



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

ISABEL COJUANGCO-SUNTAY
AND EMILIO COJUANGCO-
SUNTAY, JR.,

Petitioners,

- versus -

EMILIO A.M. SUNTAY III AND
NENITA TAÑEDO,

Respondents.

G.R. No. 251350

Present:

CAGUIOA, J.,
Chairperson,
INTING,
GAERLAN,
DIMAAMPAO, *and*
SINGH, JJ.

Promulgated:

August 2, 2023

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DECISION

GAERLAN, J.:

– This is a petition for review on *certiorari*¹ assailing the Decision² dated June 30, 2017 and the Resolution³ dated January 7, 2020 of the Court of Appeals (CA) in CA-G.R. SP No. 97052. The CA denied the Petition for Annulment of Judgment filed by petitioners Emilio Aguinaldo Cojuangco-Suntay, Jr. (Emilio Jr.) and Isabel Aguinaldo Cojuangco-Suntay (Isabel), and affirmed the Decision⁴ dated October 18, 1999 and the Decision⁵ dated January 29, 2002 of the Regional Trial Court (RTC) of La Trinidad, Benguet, Branch 10, in Special Proceeding Case No. 99-SP-0103.

¹ *Rollo* (Vol. I), pp. 14-55.

² Id. at 64-84. Penned by Associate Justice Rodil V. Zalameda (now a Member of this Court) with Associate Justices Normandie B. Pizarro and Ramon A. Cruz concurring.

³ Id. at 85-90. Penned by Associate Justice Ramon A. Cruz with Associate Justices Zenaida T. Galapate-Laguilles and Maria Luisa Quijano-Padilla concurring.

⁴ Id. at 199-203. Signed by Presiding Judge Neisonida T. Ulat-Marrero.

⁵ Id. at 204-207.

This case involves the probate proceedings of the Last Will and Testament of deceased Federico C. Suntay (Federico). Based on the records, Federico was married to Cristina Aguinaldo-Suntay (Cristina) with whom he had a child, Emilio Aguinaldo Suntay (Emilio). However, Emilio predeceased both of them and died on June 1, 1979. Federico later on legally adopted herein respondents Emilio Suntay III (Emilio III) and Nenita Suntay Tañedo (Nenita) who both lived with and cared for him in his old age.

During Emilio's life, he married Isabel Cojuangco-Suntay in 1958 and from their union had three children, namely: Margarita Guadalupe Cojuangco-Suntay, and herein petitioners Emilio Jr. and Isabel. However, their marriage eventually fell apart and was judicially declared as void several years after. Federico alleged that petitioners and their families have been alienated from him and Cristina ever since.⁶

On June 4, 1990, Cristina died intestate survived by only Federico and petitioners. Petitioners claimed that despite the lapse of five years from her death, Federico did not even attempt to settle Cristina's estate and they likewise discovered that he was surreptitiously and illegally disposing of her prime properties.⁷ Hence, to prevent his actions, Isabel filed a Petition for the Issuance of Letters of Administration⁸ with the RTC of Malolos, Bulacan on October 26, 1995 (Administration Case).

Federico allegedly resented Isabel greatly for making accusations against him and instituting the Administration Case. He vigorously opposed her petition claiming that she was not qualified to serve as administratrix and has been alienated from their family for more than 30 years. He sought for Letters of Administration to instead be issued either to himself or Emilio III since they are more capable of managing and protecting the integrity of Cristina's estate.⁹

In the meantime, Federico executed his Last Will and Testament¹⁰ dated April 21, 1997 (First Will) and filed a petition for probate¹¹ on May 2, 1997 (First Probate Petition). This case was raffled to the RTC of Baguio City, Branch 61, and docketed as Special Proceeding No. 635-R. Notably, he explicitly recognized in his First Will that petitioners were his grandchildren who were entitled to inherit one third of his estate by right of representation from their deceased father, Emilio.¹²

⁶ Id. at 266. Opposition to Petition for Issuance of Letters of Administration.

⁷ Id. at 19. Petition for Review on *Certiorari*.

⁸ Id. at 260-263.

⁹ Id. at 265-267. Opposition to Petition for the Issuance of Letters of Administration.

¹⁰ Id. at 153-158.

¹¹ Id. at 148-152.

¹² Id. at 153-154. First Last Will and Testament.

