

IN THE MATTER OF THE PETITION TO APPROVE THE WILL OF FRANCISCO BENITEZ, DECEASED, AND PETITION FOR LETTERS OF ADMINISTRATION: FIDEL A. DE GUZMAN AND EMETERIO DE GUZMAN, PETITION...

G.R. Nos. 61167-68. January 20, 1989

Ponente: GRIÑO-AQUINO, J.

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GRIÑO-AQUINO, J.:

The petitioners have appealed the decision of the Court of Appeals affirming that of the Court of First Instance of Laguna in Special Proceedings Nos. SC-347 and 352, disallowing the will of Francisco Benitez, and appointing Dionisia Valenzuela administratrix of his intestate estate.

On December 10, 1970, Dionisia Valenzuela and her brother, Melquiades Valenzuela, first-cousins of the deceased Francisco Benitez, filed in the Court of First Instance of Laguna, Branch IV, (docketed as SC-347) a petition for administration of his intestate estate and for the issuance of letters of administration to Dionisia who, during the lifetime of the deceased, had been administering the said estate as Judicial guardian of his person and property duly appointed on January 22, 1957 in Spl. Proc. No. SC-29 of the Court of First Instance of Laguna.

Francisco Benitez was the only surviving child of the spouses Tiu Cuaco, alias Pascual Benitez, and Camila Valenzuela whose brother was the father of private respondents, Dionisia Valenzuela and Melquiades Valenzuela. He died single at the age of 61 years on November 6, 1970, without descendants, nor ascendants, nor brothers and sisters. He left an estate consisting of fourteen (14) parcels of coconut land in Laguna, with a total area of 34 hectares, a residential lot on S. Crisostomo Street in the poblacion of Pagsanjan, Laguna, and a small savings account (P3,843.08) in the Philippine National Bank.

The petition for administration was opposed by Emeterio de Guzman on the ground that the deceased left a will bequeathing his entire estate to him (De Guzman) and that a petition for its probate was docketed as Spl. Proc. No. 352 in Branch II of the same court. The two cases were later consolidated and jointly heard in Branch IV of the court.

Emeterio de Guzman died on April 20, 1973 and was substituted by his heirs, Fidel, Cresencia and Rosalia, all surnamed De Guzman, in both proceedings.

In support of the petition for probate (SC-352), the petitioner Fidel de Guzman and two attesting witnesses of the will, Pelagio Lucena and Judge Damaso Tengco who prepared the will, gave evidence.

The oppositors (petitioners for administration in SC-347) presented six (6) witnesses, namely, Marcial Mendoza, Pedro Cabela, Porfirio Reyes, Dionisia Valenzuela, Honoria Recalde Leonardo and Prudencio Leonardo, who identified the transcript of the testimony given on January 22, 1957 by Dr. Jose A. Fernandez (since deceased) in the proceedings (SC-29) for the guardianship of Francisco Benitez for incompetence on account of insanity. Various documentary exhibits were presented by both sides.

On April 4, 1975, Judge Maximo Maceren rendered judgment disallowing the will and appointing Dionisia Valenzuela administratrix of the intestate estate of the deceased. The pertinent findings of the trial court are quoted hereunder:

"The pivotal issue hinges on the mental capacity of the supposed testator, Francisco Benitez on August 18, 1945 when he allegedly executed his last will and testament. Did Francisco Benitez possess a sound and disposing mind on August 18, 1945?

xxx xxx xxx

"The evidence (Exhibit I and Exhibit H) shows that from January 18, 1929 up to March 12, 1941 Francisco Benitez was confined at the National Mental Hospital for varying periods of time as follows:

"DATE OF ADMISSION DATE OF DISCHARGE

(a) January 18, 1929 March 12, 1929

(b) March 7, 1931 June 6, 1931

(c) November 12, 1936 November 29, 1937

(d) February 16, 1938 August 16, 1939

(e) July 9, 1940 March 12, 1941

xxx xxx xxx

"The foregoing premises leads this Court to the conclusion that [at] the time Francisco Benitez executed his supposed will on August 18, 1945 he was not possessed of a sound and disposing mind. Wherefore the same is not allowed probate." (pp. 123, 124 and 126, Rollo.)

On appeal to the Court of Appeals, the decision was affirmed by that Court on March 3, 1982 (p. 135, Rollo).

The petitioners De Guzman assail the decision of the Court of Appeals on the ground that:

"The finding that the deceased Francisco Benitez 'was not possessed of a sound and disposing mind' when he executed his will on August 18, 1945, is grounded merely on speculation, surmises and conjectures, as well as on hearsay and contradictory, biased, and obviously incredible testimony." (p. 10, Rollo.)

Plainly, the petition raises a purely factual issue, which We are not at liberty to review because in an appeal by certiorari under Rule 45 of the Rules of Court only questions of law which must be distinctly set forth, may be raised. In any event, the decision of the Court of Appeals reveals that that Court carefully weighed the evidence on the question of the testamentary capacity, or lack of it, of the deceased Francisco Benitez and found "no compelling reason to disturb the lower court's findings and conclusions." The resolution of that question hinged on the credibility of the witnesses. The cardinal rule on that point is that the trial court's assessment of the credibility of witnesses while testifying is generally binding on the appellate court because of its superior advantage in observing their conduct and demeanor and its findings, when supported by convincingly credible evidence, shall not be disturbed on appeal (People vs. Dava, 149 SCRA 582)

WHEREFORE, the petition for review is denied for lack of merit. Costs against the petitioners Fidel, Cresencia and Rosalia de Guzman.

SO ORDERED.

Narvasa, (Chairman), Cruz, Gancayco, and Medialdea, JJ., concur.

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