

TWELFTH DIVISION

[CA-G.R. SP. No. 115778, June 25, 2014]

MARIANO ALEJANDRO L. BALTAO, PETITIONER, VS. ROCIO PRATS BALTAO, AND HONORABLE JUDGE RALPH S. LEE, PRESIDING JUDGE OF REGIONAL TRIAL COURT OF QUEZON CITY, BRANCH 83, RESPONDENTS.

DECISION

ELBINIAS, J.:

Subject of this Petition for Certiorari^[1] filed under Rule 65 of the Rules of Court are the following Orders of the Regional Trial Court of Quezon City, Branch 83 ("respondent court" for brevity): the Order^[2] dated December 18, 2009; the Order^[3] dated March 31, 2010, and; the Order^[4] dated June 28, 2010.

The salient facts are as follows:

On June 13, 2008, the heirs of Eugenio S. Baltao ("Eugenio" for brevity), namely - Urma B. Chiongbian ("Urma" for brevity), private respondent Rocio P. Baltao ("private respondent Rocio" for brevity), Jaime L. Baltao, Eugenio L. Baltao III ("Eugenio III" for brevity), Heirs of Eugenia B. Felix, Heirs of Elizabeth Del Rosario, Gino A. Baltao ("Gino" for brevity), Gary C. Baltao ("Gary" for brevity), Aif Gino A. Baltao as Attorney-in-Fact of Teresa L. Baltao, and Genevieve Baltao - executed a "COMPROMISE AGREEMENT"^[5] in the case entitled "IN THE MATTER OF THE TESTATE ESTATE OF EUGENIO S. BALTAO", docketed as SP. PROC. NO. Q-9525401, which was pending before the Regional Trial Court of Quezon City, Branch 76 ("RTC-Branch 76" for brevity).

On the same day, private respondent Rocio, Urma, Eugenio III and petitioner Mariano Alejandro L. Baltao ("petitioner Mariano" for brevity) filed a "MANIFESTATION AND OMNIBUS MOTION TO APPROVE COMPROMISE AGREEMENT AND TO DISMISS WITH PREJUDICE."^[6]

The RTC-Branch 76 rendered a Judgment^[7] dated July 4, 2008, which approved the Compromise Agreement executed by the heirs of the late Eugenio on June 13, 2008.

On August 6, 2008, the heirs, except private respondent Rocio, filed a "MOTION"^[8] praying that:

"1. The Heirs of Eugenio S. Baltao are hereby ordered, empowered and authorized to divide one-tenth share each all stocks, dividends, monies and/or assets owing to or belonging to the Estate of Eugenio S. Baltao as of 31 July 2008 as well as the shares listed in the Judgment of 4 July 2008 as well as those listed in the Return of the Inventory in the

possession of or those that will come into the possession of the Heirs of Eugenio S. Baltao;

2. Ordering all persons and entities and all the Baltao-family owned Corporations to deliver and surrender to the Heirs of Eugenio S. Baltao all stocks, dividends, monies and/or assets owing to or belonging to the Estate of Eugenio S. Baltao as of 31 July 2008;”^[9]

The RTC-Branch 76 granted such Motion in its Order^[10] dated September 17, 2008.

However, Urma failed to comply with her commitment in the Compromise Agreement that she would withdraw the case which she filed against the Philippine National Bank (“PNB” for brevity), where private respondent Rocio was a third-party defendant.^[11]

Because of this, private respondent Rocio filed on October 14, 2008 a “MOTION (a) TO COMPEL URMA BALTAO CHIONGBIAN TO ABIDE BY THE COMPROMISE AGREEMENT DATED June 13, 2008 AND THE COURT ORDER DATED July 4, 2008 SPECIFICALLY TO WITHDRAW PENDING CASES AGAINST ROCIO P. BALTAO; and (b) TO DEFER IMPLEMENTATION OF COURT ORDER DATED 17 SEPTEMBER 2008 PENDING COMPLIANCE BY URMA BALTAO CHIONGBIAN WITH THE TERMS OF THE COMPROMISE AGREEMENT”^[12].

On November 17, 2008, Urma filed her Opposition^[13] to private respondent Rocio's Motion.