However, shortly thereafter, Federico withdrew his First Probate Petition on the ground that he revoked his First Will. The RTC granted the withdrawal of the First Probate Petition in its Order¹³ dated September 15, 1997. During this time, the Administration Case was being heavily litigated between the parties causing further strained relations. On September 22, 1997, Federico no longer recognized Isabel as his legitimate grandchild and moved to dismiss the Administration Case on the ground that illegitimate children could not inherit through the right of representation. He claimed that the judicial declaration of nullity of Emilio's marriage to petitioners' mother resulted in them having illegitimate status.¹⁴

The Administration Case was eventually appealed to the Supreme Court in the case entitled *Federico C. Suntay v. Isabel Cojuangco-Suntay*, docketed as G.R. No. 132524. The Court here rendered its Decision dated December 29, 1998, determining with finality that petitioners are the legitimate children of Emilio, and, concomitantly, the legitimate grandchildren of Federico and Cristina.

Subsequently, Federico executed another Last Will and Testament¹⁵ dated March 20, 1999 (Second Will) and filed a petition for its probate¹⁶ on August 2, 1999 (Second Probate Petition). Interestingly, Federico filed this petition with the RTC of La Trinidad, Benguet, instead of Baguio City. He acknowledged the Supreme Court Decision in the Administration Case declaring petitioners as legitimate descendants, but alleged that he newly discovered a document executed by Emilio during his life wherein he repudiated his inheritance from both of his parents. Because of this new document, petitioners were disqualified from inheriting from him through their right of representation. Lastly, he stated that he was disinheriting petitioners and Margarita by reason of their maltreatment in words and deed, and acts of gross ingratitude and abandonment.¹⁷

The RTC-La Trinidad gave due course to the Second Probate Petition and issued its Order¹⁸ dated August 4, 1999 (First Notice of Hearing) setting the case for hearing on September 21, 1999. It ordered any person interested to appear and show cause why the petition for probate should not be granted.

No oppositors appeared on the scheduled hearing and the RTC-La Trinidad proceeded to receive evidence to establish Federico's testamentary

¹³ Id. at 160.

¹⁴ *Suntay v. Cojuangco-Suntay*, 360 Phil. 932, 938 (1998).

¹⁵ Id. at 165-169.

¹⁶ Id. at 161-163.

¹⁷ Id. at 165-166. Second Last Will and Testament.

¹⁸ Id. at 170-172.

capacity and the due execution of his will. It eventually held that Federico, although 93 years of age, was of sound mind, and that his Second Will complied with the formal requirements under the law. It accordingly rendered its Decision¹⁹ admitting the Second Will to probate and issuing letters testamentary to Emilio III. It pertinently disposed:

WHEREFORE, based on the above premises, the Court renders judgment declaring the notarized will of Federico C. Suntay **DULY EXECUTED** in accordance with law while in possession of full testamentary capacity and **ALLOWING** and **ADMITTING** the same to probate.

Until finality of the [D]ecision, let letters testamentary issue to the executor **EMILIO A.M. SUNTAY III**, as well as the certificate of probate prescribed under Section 13, of Rule 76 of the Rules of Court.

SO ORDERED.²⁰

Federico died pending the case on November 13, 2000, in Sydney, Australia.²¹ A Certificate of Allowance of his Second Will was thereafter issued by the court, as well as the transfer of the Letters Testamentary to Nenita.²²

Nenita complied with her duties as an executor and had the Notice to Creditors published and posted in the Municipal Hall from January to February 2001. Several creditors appeared and a compromise agreement was entered into with them. Nenita also filed a Project of Partition dated September 2, 2001 outlining the distribution of the estate between her and Emilio III in accordance with Federico's Second Will.²³ After settling the issues with the creditors, the RTC-La Trinidad proceeded to resolve any issues on the intrinsic validity of the Second Will and the validity of the partition. It accordingly issued its Order²⁴ dated October 9, 2001 (Second Notice of Hearing) to set the hearing on the intrinsic validity of the will.

The RTC-La Trinidad eventually ruled that the Second Will was intrinsically valid and noted that no oppositors, even the disinherited heirs, appeared to contest the partition of the estate. There being no legal obstacles, it rendered its second Decision²⁵ which upheld the intrinsic validity of the Second Will and approved the project of partition submitted.

¹⁹ Id. at 199-203.

²⁰ Id. at 203.

²¹ Id. at 210. Death Certificate.

²² Id. at 204. RTC Decision dated January 29, 2002.

