

SECOND DIVISION

[G.R. No. 221684, July 30, 2018]

**MARIA T. CALMA, PETITIONER, VS. MARILU C. TURLA,
RESPONDENT.**

D E C I S I O N

PERALTA, J.:

Assailed in this petition for review on *certiorari* is the Decision^[1] dated November 27, 2015 of the Court of Appeals in CA-GR. SP No. 131032.

The antecedent facts are as follows:

On March 12, 2009, respondent Marilu C. Turla filed with the Regional Trial Court (RTC), Branch 22, Quezon City a Petition^[2] for Letters of Administration alleging, among others, that her father, Mariano C. Turla, died^[3] intestate on February 5, 2009, leaving real properties located in Quezon City and Caloocan City, bank deposits and other personal properties, all with an estimated value of P3,000,000.00; that she is the sole legal heir entitled to inherit and succeed to the estate of her deceased father who did not leave any other descendant or other heir entitled to the estate as his wife, Rufina de Castro, had predeceased him; and that she is entitled to be issued letters of administration. She presented her Certificate of Live Birth^[4] signed and registered by the deceased himself with the Local Civil Registrar of Manila.

As the petition was sufficient in form and substance, the RTC gave due course to it and set the petition for hearing. On April 21, 2009, the Letter of Special Administration^[5] was issued to respondent.

Petitioner Maria Turla Calma,^[6] claiming to be the surviving youngest half-sister of Mariano as he was her mother's illegitimate son before her marriage to her father, filed an Opposition^[7] to the petition for administration and alleged that respondent is not a daughter of Mariano; that the information recited in her two birth certificates are false, the truth being that Mariano and his wife Rufina did not have any child. She argued that she is entitled to the administration of the estate of her half-brother and nominated Norma Bernardino, who has been managing the business and other financial affairs of the decedent, to take charge of the management and preservation of the estate pending its distribution to the heirs.

Respondent filed her Reply^[8] stating that her filiation had been conclusively proven by her record of birth which was duly authenticated by the Civil Registrar General of the National Statistics Office (NSO), and only the late Mariano or his wife had the right to impugn her legitimacy; that petitioner had no right to oppose her appointment as Special Administratrix of Mariano's estate since the former is not the

latter's heir; that in her capacity as the Special Administratrix of Mariano's estate, she had filed several cases against Norma and her husband; and thus, Norma is not qualified to act as an administratrix because she has an interest antagonistic to the estate.

Spouses Robert and Norma Bernardino filed a Motion for Leave of Court to Intervene as Oppositors which was denied by the RTC in an Order dated June 2, 2010.

Petitioner also filed a Motion to Recall Order^[9] appointing respondent as Special Administratrix on the ground that she has been collecting rentals from the properties of the decedent for her personal gain and that she has been filing malicious suits against the Spouses Bernardino. Respondent filed her Opposition^[10] thereto stating, among others, that she has all the right to be appointed as Special Administratrix since she is the legitimate daughter of the deceased Mariano and that she is able to protect and preserve the estate from Norma, the one being recommended by petitioner.

Petitioner filed an undated Rejoinder claiming that the case filed against Norma before the RTC Makati, Branch 59, related to two promissory notes where the payee was Mariano Turla ITF: Norma C. Bernardino, hence, a trust account was created which did not belong to the estate of the deceased. Respondent filed her Reply to Rejoinder contending that in case Norma is appointed as Regular Administrator of the estate, she will succeed in taking all the assets of the estate for her own use and benefit.

On June 29, 2009, petitioner filed a Motion to Order DNA Testing as respondent's blood relation to Mariano is in issue. Respondent opposed the same on the ground that petitioner lacked the legal right or personality to request for a DNA test as she has no legal interest in the matter in litigation.

On May 12, 2010, respondent filed her initial Accounting^[11] of the funds that have come to her possession.

In an Order dated June 25, 2010, the RTC granted petitioner's motion for an order for DNA testing,^[12] the dispositive portion of which reads:

WHEREFORE, premises considered, the above incidents are disposed in the following manner.

x x x x

(4) The motion for DNA testing filed by the oppositor is GRANTED, and accordingly, the parties are directed to make arrangements for DNA testing and analysis for the purpose of determining the paternity of Marilu Turla, upon consultation and coordination with laboratories and experts on the field of DNA analysis at the expense of oppositor.^[13]

Petitioner filed a motion to remove respondent as Special Administratrix on grounds

that she had incurred expenses mostly legal without proper receipts which cannot be returned if the same is disallowed since it is not guaranteed that she will be declared as one of the heirs. Respondent opposed the same arguing that the grounds raised in the motion are not sufficient for her removal and are highly speculative; that she has made an honest and truthful accounting for the approval of the intestate court; and that the said motion was filed for the purpose of stopping her from prosecuting the various actions she had filed against the Bernardino spouses to recover properties belonging to the estate.

