

THIRD DIVISION

[G.R. No. 179859, August 09, 2010]

IN RE: PETITION FOR PROBATE OF LAST WILL AND TESTAMENT OF BASILIO SANTIAGO, MA. PILAR SANTIAGO AND CLEMENTE SANTIAGO, PETITIONERS, VS. ZOILO S. SANTIAGO, FELICIDAD SANTIAGO-RIVERA, HEIRS OF RICARDO SANTIAGO, HEIRS OF CIPRIANO SANTIAGO, HEIRS OF TOMAS SANTIAGO, RESPONDENTS. FILEMON SOCO, LEONILA SOCO, ANANIAS SOCO, URBANO SOCO, GERTRUDES SOCO AND HEIRS OF CONSOLACION SOCO, OPPOSITORS.

D E C I S I O N

CARPIO MORALES, J.:

Basilio Santiago (Basilio) contracted three marriages--the first to Bibiana Lopez, the second to Irene Santiago, and the third to Cecilia Lomotan. Basilio and his *first* wife bore two offsprings, Irene and Marta, the mother of herein oppositors Felimon, Leonila, Consolacion, Ananias, Urbano, and Gertrudes, all surnamed Soco.

Basilio and his *second* wife had six offsprings, Tomas, Cipriano, Ricardo, respondents Zoilo and Felicidad, and petitioner Ma. Pilar, all surnamed Santiago.

Basilio and his *third* wife bore three children, Eugenia herein petitioner Clemente, and Cleotilde, all surnamed Santiago.^[1]

After Basilio died testate on September 16, 1973, his daughter by the second marriage petitioner Ma. Pilar filed before the Regional Trial Court (RTC) of Bulacan^[2] a petition for the probate of Basilio's will, docketed as **SP No. 1549-M**. The will was admitted to probate by Branch 10 of the RTC and Ma. Pilar was appointed executrix.

The will contained the following provisions, among others:

4. Ang mga ari-arian ko na nasasaysay sa itaas ay INIWAN, IPINAGKAKALOOB, IBINIBIGAY, at IPINAMAMANA ko sa aking mga nasabing tagapagmana sa ilalim ng gaya ng sumusunod:

x x x x

c) ang aking anak na si Ma. Pilar ang magpapalakad at mamamahala ng balutan na nasa Santiago, Malolos, Bulacan, na nasasaysay sa itaas na 2(y);

d) Sa pamamahala ng bigasan, pagawaan ng pagkain ng hayop at lupa't

bahay sa Maynila, ang lahat ng solar sa danay ng daang Malolos-Paombong na nasa Malolos, Bulacan, kasali at kasama ang palaisdaan na nasa likuran niyon, ay ililipat sa pangalan nila Ma. Pilar at Clemente; ngunit ang kita ng palaisdaan ay siyang gagamitin nila sa lahat at anomang kailangang gugol, maging majora o roperacion [*sic*], sa lupa't bahay sa Lunsod ng Maynila na nasasaysay sa itaas na 2(c);

e) **Ang lupa't bahay sa Lunsod ng Maynila na nasasaysay sa itaas na 2(c) ay ililipat at ilalagay sa pangalan nila Ma. Pilar at Clemente hindi bilang pamana ko sa kanila kundi upang pamahalaan at pangalagaan lamang nila at nang ang sinoman sa aking mga anak sampu ng apo at kaapuapuhan ko sa habang panahon ay may tutuluyan kung magnanais na mag-aral sa Maynila o kalapit na mga lunsod x x x.**

f) Ang bigasan, mga makina at pagawaan ng pagkain ng hayop ay ipinamamana ko sa aking asawa, Cecilia Lomotan, at mga anak na Zoilo, Ma. Pilar, Ricardo, Cipriano, Felicidad, Eugenia, Clemente, at Cleotilde nang pare-pareho. **Ngunit, sa loob ng dalawampung (20) taon mula sa araw ng aking kamatayan, hindi nila papartihin ito at pamamahalaan ito ni Clemente at ang maghahawak ng salaping kikitain ay si Ma. Pilar na siyang magpaparte.** Ang papartihin lamang ay ang kita ng mga iyon matapos na ang gugol na kakailanganin niyon, bilang reparacion, pagpapalit o pagpapalaki ay maawas na. Ninais ko ang ganito sa aking pagmamahal sa kanila at pagaaring ibinubuhay ko sa kanila lahat, bukod sa yaon ay sa kanila ding kapakinabangan at kabutihan.