²³ Id. at 206-207.

²⁴ Id. at 198. RTC Notice of Hearing dated October 9, 2001.

²⁵ Id. at 204-207, signed by Presiding Judge Nelsonida T. Ulat-Marrero.

Suspecting that Federico would try to defraud them, petitioners verified from the RTC of Baguio City and La Trinidad if he filed any cases involving them. It was only then, on December 17, 2002, that they discovered that Federico had a purported Second Will, and such was allowed probate and effectively disinherited them.²⁶ By this time, the RTC Decisions had already become final and executory.

Aggrieved, petitioners filed a Petition for Annulment of Judgment²⁷ with the CA on November 30, 2006. They alleged that they were never notified of the probate proceedings and that the RTC-La Trinidad failed to acquire jurisdiction over them. They asserted that Federico filed the Second Probate Petition in La Trinidad where he was neither a resident nor had any properties to conceal the case from them.²⁸ He likewise deliberately failed to state their addresses in the Second Probate Petition to ensure that they would not be notified. This constituted extrinsic fraud that prevented them from opposing the Second Probate Petition and deprived them of their right to due process. They therefore prayed for the extraordinary remedy to annul the RTC Decisions.

The CA rendered its assailed Decision²⁹ denying the Petition for Annulment of Judgment and affirming the RTC rulings:

WHEREFORE, premises considered, the Petition for Annulment of Judgment is hereby **DENIED**. Accordingly, the twin Decisions dated 18 October 1999 and 29 January 2002 rendered by Branch 10, Regional Trial Court of La Trinidad, Benguet, stand.

SO ORDERED.³⁰

It held that Federico's failure to state petitioners' addresses in his petition is a defect that will not invalidate the allowance of the will.³¹ It also held that petitioners' claim that they were not served copies of the RTC's orders and notices is contravened by the registry return receipts and return cards attached to the records.³² The failure to submit the Affidavits of Service was not a fatal lapse because the fact of sufficient service to petitioners was further supported by the RTC's Decisions which stated on record that its orders and notices were received by petitioners.³³

²⁶ Id. at 106-107. Petition for Annulment of Judgment.

²⁷ Id. at 101-131.

²⁸ Id. at 108.

²⁹ Id. at 64-84.

³⁰ Id. at 83.

³¹ Id. at 75.

³² Id. at 76-77.

³³ Id. at 78-80.

Moreover, it held that the RTC's service of its processes enjoy the presumption of regularity which petitioners failed to rebut. Petitioners also failed to prove the fact of their non-receipt of the notices and relied mainly on their self-serving claims.³⁴ Lastly, the CA ruled that the Petition for Annulment of Judgment is barred by laches due to the length of time that lapsed before petitioners took action.³⁵

Undeterred, Isabel filed a Motion for Reconsideration³⁶ of the CA Decision, to which Nenita filed a Comment/Opposition.³⁷ The CA thereafter issued its assailed Resolution³⁸ denying the Motion for Reconsideration for lack of merit.

Hence, the instant petition.

The Parties' Arguments

Petitioners alleged that when they finally learned about the fraudulent probate proceedings of Federico's Second Will, the RTC's decisions had already become final and executory, and there were no longer any ordinary remedies available under the law. Hence, the extraordinary remedy of a Petition for Annulment of Judgment was their only recourse.³⁹

Petitioners alleged under oath that they did not receive the First and Second Notices of Hearing, as well as any of the other orders, notices, and assailed decisions of the RTC-La Trinidad in the case. They argued that the CA erred in ruling that they are deemed to have received these processes despite the utter lack of evidence. They highlighted that there was insufficient proof of service by registered mail since there was no Affidavit of Service attached on record.⁴⁰

They also claimed that the circumstances of this case clearly evince Federico's intent to conceal the probate proceedings and defraud them.⁴¹ Firstly, Federico filed the Second Probate Petition in the RTC-La Trinidad instead of Baguio City where he actually resided and owned properties.⁴² Secondly, he purposely omitted their addresses in his petition to prevent the

³⁴ Id. at 79-80.

³⁵ Id. at 80-81.

³⁶ Id. at 424-452.

³⁷ Id. at 456-468.

³⁸ Id. at 85-90.

³⁹ Id. at 15-16. Petition for Review on *Certiorari*.

⁴⁰ Id. at 31.

⁴¹ Id. at 49-50.

