in issuing further Orders after it had already admitted Daniel's First Will into probate.

It should be noted that under Rule 65, Section 1[56] of the Rules of Court, certiorari may be issued only when there is no other plain, speedy, and adequate remedy in the course of law. Thus, it is generally required that prior to resorting to the extraordinary writ of certiorari, respondent should have filed a motion for reconsideration against the assailed RTC Orders, which is considered an adequate remedy in the ordinary course of law.[57]

Indeed, "the filing of a motion for reconsideration [enables] the court or agency to rectify its mistakes without the intervention of a higher court." [58] Nevertheless, it is settled that a superior court may still take cognizance of a petition for certiorari despite the non-filing of a motion for reconsideration under well-settled exceptions:

(a)

where the order is a patent nullity, as where the court a quo has no jurisdiction;

(b)

where the questions raised in the certiorari proceedings have been duly raised and passed upon by the lower court, or are the same as those raised and passed upon in the lower court;

(c)

where there is an urgent necessity for the resolution of the question and any further delay would prejudice the interests of the Government or of the petitioner or the subject matter of the action is perishable;

(d)

where, under the circumstances, a motion for reconsideration would be useless;

(e)

where petitioner was deprived of due process and there is extreme urgency for relief;

(f)

where, in a criminal case, relief from an order of arrest is urgent and the granting of such relief by the trial court is improbable;

(g)

where the proceeding's in the lower court are a nullity for lack of due process;

(h)

where the proceedings was ex parte or in which the petitioner had no opportunity to object; and

(i)

where the issue raised is one purely of law or where public interest is involved.[59] (Citation omitted)

In the present case, respondent admittedly failed to file a motion for reconsideration against the assailed RTC

Orders. She argued nonetheless that her nonfiling of a motion for reconsideration was justified as her case falls under the first exception, i.e., the assailed Orders are a patent nullity, since RTC Branch 56 had no jurisdiction to issue them.

We agree that the first exception applies in this case. The assailed Orders of RTC Branch 56 are null and void for having been issued in grave abuse of discretion amounting to a lack of jurisdiction.

Article 838 of the Civil Code provides:

Art. 838. No will shall pass either real or personal property unless it is proved arid allowed in accordance with the Rules of Court.

The testator himself may, during his lifetime, petition the court having jurisdiction for the allowance of his will. In such case, the pertinent provisions of the Rules of Court for the allowance of wills after the testator's death shall govern.

The Supreme Court shall formulate such additional Rules of Court as may be necessary for the allowance of wills on petition of the testator.

Subject to the right of appeal, the allowance of the will, either during the lifetime of the testator or after his death, shall be conclusive as to its due execution. (Emphasis supplied).

In Our jurisdiction, the testator themselves is authorized to file for a petition for the probate of their will while they are alive. In such cases, the provisions of the Rules of Court on the probate of wills post-mortem apply. On this note, the pertinent provisions of the Rules of Court for the allowance of wills state:

RULE 73

Venue and Process

Section 1. Where estate of deceased persons settled. — If the decedents is an inhabitant of the Philippines at the time of his death, whether a citizen or an alien, his will shall be proved, or letters of administration granted, and his estate settled, in the Court of First Instance in the province in which he resides at the time of his death, and if he is an inhabitant of a foreign country, the Court of First Insurance of any province in which he had estate. The court first taking cognizance of the settlement of the estate of a decedent, shall exercise jurisdiction to the exclusion of all other courts. The jurisdiction assumed by a court, so far as it depends on the place of residence of the decedent, or of the location of his estate, shall not be contested in a suit or proceeding, except in an appeal from that court, in the original case, or when the want of jurisdiction appears on the record.

[...]

RULE 76

Allowance or Disallowance of Will

Section 1. Who may petition for the allowance of will. — Any executor, devisee, or legatee named in a will, or any other person interested in the estate, may, at any time after the death of the testator, petition the court having jurisdiction to have the will allowed, whether the same be in his possession or not, or is lost or destroyed.

The testator, himself may, during his lifetime, petition the court for the allowance of his will.

Section 2. Contents of petition. — A petition for the allowance of a will must show, so far as known to the petitioner:(a) The jurisdictional facts;

(b) The names, ages, and residences of the heirs, legatees, and devisees of the testator or decedent;

(c) The probable value and character of the property of the estate;

- (d) The name of the person for whom letters are prayed;
- (e) If the will has not been delivered to the court, the name of the person having custody of it.

