

SPECIAL SECOND DIVISION

[G.R. No. 183053, October 10, 2012]

EMILIO A.M. SUNTAY III, PETITIONER, VS. ISABEL COJUANGCO-SUNTAY, RESPONDENT.

R E S O L U T I O N

PEREZ, J.:

The now overly prolonged, all-too familiar and too-much-stretched imbroglio over the estate of Cristina Aguinaldo-Suntay has continued. We issued a Decision in the dispute as in *Inter Caetera*.^[1] We now find a need to replace the decision.

Before us is a Motion for Reconsideration filed by respondent Isabel Cojuangco-Suntay (respondent Isabel) of our Decision^[2] in G.R. No. 183053 dated 16 June 2010, directing the issuance of joint letters of administration to both petitioner Emilio A.M. Suntay III (Emilio III) and respondent. The dispositive portion thereof reads:

WHEREFORE, the petition is **GRANTED**. The Decision of the Court of Appeals in CA-G.R. CV No. 74949 is **REVERSED** and **SET ASIDE**. Letters of Administration over the estate of decedent Cristina Aguinaldo-Suntay shall issue to both petitioner Emilio A.M. Suntay III and respondent Isabel Cojuangco-Suntay upon payment by each of a bond to be set by the Regional Trial Court, Branch 78, Malolos, Bulacan, in Special Proceeding Case No. 117-M-95. The Regional Trial Court, Branch 78, Malolos, Bulacan is likewise directed to make a determination and to declare the heirs of decedent Cristina Aguinaldo-Suntay according to the actual factual milieu as proven by the parties, and all other persons with legal interest in the subject estate. It is further directed to settle the estate of decedent Cristina Aguinaldo-Suntay with dispatch. No costs.^[3]

We are moved to trace to its roots the controversy between the parties.

The decedent Cristina Aguinaldo-Suntay (Cristina) died intestate on 4 June 1990. Cristina was survived by her spouse, Dr. Federico Suntay (Federico) and five grandchildren: three legitimate grandchildren, including herein respondent, Isabel; and two illegitimate grandchildren, including petitioner Emilio III, all by Federico's and Cristina's only child, Emilio A. Suntay (Emilio I), who predeceased his parents.

The illegitimate grandchildren, Emilio III and Nenita, were both reared from infancy by the spouses Federico and Cristina. Their legitimate grandchildren, Isabel and her siblings, Margarita and Emilio II, lived with their mother Isabel Cojuangco, following the separation of Isabel's parents, Emilio I and Isabel Cojuangco. Isabel's parents,

along with her paternal grandparents, were involved in domestic relations cases, including a case for *parricide* filed by Isabel Cojuangco against Emilio I. Emilio I was eventually acquitted.

In retaliation, Emilio I filed a complaint for legal separation against his wife, charging her among others with infidelity. The trial court declared as null and void and of no effect the marriage of Emilio I and Isabel Cojuangco on the finding that:

From February 1965 thru December 1965 plaintiff was confined in the Veterans memorial Hospital. Although at the time of the trial of parricide case (September 8, 1967) the patient was already out of the hospital[,], he continued to be under observation and treatment.

It is the opinion of Dr. Aramil that the symptoms of the plaintiffs mental aberration classified as schizophernia (sic) had made themselves manifest even as early as 1955; that the disease worsened with time, until 1965 when he was actually placed under expert neuro-psychiatrist (sic) treatment; that even if the subject has shown marked progress, the remains bereft of adequate understanding of right and wrong.

There is no controversy that the marriage between the parties was effected on July 9, 1958, years after plaintiffs mental illness had set in. This fact would justify a declaration of nullity of the marriage under Article 85 of the Civil Code which provides:

Art. 95. (sic) A marriage may be annulled for any of the following causes after (sic) existing at the time of the marriage:

x x x x

(3) That either party was of unsound mind, unless such party, after coming to reason, freely cohabited with the other as husband or wife.