⁴² Id. at 50-52.

RTC-La Trinidad from serving them copies of its orders.⁴³ Thirdly, he did not comply with the directives of the RTC-La Trinidad to serve copies of its processes to them.⁴⁴

Hence, petitioners prayed that the RTC Decisions be set aside since these deprived them of their hereditary rights without any due process.⁴⁵ Federico's acts to conceal the probate proceedings from them was tantamount to extrinsic fraud that is a ground for a petition for annulment of judgment.

On the contrary, Nenita and Emilio III filed their respective Comments to the petition for review on *certiorari*.⁴⁶ Nenita argued that petitioners were served copies of the First Notice of Hearing, and the orders, and decisions of the RTC-La Trinidad, as evidenced by the registry return receipts on record.⁴⁷ The service of these orders was also done by the RTC of La Trinidad in the regular course of duties and thus enjoy the presumption of regularity.⁴⁸ Nevertheless, assuming that petitioners were not served notice, the publication of the Notice of Hearing cured this infirmity because personal notice to heirs is a matter of procedural convenience and not a jurisdictional requirement.⁴⁹ Lastly, the petition for annulment of judgment is barred by laches and prescription.⁵⁰

Emilio III filed his Comment⁵¹ essentially reiterating Nenita's arguments and insisting that no extrinsic fraud was committed. Finally, Isabel filed a Consolidated Reply⁵² to the Comments.

The Ruling of this Court

After a judicious review, the petition is granted.

A petition for annulment of judgment under Rule 47 of the Rules of Court (ROC) is a remedy available to assail judgments or final orders and resolutions in civil actions of RTCs for which the ordinary remedies of new trial, appeal, petition for relief or other appropriate remedies are no longer available through no fault of petitioner.⁵³

⁴³ Id. at 53-54.

⁴⁴ Id.

⁴⁵ Id. at 54.

⁴⁶ *Rollo* (Vol II), pp. 999-1015 and 1019-1031.

⁴⁷ Id. at 1005. Comment to Petition for Review on *Certiorari*.

⁴⁸ Id. at 1006.

⁴⁹ Id. at 1008.

⁵⁰ Id. at 1008-1009.

⁵¹ Id. at 1019-1031.

⁵² Id. at 1049-1087.

⁵³ RULES OF COURT, Rule 47, Section 1.

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This remedy is “independent of the case where the judgment sought to be annulled was rendered. It is a recourse that presupposes the filing of a separate and original action for the purpose of annulling or avoiding a decision in another case. It is not a continuation or progression of the same case, as in fact the case it seeks to annul is already final and executory, but rather, it is an extraordinary remedy that is equitable in character and is permitted only in exceptional cases.”⁵⁴

Verily, this remedy is allowed only in exceptional cases where there is no other available or adequate remedy for a party. It also disregards the time-honored rule of immutability and unalterability of final judgments and thus may be granted only after strict compliance with its stringent requirements.⁵⁵

The grounds for a petition for annulment of judgment are either extrinsic fraud or lack of jurisdiction.⁵⁶ Jurisprudence has further recognized the lack of due process as an additional ground.⁵⁷

Extrinsic fraud has been defined as “any fraudulent act of the prevailing party in litigation committed outside of the trial of the case, where the defeated party is prevented from fully exhibiting his side by fraud or deception practiced on him by his opponent.”⁵⁸

The Court has expounded that there is extrinsic fraud “where the unsuccessful party has been prevented from exhibiting fully his case, by fraud or deception practiced on him by his opponent, as by keeping him away from court, a false promise of a compromise; or where the defendant never had knowledge of the suit, being kept in ignorance by the acts of the plaintiff; or where an attorney fraudulently or without authority connives at his defeat; these and similar cases which show that there has never been a real contest in the trial or hearing of the case are reasons for which a new suit may be sustained to set aside and annul the former judgment and open the case for a new and fair hearing. x x x The overriding consideration when extrinsic fraud is alleged is that the fraudulent scheme of the prevailing litigant prevented the petitioner from having his day in court.”⁵⁹

⁵⁴ *Alvarez v. Court of Appeals (Former 12th Division)*, 852 Phil. 163, 168 (2019). Citations omitted.

⁵⁵ *Baclaran Mktg. Corp. v. Nieva, et al.*, 809 Phil. 92, 99 (2017).

⁵⁶ RULES OF COURT, Rule 47, Section 2.

