

## SPECIAL THIRD DIVISION

[ G.R. No. 182645, June 22, 2011 ]

**IN THE MATTER OF THE HEIRSHIP (INTESTATE ESTATES) OF THE LATE HERMOGENES RODRIGUEZ, ANTONIO RODRIGUEZ, MACARIO J. RODRIGUEZ, DELFIN RODRIGUEZ, AND CONSUELO M. RODRIGUEZ AND SETTLEMENT OF THEIR ESTATES, RENE B. PASCUAL, PETITIONER, VS. JAIME M. ROBLES, RESPONDENT.**

### D E C I S I O N

**PERALTA, J.:**

On December 15, 2010, this Court promulgated a Resolution [1] which set aside its Decision [2] earlier issued on December 4, 2009 on the ground that herein petitioner, Rene B. Pascual failed to implead herein respondent Jaime M. Robles, who is an indispensable party to the present case.

After receiving respondent's Comment and Opposition, [3] as well as petitioner's Reply [4] thereto, the Court will now proceed to determine the merits of the instant petition for *certiorari*.

Again, the Court finds it *apropos* to restate the pertinent antecedent facts and proceedings as set forth in the December 4, 2009 Decision as well as in the December 15, 2010 Resolution, to wit:

On 14 September 1989, a petition for Declaration of Heirship and Appointment of Administrator and Settlement of the Estates of the Late Hermogenes Rodriguez (Hermogenes) and Antonio Rodriguez (Antonio) was filed before the [Regional Trial Court] RTC [of Iriga City]. The petition, docketed as Special Proceeding No. IR-1110, was filed by Henry F. Rodriguez (Henry), Certeza F. Rodriguez (Certeza), and Rosalina R. Pellosis (Rosalina). Henry, Certeza and Rosalina sought that they be declared the sole and surviving heirs of the late Antonio Rodriguez and Hermogenes Rodriguez. They alleged they are the great grandchildren of Antonio based on the following genealogy: that Henry and Certeza are the surviving children of Delfin M. Rodriguez (Delfin) who died on 8 February 1981, while Rosalina is the surviving heir of Consuelo M. Rodriguez (Consuelo); that Delfin and Consuelo were the heirs of Macario J. Rodriguez (Macario) who died in 1976; that Macario and Flora Rodriguez were the heirs of Antonio; that Flora died without an issue in 1960 leaving Macario as her sole heir.

Henry, Certeza and Rosalina's claim to the intestate estate of the late Hermogenes Rodriguez, a former *gobernadorcillo*, is based on the following lineage: that Antonio and Hermogenes were brothers and the

latter died in 1910 without issue, leaving Antonio as his sole heir.

At the initial hearing of the petition on 14 November 1989, nobody opposed the petition. Having no oppositors to the petition, the RTC entered a general default against the whole world, except the Republic of the Philippines. After presentation of proof of compliance with jurisdictional requirements, the RTC allowed Henry, Certeza and Rosalina to submit evidence before a commissioner in support of the petition. After evaluating the evidence presented, the commissioner found that Henry, Certeza and Rosalina are the grandchildren in the direct line of Antonio and required them to present additional evidence to establish the alleged fraternal relationship between Antonio and Hermogenes.

Taking its cue from the report of the commissioner, the RTC rendered a Partial Judgment dated 31 May 1990 declaring Henry, Certeza and Rosalina as heirs in the direct descending line of the late Antonio, Macario and Delfin and appointing Henry as regular administrator of the estate of the decedents Delfin, Macario and Antonio, and as special administrator to the estate of Hermogenes.

Henry filed the bond and took his oath of office as administrator of the subject estates.

Subsequently, six groups of oppositors entered their appearances either as a group or individually, namely:

- (1) The group of Judith Rodriguez;
- (2) The group of Carola Favila-Santos;
- (3) Jaime Robles;
- (4) Florencia Rodriguez;
- (5) Victoria Rodriguez; and
- (6) Bienvenido Rodriguez

Only the group of Judith Rodriguez had an opposing claim to the estate of Antonio, while the rest filed opposing claims to the estate of Hermogenes.

In his opposition, Jaime Robles likewise prayed that he be appointed regular administrator to the estates of Antonio and Hermogenes and be allowed to sell a certain portion of land included in the estate of Hermogenes covered by OCT No. 12022 located at Barrio Manggahan, Pasig, Rizal.

After hearing on Jamie Robles' application for appointment as regular administrator, the RTC issued an Order dated 15 December 1994 declaring him to be an heir and next of kin of decedent Hermogenes and thus qualified to be the administrator. Accordingly, the said order appointed Jaime Robles as regular administrator of the entire estate of Hermogenes and allowed him to sell the property covered by OCT No. 12022 located at Barrio Manggahan, Pasig Rizal.