On November 18, 2008, petitioner Mariano and the other heirs of the late Eugenio, except private respondent Rocio, filed an “OMNIBUS MOTION”^[14] praying that the “Honorable Court affirm the heirs' designation of Mariano Alejandro L. Baltao, Gino A. Baltao, and Gary C. Baltao to: (a) jointly act as the new bank signatories for the existing bank accounts in any and all branches of the Bank of the Philippine Islands, Metrobank, Banco de Oro, and/or any and all other banking institutions wherein the late Eugenio S. Baltao kept and/or maintained bank accounts; (b) jointly act as the authorized representatives of the heirs for purposes of closing the Estate's existing bank accounts and/or for purposes of opening new bank accounts in the name of the Estate in any and all branches of the Bank of the Philippine Islands and/or Banco de Oro[,] and[;] (c) jointly act as the authorized representatives of the heirs for purposes of receiving any and all documents, titles, monies, and properties that may be due to the Estate”^[15].

Petitioner Mariano and the other heirs of the late Eugenio, except private respondent Rocio, filed another “MOTION” dated November 24, 2008 praying that “the Honorable Court issue an Order directing Josefina S. Baltao and any and all persons who purportedly act on [her] behalf, as well as any and all other persons and entities concerned, to deliver and surrender to the Heirs of Eugenio S. Baltao, within 10 (ten) days from receipt of the Order, all stocks, dividends, monies and/or assets owing to or belonging to the Estate of Eugenio S. Baltao as of July 31, 2008, for division in accordance with the Court's Judgment approving the Compromise Agreement”^[16].

Private respondent Rocio filed her "CONSOLIDATED OPPOSITION WITH MOTION TO DEFER RESOLUTION OF THE TWO (2) MOTIONS [1) OMNIBUS MOTION dated 18 November 2008 and 2) MOTION dated 24 November 2008]"^[17].

On March 3, 2009, RTC-Branch 76 issued its Order^[18], which among others: granted petitioner Mariano's "OMNIBUS MOTION"^[19] dated November 18, 2008; granted petitioner Mariano's "MOTION"^[20] dated November 24, 2008, and; denied private respondent Rocio's "MOTION" dated October 14, 2008.

On December 5, 2008, the heirs of Eugenio, with the exception of private respondent Rocio, filed a "MOTION FOR EXECUTION"^[21] of the Judgment dated July 4, 2008 and Order dated September 17, 2008.

On March 27, 2009, private respondent Rocio filed a "MOTION FOR RECONSIDERATION (Of the Order dated March 3, 2009) With OPPOSITION (To: Motion for Execution dated December 5, 2008)"^[22].

Special Co-Administratrix Josefina Baltao filed a "MOTION TO DECLARE NULLITY OF JUDGMENT DATED 4 JULY 2008 AND TO EXECUTE THE LAST WILL AND TESTAMENT OF TESTATOR EUGENIO S. BALTAO"^[23] dated March 27, 2009. To such Motion, Urma filed an "OPPOSITION"^[24] dated June 24, 2009.

On August 12, 2009, private respondent Rocio filed a "MOTION TO SET ASIDE THE COMPROMISE AGREEMENT DATED JUNE 13, 2008 AND TO ANNUL JUDGMENT APPROVING THE SAME DATED 4 JULY 2008"^[25].

In an Order^[26] dated September 2, 2009, Hon. Judge Alexander Balut of RTC-Branch 76 inhibited himself from the proceedings in SP PROC. CASE No. Q-05-25401, and ordered for the re-raffle of the case.^[27] As a result, the case was assigned to the presiding judge of respondent court.^[28]

On November 4, 2009, private respondent Rocio filed an "URGENT MOTION FOR A SHOW-CAUSE ORDER AND FOR THE ISSUANCE OF A CEASE AND DESIST ORDER"^[29]. In such Motion, private respondent Rocio prayed for the following:

- a. For all the heirs, except for Rocio P. Baltao, to show cause why they should not be cited for contempt of court;
- b. For all the heirs, except for Rocio P. Baltao, to cease and desist from further dividing and/or liquidating any estate asset;
- c. For all the heirs, except for Rocio P. Baltao, to account for and return any monies, properties, etc. received pursuant to these unauthorized division or liquidation of estate's assets; and
- d. For Heirs Gino A. Baltao, Gary C. Baltao and Alejandro L. Baltao to desist from acting as the estate's joint administrators and from exercising the powers and functions as such."^[30]

The other heirs of the late Eugenio filed their Opposition^[31] to private respondent Rocio's Urgent Motion.