⁵⁷ *Alvarez v. Court of Appeals (Former 12th Division)*, *supra*.

⁵⁸ *Lasala v. National Food Authority*, 767 Phil. 285, 301 (2015).

⁵⁹ *Pinausukan Seafood House, Roxas Blvd., Inc. v. Far East Bank & Trust Co., et al.*, 725 Phil. 19, 34 (2014). Underscoring supplied.

4

Hence, the Court in *Chico v. Ciudadano*,⁶⁰ for instance, annulled a judgment on the ground of extrinsic fraud when the petitioner in an action to cancel a land title purposely failed to implead as a real party in interest the person who occupied the land and had an adverse ownership claim over it. The Court ruled that the deliberate failure to notify such party amounted to extrinsic fraud because it prevented her from having her day in court to protect her interests.

In this case, the evidence on record reveals that petitioners were deliberately not notified of the probate proceedings of Federico's Second Will. This resulted in them being completely disinherited and deprived of the opportunity to defend their rights in court.

Federico admittedly knew that petitioners were his legitimate heirs and even cited the Court's ruling on this matter.⁶¹ He also undoubtedly knew their addresses since they had long been embroiled in litigation before he filed the Second Probate Petition. Nevertheless, he still omitted their addresses in his Second Probate Petition in patent disregard of the requirement under Section 2, Rule 76 of the ROC.

As the CA pointed out, this omission rendered the RTC-La Trinidad incapable of serving copies of the First Notice of Hearing to petitioners on its own. It therefore resorted to cause its notices and processes to be served on them through Federico.⁶²

Regrettably, Federico did not comply with the orders of the RTC-La Trinidad. It is clear from the evidence that he did not serve copies of the First Notice of Hearing to petitioners. This fact is bolstered by petitioners' repeated allegations under oath that they never received this notice or other court processes.⁶³ The CA gravely erred when it ruled that the Registry Return Receipts and Registry Return Cards appended to the First Notice of Hearing sufficed to prove service to petitioners.⁶⁴

It is immediately apparent that Federico failed to prove that he served the First Notice of Hearing to petitioners *via* registered mail. Section 13, Rule 13 of the ROC instructs that service by registered mail shall be proved by the Registry Receipt, and the Affidavit of the person who served it, which shall contain a full statement of the date, place, and manner of service. However, as the CA observed, there was "no affidavit of service from the person or court

⁶⁰ G.R. No. 249815, July 4, 2022.

⁶¹ See *Suntay v. Cojuangco-Suntay*, supra note 14 at 941.

⁶² *Rollo* (Vol. I), pp. 75-76. CA Decision.

⁶³ Id. at 268-269. Joint-Affidavit of Isabel and Emilio Jr.

⁶⁴ Id. at 76-79. CA Decision.

personnel who served copies of the court's Orders and Decisions, including the Order dated 04 August 1999 x x x."⁶⁵

This is not a minor procedural lapse that can easily be disregarded, especially because petitioners' receipt of the First Notice of Hearing is the contentious issue. The requirements of the ROC to prove service by registered mail must have thus been complied with. The Court cannot possibly conclude that there was sufficient service by registered mail without the requisite proof. Considering that there were material lapses in complying with the ROC, there can be no presumption of regularity on the court's service of processes in this case.⁶⁶

Contrary to the CA's ruling, the evidence on record supports petitioners' claim that they were never served copies of the First Notice of Hearing and never received it. The letter-envelope⁶⁷ appended to the records which contained the first Notice of Hearing intended for Isabel was addressed only to "Isabel Suntay c/o Federico Suntay. FA 18 Cabanao Km. 6, La Trinidad, Benguet." This was not Isabel's address, but Federico's own address as stated in his petition.⁶⁸ The Registry Return Receipt also just indicated delivery to Federico's address.⁶⁹ Expectedly, the letter-envelope had a handwritten notation "RTS Unknown at given address", meaning "return-to-sender," which proves its unsuccessful delivery.⁷⁰

The letter-envelope⁷¹ with the First Notice of Hearing intended for Margarita was similarly addressed to "Margarita Suntay c/o Federico Suntay. FA 18 Cabanao Km. 6, La Trinidad, Benguet." This was not her address, but Federico's. The Registry Return Receipt also just indicated delivery to Federico's own address.⁷² The letter-envelope then had a handwritten notation "RTS Unknown at given address" to state that it was not delivered.⁷³

As for Emilio Jr., there was absolutely no proof of even any attempt to serve him a copy of the First Notice of Hearing.