g) **Ang lahat ng lupa, liban sa lupa't bahay sa Lunsod ng Maynila, ay ipinapamana ko sa aking nasabing asawa, Cecilia Lomotan, at mga anak na Tomas, Zoilo, Ma. Pilar, Ricardo, Cipriano, Felicidad, Eugenia, Clemente at Cleotilde nang pare-pareho. Datapwa't, gaya din ng mga bigasan, makina at gawaan ng pagkain ng hayop, ito ay hindi papartihin sa loob ng dalawampung (20) taon mula sa aking pagpanaw, at pamamahalaan din nila Ma. Pilar at Clemente.** Ang mapaparte lamang ay ang kita o ani ng nasabing mga pag-aari matapos bayaran ang buwis at/o patubig at iba pang mga gugol na kailangan. Si Ma. Pilar din ang hahawak ng ani o salaping manggagaling dito. (emphasis and underscoring supplied)^[3]

The oppositors-children of Marta, a daughter of Basilio and his *first* wife, were, on their motion, allowed to intervene.^[4]

After the executrix-petitioner Ma. Pilar filed a "Final Accounting, Partition and Distribution in Accordance with the Will,"^[5] the probate court approved the will by **Order of August 14, 1978** and directed the registers of deeds of Bulacan and Manila to register the certificates of title indicated therein.^[6] Accordingly, the titles to Lot Nos. 786, 837, 7922, 836 and 838 in Malolos, Bulacan and Lot No. 8-C in Manila were transferred in the name of petitioners Ma. Pilar and Clemente.^[7]

The oppositors thereafter filed a Complaint-in-Intervention^[8] with the probate court, alleging that Basilio's *second* wife was not Irene but a certain Maria Arellano with whom he had no child; and that Basilio's will violates Articles 979-981 of the Civil Code.^[9]

The probate court dismissed the Complaint-in-Intervention, citing its previous approval of the "Final Accounting, Partition, and Distribution in Accordance with the Will."^[10]

The oppositors-heirs of the first marriage thereupon filed a **complaint for completion of legitime before the Bulacan RTC, docketed as Civil Case No. 562-M-90**,^[11] against the heirs of the second and third marriages.

In their complaint, oppositors-heirs of the first marriage essentially maintained that they were partially preterited by Basilio's will because their legitime was reduced.^[12] They thus prayed, *inter alia*, that an inventory and appraisal of all the properties of Basilio be conducted and that Ma. Pilar and Clemente be required to submit a fresh accounting of all the incomes of the properties from the time of Basilio's death up to the time of the filing of Civil Case No. 562-M-90.^[13]

RTC-Branch 17 decided Civil Case No. 562-M-90 (for completion of legitime) in favor of the oppositors-heirs of the *first* marriage.

On appeal (docketed as **CA G.R. No. 45801**), the Court of Appeals, by Decision of January 25, 2002,^[14] **annulled** the decision of RTC-Branch 17, holding that the RTC Branch 17 dismissal of the Complaint-in-Intervention in SP No. 1549-M and its August 14, 1978 Order approving the probate of the will constitute *res judicata* with respect to Civil Case No. 562-M-90.^[15] Thus the appellate court disposed:

WHEREFORE, premises considered, the Appeal is hereby **GRANTED**. The Decision in Civil Case No. 562-M-90 is hereby **ANNULLED** on the ground of ***res judicata***. Let the Decree of Distribution of the Estate of Basilio Santiago remain **UNDISTURBED**.