But no defect in the petition shall render void the allowance of the will, or the issuance of letters testamentary or of administration with the will annexed.

Rule 73, Section 1 speaks of venue,[60] while Rule 76, Sections 1 and 2 of the Rules of Court provide for the requirements of a petition for allowance of a will. In probate proceedings, the main issue for the court's determination is the due execution or the extrinsic, validity of the will.[61] This means that the only question, to be resolved by the court is the testator's testamentary capacity and compliance with the formal requisites or solemnities prescribed by law.[62] Thus, when the court is convinced that the petitioner has sufficiently established compliance with the requirements, it shall, issue a Certificate of Allowance in accordance with Rule 76, Section 13 of the Rules of Court:

Section 13. Certificate of allowance attached to prove will. To be recorded in the Office of Register of Deeds.
– If the court is satisfied, upon proof taken and filed, that the will was duly executed, and that the testator at the time of its execution was of sound, and disposing mind, and not acting under duress, menace, and undue influence, or fraud, a certificate of its allowance, signed by the judge, and attested by the seal of the court shall be attached to the will and the will and certificate filed and recorded by the clerk. Attested copies of the will devising real estate and of certificate of allowance thereof, shall be recorded in the register of deeds of the province in which the lands lie.

Here, Daniel filed a petition for the probate of his First Will during his lifetime. The petition was assigned to RTC Branch 56, which eventually admitted the First Will into probate and issued a Certificate of Allowance. After Daniel's death, petitioners filed several motions before RTC Branch 56, among which were motions for the issuance of letters testamentary and letters of administration. RTC Branch 56 favorably acted on these motions and ultimately ordered petitioners to be co-administrators of Daniel's estate.

The core of the controversy in the present case is the validity of the Orders issued by RTC Branch 56 after it had already ruled for the allowance of the First Will. Petitioners argue that the jurisdiction of RTC Branch 56 continued despite the allowance of the First Will since the probate proceeding was converted into a proceeding for the estate settlement after Daniel's death.

Thus, RTC Branch 56 acted adequately and granted their Motion for Letters Testamentary, Motion to Pay Debt, Motion for Letters of Administration, and Motion to Freeze. Respondent, on the other hand, argues that the jurisdiction of RTC Branch 56 ended after the allowance of the First Will, since Daniel was still alive at the time. Consequently, it no longer had the authority to act on petitioners' motions.

Under Rule 78, Sections 4 and 6 of the Rules of Court, once the will has been proved-and allowed the court also has the duty to issue letters testamentary or letters of administration, whichever is proper, thus:

Section 4. Letters testamentary issued when will allowed. — When a will has been proved and allowed, the court shall issue letters testamentary thereon to the person named as executor therein, if he is competent, accepts the trust, and gives bond as required by these rules.

. . . .

Section 6. When and to whom letters of administration granted. — If no executor is named in the will, or the executor or executors are incompetent, refuse the trust, or fail to give bond, or a person dies intestate, administration shall be granted:(a) To the surviving husband or wife, as the case may be, or next of kin, or both, in the discretion of the court, or to such person as such surviving husband or wife, or next of kin, requests

to have appointed, if competent and willing to serve;

(b) If such surviving husband or wife, as the case may be, or next of kin, or the person selected by them, be incompetent or unwilling, or if the husband or widow, or next of kin, neglects for thirty (30) days after the death of the person to apply for administration or to request that administration be granted to some other person, it may be granted to one or more of the principal creditors, if may be granted to one or more of the principal creditors, if competent and willing to serve;

(c) If there is no such creditor competent and willing to serve, it may be granted to such other person as the court may select.

This Rule, however, presupposes that a will was probated postmortem. Since the testator is already dead at that point, the probate court may validly proceed with the settlement of the estate by appointing an executor or administrator in accordance with the foregoing provisions.

This is in consonance with the Rule under Rule 73, Section 1 of the Rules of Court, which states that "[t]he court first taking cognizance of the settlement of the estate of a decedent, shall exercise jurisdiction to the exclusion of all other courts," the purpose of which is to prevent confusion and delay. Indeed, it has been held that:

[E]very challenge to the validity of the will, any objection to its authentication, every demand or claim by any heir, legatee or party in interest in intestate or testate succession must be acted upon and decided within the same special proceedings, not in a separate action, and the same judge having jurisdiction in the administration of the estate should take cognizance of the question raised, for he [or she] will be called upon to distribute or adjudicate the property to the interested parties.[63] (Citation omitted)

Verily, in these cases, it may be accurately stated that the probate proceedings are converted into a settlement of the deceased's estate, and the probate court retains jurisdiction over the case until the estate's properties have been fully distributed.