On a last-ditch attempt to prove that there was service by registered mail to Isabel, respondents relied on a notation on the Registry Return Receipt stating that it was allegedly received by a certain "Felix," followed by an

⁶⁵ Id. at 79.

⁶⁶ *BPI v. Sps. Evangelista*, 441 Phil. 445, 453 (2002).

⁶⁷ *Rollo* (Vol. I), p. 176. Letter-Envelope Addressed to "Isabel Suntay c/o Federico Suntay."

⁶⁸ Id. at 161. Second Probate Petition.

⁶⁹ Id. at 177. Registry Return Receipt.

⁷⁰ Id. at 176. Letter-Envelope Addressed to "Isabel Suntay c/o Federico Suntay."

⁷¹ Id. at 178.

⁷² Id. at 179. Registry Return Receipt.

⁷³ Id. at 178. Letter-Envelope Addressed to "Margarita Suntay c/o Federico Suntay."

4

illegible surname. However, Isabel vehemently denied under oath that she even knew a person named Felix.⁷⁴ There was likewise no evidence to prove that this Felix was known to Isabel, or was authorized to receive court processes on her behalf. The utter lack of proof on this matter makes the notation questionable and unworthy of credence.

The Court further observes that the Second Notice of Hearing was not served on petitioners. Petitioners alleged under oath that they never received this notice.⁷⁵ Their claim is supported by the actual text of the Second Notice of Hearing which stated that it is addressed only to (1) Atty. Imelda Deinla, counsel of Federico, (2) Atty. Jerry Banares, counsel for a creditor, and (3) Atty. Sabino Bao-ayan. They were not even among the intended recipients of this Second Notice of Hearing which explains why there was no evidence to prove that they were served copies of it.⁷⁶

Consequently, the Court gives credence to petitioners' claims that they were never served copies of the First and Second Notices of Hearing, and that they never received these.⁷⁷ They evidently had no knowledge of the probate proceedings and did not have the opportunity to contest Federico's Second Will and protect their rights.

Federico's deliberate acts of filing the Second Probate Petition in La Trinidad, omitting petitioners' addresses, and then failing to serve them with copies of the notices of hearing, taken collectively, constitute extrinsic fraud. He kept petitioners ignorant of his acts to disinherit them and prevented them from having their day in court. It is therefore only just, proper, and equitable for the Court to annul and set aside the RTC Decisions.

Respondents' argument that petitioners could no longer file the petition for annulment of judgment on the grounds of laches and prescription is denied. Section 3, Rule 47 of the ROC explicitly allows the filing of a petition based on extrinsic fraud within four (4) years from its discovery. Notably, petitioners discovered Federico's extrinsic fraud after their verification from the RTC-La Trinidad on December 17, 2002.⁷⁸ They then filed their petition for annulment of judgment on November 30, 2006. This was clearly within the permissible period for filing and cannot be barred by prescription.

The ground of laches has been defined as "the failure or neglect for an unreasonable and unexplained length of time to do that which by exercising

⁷⁴ Id. at 281. Judicial Affidavit of Isabel Suntay.

⁷⁵ Id. at 282.

⁷⁶ Id.

⁷⁷ Id.

⁷⁸ Id. at 106-107. Petition for Annulment of Judgment.

4

due diligence, could or should have been done earlier, thus, giving rise to a presumption that the party entitled to assert it either has abandoned or declined to assert it.”⁷⁹ Based on all the surrounding circumstances and the many other cases petitioners have pursued, it cannot possibly be concluded that they have been negligent in asserting their hereditary rights and must be deemed to have abandoned or declined these. On the contrary, their relentless participation in the other related cases supports the fact that there was a delay in this particular case only because they lacked knowledge of it by reason of the extrinsic fraud. After they learned of Federico’s actions to disinherit them, they asserted their available legal remedies in a timely manner and therefore cannot be barred by laches.