On December 18, 2009, respondent court issued its first assailed Order^[32]. The dispositive portion of the Order stated:

"WHEREFORE, premises considered, this Court resolves in the following manner:

(1) DENYING Josefina S. Baltao's *Motion to Declare Nullity of Judgment dated 4 July 2008 and to Execute the Last Will and Testament of Testator Eugenio S. Baltao dated March 27, 2009*;

(2) DENYING Rocio P. Baltao's *Motion to Set Aside the Compromise Agreement dated June 13, 2008 and to Annul Judgment Approving the Same dated 4 July 2008* dated August 12, 2009;

(3) DENYING Rocio P. Baltao's *Urgent Motion for a Show-Cause Order and for the Issuance of a Cease and Desist Order* [d]ated November 4, 2009;

(4) DENYING all the other heirs' *Omnibus Motion* dated August 25, 2009;

(5) ORDERING all the heirs to abide by the terms and conditions of their Compromise Agreement dated June 13, 2008 with a view to end all litigations between and among them in whatever capacity they have filed it or they are being sued; and

(6) GRANTING Rocio P. Baltao's Motion for Reconsideration dated March 26, 2009, and REVERSING the Order dated March 3, 2009 and hereby:

(i) ORDERS heir Urma Baltao Chiongbian to withdraw the case entitled 'Urma B. Chiongbian vs. Narciso S. Capito, et. al.,' Civil Case No. 96-238, pending before the Regional Trial Court of Makati, Branch 60, within fifteen (15) days from receipt of this Order;

(ii) ORDERS the heirs Mariano Alejandro L. Baltao, Gino A. Baltao and Gary C. Baltao to refrain from further acting as the heirs' representatives in receiving any and all documents, titles, monies and properties that may be due the Estate until further Orders from this Court;

(iii) ORDERS that no further disposition, transfer, etc. shall be made among the heirs until further Orders from this Court;

(iv) ORDERS all the other heirs to make a report as to shares in money or otherwise from the dispositions in Dainty Hankies, Inc. and Quality Plastics, Inc. they have received and other dispositions which they have made after the execution of the Compromise Agreement within thirty (30) days from receipt hereof.

SO ORDERED."^[33] (*Italics was made in the original*)

Private respondent Rocio filed a "MOTION TO SUSPEND ALL ACTIONS ON THE ESTATE'S ASSETS"[34] dated February 22, 2010.

Petitioner Mariano filed his "OMNIBUS MOTION (on the Order dated December 18, 2009 and Motion to Compel Rocio P. Baltao and to Comply with the July 4, 2008 Judgment)"[35] dated March 1, 2010.

On March 31, 2010, respondent court issued the second assailed Order[36], which stated:

"Before this Court will act on all pending incidents and the urgent manifestation of all the heirs for the immediate implementation of the Compromise Agreement, the parties are hereby required to submit a manifestation under oath within thirty (30) days from receipt of this Order as to what properties comprising the estate of Eugenio Baltao have already been received, divided and/or disposed by each of them in order for this Court to be apprised of what has been the extent of the implementation of the Compromise Agreement.

Pending submission of their respective verified manifestations and resolution of all pending incidents, all parties are ordered not to further receive, divide or dispose any of the assets and properties until a writ of execution is issued and/or until further orders from this Court.

SO ORDERED."[37]

On June 8, 2010, petitioner Mariano filed his "MOTION FOR RECONSIDERATION"[38] of respondent court's second assailed Order dated March 31, 2010, raising grounds similar to those he had raised in his Omnibus Motion[39] dated March 1, 2010, but which Motion[40] had not been ruled upon by respondent court.

On June 28, 2010, respondent court issued the third assailed Order[41], the dispositive portion of which decreed:

"**WHEREFORE**, premises considered, this Court affirms its Order dated December 18, 2009 and resolves to:

(1) DENY the Motion for Inhibition filed by Eugenio L. Baltao III dated April 30, 2010;

(2) DENY Eugenio L. Baltao III's Motion for Reconsideration dated January 26, 2010;

(3) DENY Gary C. Baltao's Motion for Issuance of Writ of Execution of the Final and Executory July 4, 2008 Judgment Based on the Compromise Agreement dated June 13, 2008, dated February 22, 2010;

(4) DENY Urma B. Chiongbian's Motion for Reconsideration dated February 23, 2010;

(5) DENY Mariano Alejandro L. Baltao's Omnibus Motion (on the Order