There is a dearth of proof at the time of the marriage defendant knew about the mental condition of plaintiff; and there is proof that plaintiff continues to be without sound reason. The charges in this very complaint add emphasis to the findings of the neuro-psychiatrist handling the patient, that plaintiff really lives more in fancy than in reality, a strong indication of schizophernia (sic).^[4]

Intent on maintaining a relationship with their grandchildren, Federico and Isabel filed a complaint for visitation rights to spend time with Margarita, Emilio II, and Isabel in the same special lower court. The Juvenile Domestic Relations Court in Quezon City (JDRC-QC) granted their prayer for one hour a month of visitation rights which was subsequently reduced to thirty minutes, and ultimately stopped, because of respondent Isabel's testimony in court that her grandparents' visits caused her and her siblings stress and anxiety.^[5]

On 27 September 1993, more than three years after Cristina's death, Federico adopted his illegitimate grandchildren, Emilio III and Nenita.

On 26 October 1995, respondent Isabel, filed before the Regional Trial Court (RTC), Malolos, Bulacan, a petition for the issuance of letters of administration over Cristina's estate docketed as Special Proceeding Case No. 117-M-95. Federico, opposed the petition, pointing out that: (1) as the surviving spouse of the decedent, he should be appointed administrator of the decedent's estate; (2) as part owner of the mass of conjugal properties left by the decedent, he must be accorded preference in the administration thereof; (3) Isabel and her siblings had been alienated from their grandparents for more than thirty (30) years; (4) the enumeration of heirs in the petition was incomplete as it did not mention the other children of his son, Emilio III and Nenita; (5) even before the death of his wife, Federico had administered their conjugal properties, and thus, is better situated to protect the integrity of the decedent's estate; (6) the probable value of the estate as stated in the petition was grossly overstated; and (7) Isabel's allegation that some of the properties are in the hands of usurpers is untrue.

Federico filed a Motion to Dismiss Isabel's petition for letters of administration on the ground that Isabel had no right of representation to the estate of Cristina, she being an illegitimate grandchild of the latter as a result of Isabel's parents' marriage being declared null and void. However, in *Suntay v. Cojuangco-Suntay*, we categorically declared that Isabel and her siblings, having been born of a voidable marriage as opposed to a void marriage based on paragraph 3, Article 85 of the Civil Code, were legitimate children of Emilio I, who can all represent him in the estate of their legitimate grandmother, the decedent, Cristina.

Undaunted by the set back, Federico nominated Emilio III to administer the decedent's estate on his behalf in the event letters of administration issues to Federico. Consequently, Emilio III filed an Opposition-In-Intervention, echoing the allegations in his grandfather's opposition, alleging that Federico, or in his stead, Emilio III, was better equipped than respondent to administer and manage the estate of the decedent, Cristina.

On 13 November 2000, Federico died.

Almost a year thereafter or on 9 November 2001, the trial court rendered a decision appointing Emilio III as administrator of decedent Cristina's intestate estate:

WHEREFORE, the petition of Isabel Cojuangco[-]Suntay is DENIED and the Opposition[-]in[-]Intervention is GRANTED.

Accordingly, the Intervenor, Emilio A.M. Suntay, III (sic) is hereby appointed administrator of the estate of the decedent Cristina Aguinaldo Suntay, who shall enter upon the execution of his trust upon the filing of a bond in the amount of P200,000.00, conditioned as follows:

- (1) To make and return within three (3) months, a true and complete inventory;
- (2) To administer the estate and to pay and discharge all debts,

legatees, and charge on the same, or dividends thereon;

(3) To render a true and just account within one (1) year, and at any other time when required by the court, and

(4) To perform all orders of the Court.