Lastly, the Court rules that the annulment of the RTC Decisions is also warranted on the ground of lack of due process. It is settled that a judgment suffers a fatal infirmity and is void when there is an apparent denial of the fundamental right to due process.⁸⁰

The Court in *Sps. Benatiro, et al. v. Heirs of Evaristo Cuyos*⁸¹ annulled the final order of a probate court which granted the partition of an estate on the ground of lack of due process. The Court here learned that several of the compulsory heirs were not notified of the proceedings and pronounced that it was imperative for all heirs to be notified and present for them to be afforded the opportunity to protect their interests.⁸²

In this case, petitioners were denied their right to due process when they were prevented from participating in the probate proceedings. It is emphasized that the failure to serve them copies of the First and Second Notices of Hearing also violated mandatory provisions of law. The Court in *De Aranz v. Judge Galing*⁸³ established that the requirement to serve notices to designated or other known heirs, legatees, and devisees in the Philippines is mandatory, and that the requirement of the law for the allowance of a will is not sufficiently satisfied by mere compliance with the publication requirement of the notice of hearing.⁸⁴

The Court likewise elucidated in *Racca v. Echague*⁸⁵ that the use of the word “shall” in Section 4, Rule 76 of the ROC which directs notice to be given to the heirs necessarily means that it is mandatory. It pronounced that giving personal notice to all heirs is of paramount importance because it is intended

⁷⁹ *Philippine Carpet Manufacturing Corp. et al. v. Tagyamon et al.*, 723 Phil. 562, 571-572 (2013).

⁸⁰ *Chico v. Ciudadano*, G.R. No. 249815, July 4, 2022, supra note 60.

⁸¹ 582 Phil. 470 (2008).

⁸² Id. at 486.

⁸³ 244 Phil. 645 (1988).

⁸⁴ Id. at 648.

⁸⁵ G.R. No. 237133, January 20, 2021.

4


to safeguard their right to due process, and the court is duty-bound to ensure compliance with this procedure.

This doctrine must apply even more to the instant case because Federico instituted the probate proceedings of his own Second Will. Since he was the testator, he was no longer required under the ROC to publish the First Notice of Hearing. His only remaining obligation under the ROC was to provide notice to all his compulsory heirs,⁸⁶ which he still did not do.

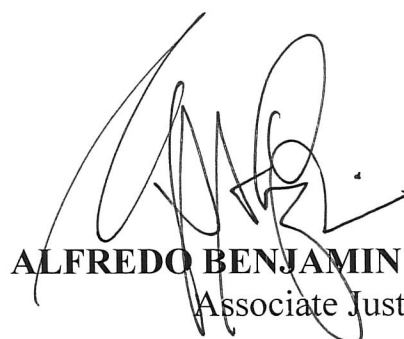
As a result, petitioners were effectively disinherited without being afforded an opportunity to defend their rights in court. This cannot be condoned since the right to due process is a fundamental cornerstone of our judicial system. The Court is thus called upon in this case to fulfill its duty to safeguard the Constitutional guarantee that “[n]o person shall be deprived of life, liberty or property without due process of law.”⁸⁷

WHEREFORE, the petition is **GRANTED**. The Decision dated October 18, 1999 and the Decision dated January 29, 2002 of the Regional Trial Court of La Trinidad City, Benguet, Branch 10, in Special Proceeding Case No. 99-SP-0103 are hereby **ANNULLED** and **SET ASIDE**. This is without prejudice to the original action for the probate of the Last Will and Testament of deceased Federico C. Suntay from being refiled in the proper court.

SO ORDERED.


SAMUEL H. GAERLAN
Associate Justice

WE CONCUR:


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

⁸⁶ RULES OF COURT, Rule 76, Section 4.

⁸⁷ 1987 PHILIPPINE CONSTITUTION, Article III, Section 1.



HENRI JEAN PAUL B. INTING
Associate Justice



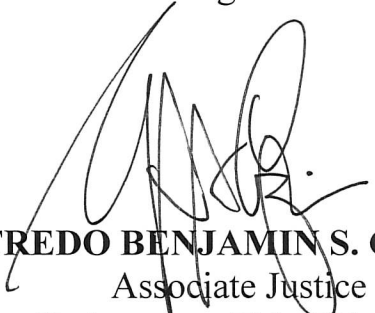
JAPAR B. DIMAAMPAO
Associate Justice



MARIA FILOMENA D. SINGH
Associate Justice

ATTESTATION

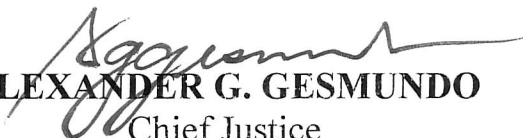
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALEXANDER G. GESMUNDO
Chief Justice