On 27 April 1999, the RTC rendered a decision declaring Carola Favila-Santos and her co-heirs as heirs in the direct descending line of Hermogenes and reiterated its ruling in the partial judgment declaring Henry, Certeza and Rosalina as heirs of Antonio. The decision dismissed the oppositions of Jamie Robles, Victoria Rodriguez, Bienvenido Rodriguez, and Florencia Rodriguez, for their failure to substantiate their respective claims of heirship to the late Hermogenes.

On 13 August 1999, the RTC issued an Amended Decision reversing its earlier finding as to Carola Favila-Santos. This time, the RTC found Carola Favila-Santos and company not related to the decedent Hermogenes. The RTC further decreed that Henry, Certeza and Rosalina are the heirs of Hermogenes. The RTC also re-affirmed its earlier verdict dismissing the oppositions of Jaime Robles, Victoria Rodriguez, Bienvenido Rodriguez, and Florencia Rodriguez. [5]

Robles then appealed the August 13, 1999 Decision of the RTC by filing a notice of appeal, but the same was denied by the trial court in its Order dated November 22, 1999 for Robles' failure to file a record on appeal.

Robles questioned the denial of his appeal by filing a petition for review on *certiorari* with this Court.

In a Resolution dated February 14, 2000, this Court referred the petition to the [Court of Appeals (CA)] for consideration and adjudication on the merits on the ground that the said court has jurisdiction concurrent with this Court and that no special and important reason was cited for this Court to take cognizance of the said case in the first instance.

On April 16, 2002, the CA rendered judgment annulling the August 13, 1999 Amended Decision of the RTC.

Henry Rodriguez (Rodriguez) and his group moved for the reconsideration of the CA decision, but the same was denied in a Resolution dated January 21, 2004. Rodriguez and his co-respondents did not appeal the Decision and Resolution of the CA.

On the other hand, Robles filed an appeal with this Court assailing a portion of the CA Decision. On August 1, 2005, this Court issued a Resolution denying the petition of Robles and, on November 10, 2005, the said Resolution became final and executory.

On May 13, 2008, the instant petition was filed. [6]

Petitioner posits the following reasons relied upon for the allowance of his petition:

I

THE HONORABLE COURT OF APPEALS' DECISION DATED APRIL 16, 2002 WAS ISSUED IN GRAVE ABUSE OF DISCRETION TANTAMOUNT TO LACK

OR EXCESS OF JURISDICTION, HENCE, A PATENT NULLITY.

## II

THE ORDER DATED FEBRUARY 21, 2007 ISSUED BY THE HONORABLE REGIONAL TRIAL COURT, BRANCH 34, IRIGA CITY, BASED ON THE COURT OF APPEALS' APRIL 16, 2002 DECISION WAS ISSUED IN GRAVE ABUSE OF DISCRETION TANTAMOUNT TO LACK OR EXCESS OF JURISDICTION, HENCE, A PATENT NULLITY.

## III

THE AFOREMENTIONED COURT OF APPEALS' APRIL 16, 2002 DECISION AND FEBRUARY 21, 2007 ORDER OF THE REGIONAL TRIAL COURT, BRANCH 34, IRIGA CITY, WERE NULL AND VOID *AB INITIO* AS THEY CONTRAVENED, INCONSISTENT WITH AND CONTRADICTORY TO THE FINAL AND EXECUTORY DECISIONS AND RESOLUTIONS OF THE SUPREME COURT, WHICH IS IN GROSS VIOLATION OF THE RULE THAT ALL COURTS SHOULD TAKE THEIR BEARINGS FROM THE SUPREME COURT. [7]

The Court finds that there are compelling reasons to dismiss the present petition, as discussed below.

First, petitioner has no personality to file the instant petition. The requirement of personality is sanctioned by Section 1, Rule 65 of the Rules of Court, which essentially provides that a person aggrieved by any act of a tribunal, board or officer exercising judicial or quasi-judicial functions rendered without or in excess of jurisdiction or with grave abuse of discretion amounting to lack or excess of jurisdiction may file a petition for *certiorari*. [8]

This Court has held that:

An aggrieved party under Section 1, Rule 65 [of the Rules of Court] is **one who was a party to the original proceedings that gave rise to the original action for *certiorari* under Rule 65.** x x x.

Although Section 1 of Rule 65 provides that the special civil action of *certiorari* may be availed of by a "person aggrieved" by the orders or decisions of a tribunal, **the term "person aggrieved" is not to be construed to mean that any person who feels injured by the lower court's order or decision can question the said court's disposition via *certiorari*.** To sanction a contrary interpretation would open the floodgates to numerous and endless litigations which would undeniably lead to the clogging of court dockets and, more importantly, the harassment of the party who prevailed in the lower court.