Once the said bond is approved by the court, let Letters of Administration be issued in his favor.^[6]

On appeal, the Court of Appeals reversed and set aside the decision of the RTC, revoked the Letters of Administration issued to Emilio III, and appointed respondent as *administratrix* of the subject estate:

WHEREFORE, in view of all the foregoing, the assailed decision dated November 9, 2001 of Branch 78, Regional Trial Court of Malolos, Bulacan in SPC No. 117-M-95 is **REVERSED and SET ASIDE** and the letters of administration issued by the said court to Emilio A.M. Suntay III, if any, are consequently revoked. Petitioner Isabel Cojuangco[-]Suntay is hereby appointed administratrix of the intestate estate of Cristina Aguinaldo Suntay. Let letters of administration be issued in her favor upon her filing of a bond in the amount of Two Hundred Thousand (P200,000.00) Pesos.^[7]

As previously adverted to, on appeal by *certiorari*, we reversed and set aside the ruling of the appellate court. We decided to include Emilio III as co-administrator of Cristina's estate, giving weight to his interest in Federico's estate. In ruling for co-administration between Emilio III and Isabel, we considered that:

1. Emilio III was reared from infancy by the decedent, Cristina, and her husband, Federico, who both acknowledged him as their grandchild;
2. Federico claimed half of the properties included in the estate of the decedent, Cristina, as forming part of their conjugal partnership of gains during the subsistence of their marriage;
3. Cristina's properties, forming part of her estate, are still commingled with those of her husband, Federico, because her share in the conjugal partnership remains undetermined and unliquidated; and
4. Emilio III is a legally adopted child of Federico, entitled to share in the distribution of the latter's estate as a direct heir, one degree from Federico, and not simply in representation of his deceased illegitimate father, Emilio I.

In this motion, Isabel pleads for total affirmance of the Court of Appeals' Decision in favor of her sole administratorship based on her status as a legitimate grandchild of Cristina, whose estate she seeks to administer.

Isabel contends that the explicit provisions of Section 6, Rule 78 of the Rules of

Court on the order of preference for the issuance of letters of administration cannot be ignored and that Article 992 of the Civil Code must be followed. Isabel further asserts that Emilio III had demonstrated adverse interests and disloyalty to the estate, thus, he does not deserve to become a co-administrator thereof.

Specifically, Isabel bewails that: (1) Emilio III is an illegitimate grandchild and therefore, *not* an heir of the decedent; (2) corollary thereto, Emilio III, not being a "next of kin" of the decedent, has no interest in the estate to justify his appointment as administrator thereof; (3) Emilio III's actions since his appointment as administrator by the RTC on 9 November 2001 emphatically demonstrate the validity and wisdom of the order of preference in Section 6, Rule 78 of the Rules of Court; and (4) there is no basis for joint administration as there are no "opposing parties or factions to be represented."

To begin with, the case at bar reached us on the issue of who, as between Emilio III and Isabel, is better qualified to act as administrator of the decedent's estate. We did not choose. Considering merely his demonstrable interest in the subject estate, we ruled that Emilio III should likewise administer the estate of his illegitimate grandmother, Cristina, as a co-administrator. In the context of this case, we have to make a choice and therefore, reconsider our decision of 16 June 2010.

The general rule in the appointment of administrator of the estate of a decedent is laid down in Section 6, Rule 78 of the Rules of Court:

SEC. 6. *When and to whom letters of administration granted.* – If no executor is named in the will, or the executor or executors are incompetent, refuse the trust, or fail to give bond, or a person dies intestate, administration shall be granted:

(a) To the surviving husband or wife, as the case may be, or next of kin, or both, in the discretion of the court, or to such person as such surviving husband or wife, or next of kin, requests to have appointed, if competent and willing to serve;

(b) If such surviving husband or wife, as the case may be, or next of kin, or the person selected by them, be incompetent or unwilling, or if the husband or widow, or next of kin, neglects for thirty (30) days after the death of the person to apply for administration or to request that administration be granted to some other person, it may be granted to one or more of the principal creditors, if competent and willing to serve;

(c) If there is not such creditor competent and willing to serve, it may be granted to such other person as the court may select.

Textually, the rule lists a sequence to be observed, an order of preference, in the appointment of an administrator. This order of preference, which categorically seeks out the surviving spouse, the next of kin and the creditors in the appointment of an