The same, nevertheless, cannot be said if a will is probated antemortem. When a will is admitted into probate while the testator is still alive, the mandate of the probate court to issue letters testamentary or letters of administration does not logically come into play since there is yet no estate that must be settled. In *Maloles II v Phillips*,^[64] this Court emphasized that after the allowance of will-probate antemortem, there is nothing left for the probate court to do except to issue a certificate of allowance.^[65]

In *Maloles II*, Dr. Arturo De Santos (Dr. De Santos) filed a petition for the probate of his will, which was assigned to Branch 61, RTC, Makati City (RTC Branch 61). After due proceedings, RTC Branch 61 issued an order granting the petition and allowing the will. Shortly after, Dr. De Santos died. After his death, petitioner Octavio S. Maloles II (*Maloles II*) filed a motion for intervention before RTC Branch 61, claiming that he was the sole full-blooded nephew of Dr. De Santos. He prayed that the order allowing the will to be reconsidered, and letters of administration be issued to him. The motion for intervention was denied by RTC Branch 61.^[66]

Meanwhile, Pacita de los Reyes Phillips, (Phillips), the designated executrix in the will, filed a petition for issuance of letters testamentary and was raffled to Branch 65 of the same court. In an order, RTC Branch 65 appointed Phillips as special administrator of the estate of Dr. De Santos. *Maloles II* then similarly filed a motion for intervention before RTC Branch 65, which was granted. On petition for certiorari filed by Phillips, the grant of the motion for intervention was annulled by the CA.^[67]

When the case reached this Court, one of the arguments raised by *Maloles II* was that the probate proceedings in RTC Branch 61 did not terminate upon the issuance of the order allowing the will. He argued that the proceedings must continue until the estate is fully distributed to the lawful heirs, devisees, and legatees. Dismissing his

argument, this Court said:

In cases for the probate of wills, it is well-settled that the authority of the court is limited to ascertaining the extrinsic validity of the will, [i.e.], whether the testator, being of sound mind, freely executed the will in accordance with the formalities prescribed by law.

Ordinarily, probate proceedings are instituted only after the death of the testator, so much so that, after approving and allowing the will, the court proceeds to Issue letters testamentary and settle the estate of the testator. The cases cited by petitioner are of such nature. In fact, in most jurisdictions, courts cannot entertain a petition for probate of the will of a living testator under the principle of ambulatory nature of wills.

However, Art. 838 of the Civil Code authorizes the filing of a petition for probate of the will filed by the testator himself[.]

....

Rule 76, § 1 likewise provides:

....

The rationale for allowing the probate of wills during the lifetime of testator has been explained by the Code Commission thus: Most of the cases, that reach the courts involve either the testamentary capacity of the testator or the formalities adopted in the execution of wills. There are relatively few cases concerning the intrinsic validity of testamentary dispositions. It is far easier for the courts to determine the mental condition of a testator during his lifetime than after his death. Fraud, intimidation and undue influence are minimized. Furthermore, if a will does, not comply with the requirements prescribed by law, the same may be corrected at once. The probate during the testator's life, therefore, will lessen the number of contest upon wills. Once a will is probated during the lifetime of the testator, the only questions that may remain for the courts to decide after the testator's death will refer to the intrinsic validity of the testamentary dispositions. It is possible, of course, that even when the testator himself asks for the allowance of the will, he may be acting under duress or undue influence, but these are rare cases.

After a will has been probated during the lifetime of the testator, it does not necessarily mean that he cannot alter or revoke the same before his death. Should he make a new will, it would also be allowable on his petition, and if he should die before he has had a chance to. present such petition, the ordinary probate proceeding after the testator's death would be in order.

Thus, after the allowance of the will of Dr. De Santos on February 16, 1996, there was nothing, else for Branch 61 to do except to issue a certificate of allowance of the will pursuant to Rule 73, §12 of the Rules of Court[.][68] (Citations omitted).

