

THIRD DIVISION

[G.R. No. 182645, December 04, 2009]

**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

CHICO-NAZARIO, J.:

This Petition for *Certiorari* under Rule 65 of the Rules of Court seeks to declare null and void *ab initio* the 16 April 2002 Decision of the Court of Appeals in CA-G.R. SP No. 57417 and the 21 February 2007 Order of the Regional Trial Court (RTC) of Iriga City, Branch 34 in SP No. IR-1110. The Court of Appeals' decision nullified the entire special proceedings in SP No. IR-1110, while the 21 February 2007 Order of the RTC expunged from the records the proceedings in SP No. IR-1110.

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.^[1] 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.^[2] 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 group 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.^[3]

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 Mangahan, Pasig, Rizal.

After hearing on Jaime Roble's 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 Jaime 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.