

SPECIAL THIRD DIVISION

[G.R. No. 182645, December 15, 2010]

**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.**

R E S O L U T I O N

PERALTA, J.:

Before the Court is the Very Urgent Motion for Reconsideration of Jaime M. Robles (Robles) seeking to set aside this Court's Decision dated December 4, 2009 which nullified the April 16, 2002 Decision of the Court of Appeals (CA) in CA-G.R. SP No. 57417 and the February 27, 2007 Order of the Regional Trial Court (RTC) of Iriga City, Branch 34 in SP No. IR-1110 and reinstated the August 13, 1999 Amended Decision of the same RTC in the same case.

Robles' Motion is based on the following arguments:

A.) THE HEREIN MOVANT - JAIME M. ROBLES, BEING A REAL PARTY-IN-INTEREST - WAS NEVER IMPEADED AS RESPONDENT IN THE PETITION FOR *CERTIORARI* (WITH PRAYER TO CLARIFY JUDGMENT) DATED MAY 10, 2008 WHICH WAS FILED BEFORE THIS HONORABLE SUPREME COURT ON MAY 13, 2008 - - - BY PETITIONER-RENE B. PASCUAL;

B.) THE DECISION DATED DECEMBER 04, 2009 ISSUED BY THIS HONORABLE SUPREME COURT IN G.R. NO. 182645 WAS RENDERED BASED ON A PETITION FOR *CERTIORARI* AND MEMORANDUM DATED APRIL 7, 2009, WHOSE COPIES THEREOF WERE NEVER SERVED UPON THE HEREIN MOVANT;

C.) THE NAME OF HEREIN MOVANT-JAIME M. ROBLES APPEARS AS RESPONDENT IN THE TITLE OF THIS CASE AS CAPTIONED IN THE HONORABLE SUPREME COURT'S ASSAILED DECISION DATED DECEMBER 04, 2009. HOWEVER, HE WAS NOT REQUIRED TO FILE COMMENT NOR ANSWER TO THE PETITION, A CLEAR VIOLATION TO (sic) THE RULES OF COURT AND TO (sic) THE CONSTITUTION.

D.) THE PUBLIC RESPONDENT COURT OF APPEALS PRESENTED THE SALIENT CIRCUMSTANCES THAT WOULD JUSTIFY THE RELAXATION OF THE RULES ON THE PERFECTION OF AN APPEAL AND THE RULE THAT *CERTIORARI* IS NOT A SUBSTITUTE FOR A LOST APPEAL. THE DECISION ISSUED BY THE PUBLIC RESPONDENT HONORABLE COURT OF APPEALS DATED APRIL 16, 2002 HAS ALREADY ATTAINED FINALITY BY WAY OF AN

ENTRY OF JUDGMENT ISSUED BY THIS HONORABLE COURT ON
NOVEMBER 10, 2005, IN G.R. NO. 168648 ENTITLED JAIME M. ROBLES
PETITIONER, VS. HENRY F. RODRIGUEZ, ET. AL., AS RESPONDENTS.^[1]

Robles prays for the reversal of the presently assailed Decision and the entry of a new judgment requiring him to file his comment and memorandum to the petition. Robles also seeks the reinstatement of the December 15, 1994 Order of the RTC declaring him as the only forced heir and next of kin of Hermogenes Rodriguez.

For a clearer discussion and resolution of the instant Motion, it bears to restate the relevant antecedent facts as stated in the assailed Decision of this Court, 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 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, Jamie 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.^[2]

Robles then appealed the August 13, 1999 Decision of the RTC by filing a Notice of