Thus, this, Court agrees with the CA, in this present case, that in antemortem probate proceedings, the probate court's jurisdiction ends upon the allowance or disallowance of the will. Technically speaking, this is when no appeal has been filed against or when an appeal has been duly perfected from the decision of the probate court allowing or disallowing the will while the testator is still alive or without the probate court having been notified of his or her death.[69] In the first case, the decision of the probate court lapses into finality, while in the second case, the probate court loses jurisdiction in view of the perfection of appeal as provided in Rule 41, Section 9 of the Rules of Court:

Section 9. Perfection of appeal; effect thereof. – A party's appeal by notice of appeal is deemed perfected as to him upon the filing of the notice of appeal in due time.

A party's appeal by record on appeal is deemed perfected as to him with respect to the subject matter thereof upon the approval of the record on appeal filed in due time. In appeals by notice of appeal, the court loses

jurisdiction over the case upon the perfection of the appeals filed in due time and the expiration of the time to appeal of the other parties.

In appeals by record on appeal, the court loses jurisdiction only over the subject matter thereof upon the approval of the records on appeal filed in due time and the expiration of the time to appeal of the other parties.

In either case, prior to the transmittal of the original record or the record on appeal, the court may issue orders for the protection and preservation of the rights of the parties which do not involve any matter litigated by the appeal, approve compromises, permit appeals of indigent litigants, order execution pending appeal in accordance with section 2 of Rule 39, and allow withdrawal of the appeal.

On this score, this Court notes that in special proceedings, multiple appeals are ordinarily allowed and a record on appeal is required.[70] Under Rule 109, Section 1 of the Rules of Court, multiple appeals may be resorted to in specific instances in special proceedings:[71]

Section 1. Orders or judgments from which appeals may be taken. — An interested person may appeal in special proceedings from an order or judgment rendered by a Court of First Instance or a Juvenile and Domestic Relations Court, where such order or judgment:(a) Allows or disallows a will;

(b) Determines who are the lawful heirs of a deceased person, or the distributive share of the estate to which such person is entitled;

(c) Allows or disallows, in whole or in part, any claim against the estate of a deceased person, or any claim presented on behalf of the estate in offset to a claim against it;

(d) Settles the account of an executor, administrator, trustee or guardian;

(e) Constitutes, in proceedings relating to the settlement of the estate of a deceased person, or the administration of a trustee or guardian, a final determination in the lower court of the rights of the party appealing, except that no appeal shall be allowed from the appointment of a special administrator; and

(f) Is the final order or judgment rendered in the case, and affects the substantial rights of the person appealing unless it be an order granting or denying a motion for a new trial or for reconsideration.[72] (Emphasis supplied)

In these cases, the court loses jurisdiction only over the subject matter of the appeal, but retains jurisdiction over other various pending matters in the special proceeding.

Given the earlier discussion on the court's jurisdiction in antemortem probate proceedings, however, this Court holds that multiple appeals are available only in postmortem probate proceedings that are eventually converted into the settlement of the deceased's estate. To reiterate, in antemortem probate proceedings, the only issue for the probate court's resolution is whether the will should be allowed.

In this case, while petitioners filed their Motion for Letters Testamentary, Motion for Letters of Administration, Motion for Consolidation, Motion to Freeze, and Motion to Pay Debt after the death of Daniel, it appears that Daniel had duly perfected an appeal from the Decision of RTC Branch 56 in the First Probate Case which allowed the First Will but declared void the provisions disinheriting Victoria, as well as the institution of heirs insofar as it prejudiced Victoria. The records disclose that RTC Branch 56 confirmed the Notice of Appeal with Record of Appeal filed by Daniel.[73]

Indeed, upon perfection of Daniel's appeal, RTC Branch 56 had already lost its jurisdiction over the case. Consequently, it no longer had any authority to act on and resolve the motions filed by petitioners. It matters not that RTC Branch 56 resolved the motions after Daniel's death, since, at that time, it was already deprived of

jurisdiction. If only to emphasize, the probate proceeding was not converted into a settlement of estate since an appeal was perfected while Daniel was still alive.

Petitioners' invocation of Rule 73, Section 1 of the Rules of Court, which states that "[t]he court first taking cognizance of the settlement of the estate of a decedent, shall exercise jurisdiction to the exclusion of all other courts" in insisting that RTC Branch 56 retained jurisdiction over the case, is misplaced.