On August 28, 2012, the RTC received the Report of Dr. Maria Corazon A. de Ungria, Head of the DNA Analysis Laboratory, UP Natural Sciences Research Institute (*NSRI*), on the DNA test on the blood samples from Rufina's alleged siblings and respondent, with the following conclusion:

Based on the results of mitochondrial DNA analysis there is no possibility that Mr. Ireneo S. de Castro and Ms. Basilia de Castro Maningas are maternal relatives of Ms. Marilu de Castro Turla.^[14]

On September 11, 2012, the RTC issued an Order,^[15] the decretal portion of which reads:

WHEREFORE, premises considered, the Motion to Remove Marilu Turla as Special Administratrix filed by oppositor Maria Calma Turla is hereby GRANTED. Accordingly, petitioner Marilu C. Turla is REMOVED as Special Administratrix in this case. Petitioner is hereby ordered to submit an inventory of all the assets of the deceased that came into her possession and knowledge and for her to render an accounting thereof within thirty (30) days from receipt hereof.

In the meantime, let Letters of Special Administration issue in favor of Norma Bernardino who is hereby APPOINTED as Special Administratrix of the estate of the deceased Mariano C. Turla, effective upon the filing of a bond in the amount of One Million Pesos (P1,000,000.00) and the taking of the corresponding Oath of Office.

Petitioner Marilu Turla is hereby ordered to turn-over possession of all the assets of the deceased Mariano Turla which came into her possession to Norma Bernardino within thirty (30) days from the time the latter formally takes her Oath of Office.

SO ORDERED.^[16]

In finding merit to petitioner's motion to remove respondent as Special Administratrix, the RTC ruled that while respondent's birth certificate stated her father to be Mariano and her mother to be Rufina, the DNA test results conclusively showed that she is not Rufina's daughter.

Respondent's motion for reconsideration was denied in an Order^[17] dated May 9, 2013.

Respondent filed a petition for *certiorari* with the CA. After the submission of the parties' respective pleadings, the case was submitted for decision.

On November 27, 2015, the CA issued the assailed Decision, the dispositive portion of which reads:

WHEREFORE, premises considered, the petition is GRANTED. The [Order] dated September 11, 2012 issued by the RTC of Quezon City, Branch 80, [and] the Order dated May 9, 2013 issued by Branch 76 of the same court, in Special Proceedings No. Q-09-64479, are ANNULLED AND SET ASIDE.

SO ORDERED.^[18]

Hence this petition for review.

Petitioner contends that respondent had petitioned the RTC to be appointed as Special Administratrix of the intestate estate of Mariano on the basis of her birth certificate showing that she is the daughter of Rufina, wife of Mariano; that in 1994, however, Mariano executed an affidavit of adjudication for the extrajudicial settlement of the intestate estate of the late Rufina wherein he stated that "being her surviving spouse, I am the sole legal heir entitled to succeed to and inherit the estate of the said deceased who did not leave any descendant, ascendant or any other heir entitled in her estate"; that while respondent's birth certificate states her father to be Mariano Turla and her mother Rufina de Castro, the DNA results conclusively showed that she is not Rufina's daughter, so her own birth certificate stating Rufina as her mother was fraudulent. She avers that she had put in issue the blood relationship of the respondent with the deceased Mariano.

Petitioner also argues that respondent had violated her duties as Special Administratrix as the latter failed to submit an inventory and to render an accounting thereof, hence there was a good reason for the RTC to remove her. Moreover, she failed to comply with the Order to submit inventory and render accounting and to turn over possession to the new administrator; and that the appointment of Norma Bernardino as the new Special Administratrix is in accordance with the rules.

We find no merit in the petition.

Settled is the rule that the selection or removal of *special* administrators is not governed by the rules regarding the selection or removal of *regular* administrators. ^[19] Courts may appoint or remove *special* administrators based on grounds other than those enumerated in the Rules, at their discretion. As long as the said discretion is exercised without grave abuse, higher courts will not interfere with it. This, however, is no authority for the judge to become partial, or to make his