SO ORDERED.^[16] (emphasis in the original; underscoring supplied)

Oppositors-heirs of the *first* marriage challenged the appellate court's decision in CA G.R. No. 45801 by petition for review, docketed as G.R. No. 155606, which this Court denied.^[17] The denial became final and executory on April 9, 2003.^[18]

In the interregnum, or on October 17, 2000, respondent-heirs of the *second* marriage filed before the probate court (RTC-Branch 10) a **Motion for Termination of Administration, for Accounting, and for Transfer of Titles in the Names of the Legatees**.^[19] Citing the earlier quoted portions of Basilio's will, they alleged that:

x x x x **the twenty (20) year period** within which subject properties should be under administration of [Ma.] Pilar Santiago and Clemente Santiago **expired on September 16, 1993.**

Consequently, [Ma.] Pilar Santiago and Clemente Santiago should have ceased as such administrator[s] way back on September 16, 1993 and they should have transferred the above said titles to the named legatees in the Last Will and Testament of the testator by then. Said named legatees in the Last Will and Testament are no[ne] other than the following:

x x x x

Said [Ma.] Pilar Santiago and Clemente Santiago should have also rendered an accounting of their administration from such death of the testator up to the present or until transfer of said properties and its administration to the said legatees.

x x x x^[20]

Respondents prayed that petitioners be ordered:

1) To surrender the above-enumerated titles presently in their names to [the] Honorable Court and to transfer the same in the names of the designated legatees in the Last Will and Testament, to wit:

- 1) asawa, Cecilia Lomotan, at mga anak na
- 2) Tomas
- 3) Zoilo
- 4) Ma. Pilar
- 5) Ricardo
- 6) Cipriano
- 7) Felicidad
- 8) Eugenia
- 9) Clemente at
- 10) Cleotilde

(all surnamed SANTIAGO)

2) To peacefully surrender possession and administration of subject properties, including any and all improvements thereon, to said legatees.

3) To render an accounting of their administration of said properties and other properties of the testator under their administration, from death of testator Basilio Santiago on September 16, 1973 up to the present and until possession and administration thereof is transferred to said legatees.^[21]

Opposing the motion, petitioners argued that with the approval of the Final

Accounting, Partition and Distribution in Accordance with the Will, and with the subsequent issuance of certificates of title covering the properties involved, the case had long since been closed and terminated.^[22]

The probate court, finding that the properties in question would be transferred to petitioners Ma. Pilar and Clemente for purposes of administration only, granted the motion, by **Order of September 5, 2003**,^[23] disposing as follows:

WHEREFORE, premises considered, the Motion for Termination of Administration, for Accounting, and for Transfer of Titles in the Names of the Legatees dated October 3, 2000 filed by some heirs of the testator Basilio Santiago xxx is hereby **GRANTED**. Accordingly, the administratrix [*sic*] Ma. Pilar Santiago and Mr. Clemente Santiago are hereby **DIRECTED**, as follows:

a.) To surrender the above-enumerated titles presently in their names to this Honorable Court and to transfer the same in the names of the designated legatees in the Last Will and Testament, to wit: 1.) asawa, Cecilia Lomotan at mga anak na 2.) Tomas 3.) Zoilo 4.) Ma. Pilar 5.) Ricardo 6.) Cipriano 7.) Felicidad 8.) Eugenia 9.) Clemente and 10.) Cleotilde all named SANTIAGO.

b.) To peacefully surrender possession and administration of subject properties including any and all improvements thereon, to said legatees; and

c.) To render an accounting of their administration of subject properties, including any and all improvements thereon, to said legatees; and

d.) To submit an accounting of their administration of the above-mentioned estate of the testator or all the above said lots including the rice mill, animal feeds factory, and all improvements thereon from August 14, 1978 up to the present.

e.) To submit a proposed Project of Partition, indicating how the parties may actually partition or adjudicate all the above said properties including the properties already in the name of all the said legatees xxx.

x x x x.

Further, the Register of Deeds of Bulacan are hereby **DIRECTED** to cancel and consider as no force and effects Transfer Certificates of Title Nos. T-249177 (RT-46294) [Lot No. 786], T-249175 (RT-46295) [Lot No. 837], T-249174 (RT-46296) [Lot No. 7922], T-249173 (RT-46297) [Lot No. 836], and T-249176 (RT-46293) [Lot No. 838] in the names of Ma. Pilar Santiago and Clemente Santiago and to issue new ones in the lieu thereof in the names of Cecilia Lomotan-Santiago, Tomas Santiago, Zoilo Santiago, Ma. Pilar Santiago, Ricardo Santiago, Cipriano Santiago, Felicidad Santiago, Eugenia Santiago, Clemente Santiago, and Cleotilde Santiago.