As the rule itself states, it applies only when a court takes cognizance of the settlement of the estate of decedent. The rule clearly envisions a scenario in which a testator is already deceased, and their estate is due for settlement, such as when a postmortem probate proceeding is validly converted into one for estate settlement. It does not apply when a will is probated antemortem since there is no estate to speak of yet. To apply the said rule to antemortem probate proceedings would mean that the probate court's jurisdiction in that case could remain virtually suspended until the testator's death. This interpretation prevents the probate court's decision from allowing or disallowing the will to attain finality. It disregards the effects on the court's jurisdiction when an appeal is duly perfected from its decision.

More importantly, this Court has emphasized in *Maloles II* that Rule 73, Section 1 merely provides for the venue of actions for the settlement of the deceased's estate. It does not define jurisdiction over the matter, which is conferred by law.

Thus, although Rule 73, Section 1 applies insofar as venue for antemortem probate of a will is concerned, it does not bar other branches of the same court from taking cognizance of the settlement of the estate of the testator after his or her death.^[74]

To emphasize, the RTC acted with an absolute lack of authority in issuing its assailed Orders. In the process, it also violated several established rules of procedure. It is settled that "[g]rave abuse of discretion attends when the trial court manifestly disregarded the basic rules and procedures, or acted with obstinate disregard of basic and established rule of law or procedure."^[75]

As a final point, this Court finds it unnecessary to dwell on the substantive validity of the Freeze Order Issued by RTC Branch 56. Having been issued in grave abuse of discretion amounting to lack of jurisdiction, the Orders of RTC Branch 56 issued after Daniel had perfected an appeal against its Decision in the First Probate Case are all null and void. Consequently, such Orders must be struck down and declared of no effect.

ACCORDINGLY, the Petitions are DENIED. The June 6, 2023 Decision and November 10, 2023 Resolution of the Court of Appeals in CA-G.R. SP No. 169907 are AFFIRMED. The June 4, 2021 Joint Order (Urgent Motions to Freeze and Refrain Orders); June 8, 2021 Order; June 14, 2021 Order; and June 29, 2021 Order (Resolving the Motion for Partial Reconsideration [Re: Order dated 8 June 2021]) of Branch 56, Regional Trial Court, Makati City in SP Case No. R-MKT-19-01358-SP are declared NULL and VOID for having been issued in grave abuse of discretion amounting to lack of jurisdiction.

SO ORDERED.

Leonen, SAJ. (Chairperson), Lazaro-Javier,, and Villanueva, JJ., concur.
Kho, Jr.,[*] J., on official business.

[*] On official business.

[1] Rollo (G.R. No. 267662), pp. 22-74; Rollo (G.R. No. 270596), pp. 45-82.

[2] Rollo (G.R. No. 267562), pp. 76-103. The June 6, 2023 Decision in CA-G.R. SP No. 169907 was penned by Associate Justice Raymond Reynold R. Lauigan and concurred in by Presiding Justice Remedios A. Salazar-Fernando (Ret.) and Associate Justice Pablito A. Perez of the First Division, Court of Appeals, Baguio City.

[3] Rollo (G.R. No. 270596), pp. 39-43. The November 10, 2023 Resolution in CA-G.R. SP No. 169907 was penned by Associate Justice Raymond Reynold R. Lauigan and concurred in by Associate Justices Pablito A. Perez and Emily L. San Gaspar-Gito of the Special Former First Division, Court of Appeals, Manila.

[4] Rollo (G.R. No. 267662), p. 77.

[5] Id. at 78.

[6] Id.

[7] Id.

[8] Id.

[9] Id.

[10] Id. at 79.

[11] Id.

[12] Id.

[13] Id.

[14] Id. at 80.

[15] Id.

[16] Id.

[17] Id. at 1239-1315.

[18] Id. at 81.

[19] Id. at 163-171.

[20] Id. at 171.

[21] Id. at 175-188.

[22] Id. at 187-188.

[23] Id. at 194-195.

[24] Id.

[25] Id. at 199-205.

[26] Id. at 205.

[27] Id. at 85-86.

[28] Id. at 86.

- [29] Id. at 76-103.
- [30] Id. at 88.
- [31] Id. at 91-92.
- [32] Id. at 97-99.
- [33] Id. at 43.
- [34] Id. at 41-43.
- [35] Id. at 44-45.
- [36] Id. at 47.
- [37] Id. at 47-48.
- [38] Id. at 60-65.
- [39] Rollo (G.R. No. 270596), pp. 58-65.
- [40] Id. at 66.
- [41] Id. at 66-69.
- [42] Id. at 69-71.
- [43] Rollo (G.R. No. 267662), pp. 3567-3631.
- [44] Id. at 3584.
- [45] Id. at 3584-3588.
- [46] Id. at 3592-3595.
- [47] Id. at 3596-3598.
- [48] Rollo, (G.R. No. 270596), pp. 2302-2339.
- [49] Id. at 2321-2326.
- [50] Id. at 2326-2329.
- [51] Id. at 2329-2333.
- [52] Republic v. Heirs of Molinyawe, 784 Phil. 899, 908 (2016) [Per J. Mendoza, Second Division].
- [53] Brito v. Office of the Deputy Ombudsman for Luzon, 554 Phil. 112, 124 (2007) [Per J., Chico-Nazario, Third Division].
- [54] Madrigal Transport, Inc. v. Lapanday Holdings Corporation, 479 Phil. 768, 779 (2004) [Per J. Panganiban, Third Division].
- [55] Land Bank of the Philippines v. Court of Appeals, 456 Phil. 755, 784 (2003) [Per J. Callejo, Sr., Second Division], citing Silverio v. Court of Appeals, 225 Phil. 459, 472 (1986) [Per J. Teehankee, En Banc].
- [56] RULES OF COURT, Rule 65, sec. 1. states:

Section 1. Petition for certiorari. – When any tribunal, board or officer exercising judicial or quasi-judicial

functions has acted without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and there is no appeal, or any plain, speedy, and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered annulling or modifying the proceedings of such tribunal, board or officer, and granting such incidental reliefs as law and justice may require.

The petition shall be accompanied by a certified true copy of the judgment, order or resolution subject thereof, copies of all pleadings and documents relevant and pertinent thereto, and a sworn certification of non-forum shopping as provided in the third paragraph of section 3, Rule 46.

[57] *National Housing Authority v. Court of Appeals*, 413 Phil. 58, 63 (2001) [Per J. Belosillo, Second Division].

[58] *Gacad v. Judge Corpuz*, 927 Phil. 259, 263 (2022) [Per J. Hernando, First Division], citing *Bureau of Customs v. Judge Gallegos*, 826 Phil. 867, 879 (2018) [Per J. Tijam, First Division].

[59] *Abraham v. National Labor Relations Commission*, 406 Phil. 310, 316 (2001) [Per J. Gonzaga-Reyes, Third Division], citing *Marawi Marantao General Hospital, Inc. v. Court of Appeals*, 402 Phil. 356, 370-371 (2001) [Per J. Gonzaga-Reyes, Third Division].

[60] *Gacad v. Judge Corpuz*, 911 Phil 259, 268-269 (2022) [Per J. Hernando, First Division].

[61] *In re Petition of the Probate of the Will of Consueló Santiago Garcia*, 873 Phil. 371, 398 (2020) [Per J. Hernando, Second Division]. (Citation omitted)

[62] *Sumilang v. Ramagosa*, 129 Phil. 636, 639 (1967) [Per J. Makalintal, En Banc], citing *Nuguid v. Nuguid*, 123 Phil 1305, 1308 (1966) [Per J. Sanchez, En Banc].

[63] *In re Intestate Estate of Wolfson*, 150-A Phil 728, 736-737 (1972) [Per J. Makasiar, En Banc].

[64] 381 Phil. 179 (2000) [Per J. Mendoza, Second Division].

[65] *Id.* at 192.

[66] *Id.* at 184-186.

[67] *Id.* at 186-187.

[68] *Id.* at 190-192.

[69] RULES OF COURT, Rule 109, sec. 1 states:

Section 1. Orders or judgments from which appeals may be taken — An interested person may appeal in special proceedings from an order or judgment rendered by a Court of First Instance or a Juvenile and Domestic Relations Court, where such order or judgment:(a) Allows or disallows a will[.]

[70] *Valarao v. Pascual*, 441 Phil. 226, 232 (2002) [Per J. Bellosillo, Second Division]. (Citations omitted)

[71] *Aranas v. Mercado*, 724 Phil. 174, 187 (2014) [Per J. Bersamin, First Division].

[72] *Id.*

[73] *Rollo*, (G.R. No. 267662), p. 80.

[74] *Maloles II v. Phillips*, 381 Phil. 179, 192-194 (2000) [Per J. Mendoza, Second Division].

[75] *Gacad v. Judge Corpuz*, 927 Phil. 259, 268 (2022) [Per J. Hernando, First Division]. (Citation omitted)

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