



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

MARIA T. CALMA,
Petitioner,

G.R. No. 221684

Present:

CARPIO, J., Chairperson,
PERALTA,
PERLAS-BERNABE,
CAGUIOA, and
REYES, JR., JJ.

- versus -

Promulgated:

MARILU C. TURLA,
Respondent.

30 JUL 2018

x-----
MARILU C. TURLA

DECISION

PERALTA, J.:

Assailed in this petition for review on *certiorari* is the Decision¹ dated November 27, 2015 of the Court of Appeals in CA-G.R. SP No. 131032.

The antecedent facts are as follows:

On March 12, 2009, respondent Marilu C. Turla filed with the Regional Trial Court (RTC), Branch 22, Quezon City a Petition² for Letters of Administration alleging, among others, that her father, Mariano C. Turla, died³ intestate on February 5, 2009, leaving real properties located in Quezon City and Caloocan City, bank deposits and other personal properties, all with an estimated value of ₱3,000,000.00; that she is the sole legal heir entitled to inherit and succeed to the estate of her deceased father who did

¹ Penned by Associate Justice Ramon A. Cruz, with Associate Justices Marlene Gonzales-Sison and Pedro B. Corales concurring; *rollo*, pp. 29-45.

² Docketed as Special Proceeding No. Q-09-64479; CA *rollo*, pp. 38-41.

³ Certificate of Death, *id.* at 42.

not leave any other descendant or other heir entitled to the estate as his wife, Rufina de Castro, had predeceased him; and that she is entitled to be issued letters of administration. She presented her Certificate of Live Birth⁴ signed and registered by the deceased himself with the Local Civil Registrar of Manila.

As the petition was sufficient in form and substance, the RTC gave due course to it and set the petition for hearing. On April 21, 2009, the Letter of Special Administration⁵ was issued to respondent.

Petitioner Maria Turla Calma,⁶ claiming to be the surviving youngest half-sister of Mariano as he was her mother's illegitimate son before her marriage to her father, filed an Opposition⁷ to the petition for administration and alleged that respondent is not a daughter of Mariano; that the information recited in her two birth certificates are false, the truth being that Mariano and his wife Rufina did not have any child. She argued that she is entitled to the administration of the estate of her half-brother and nominated Norma Bernardino, who has been managing the business and other financial affairs of the decedent, to take charge of the management and preservation of the estate pending its distribution to the heirs.

Respondent filed her Reply⁸ stating that her filiation had been conclusively proven by her record of birth which was duly authenticated by the Civil Registrar General of the National Statistics Office (*NSO*), and only the late Mariano or his wife had the right to impugn her legitimacy; that petitioner had no right to oppose her appointment as Special Administratrix of Mariano's estate since the former is not the latter's heir; that in her capacity as the Special Administratrix of Mariano's estate, she had filed several cases against Norma and her husband; and thus, Norma is not qualified to act as an administratrix because she has an interest antagonistic to the estate.

Spouses Robert and Norma Bernardino filed a Motion for Leave of Court to Intervene as Oppositors which was denied by the RTC in an Order dated June 2, 2010.

Petitioner also filed a Motion to Recall Order⁹ appointing respondent as Special Administratrix on the ground that she has been collecting rentals from the properties of the decedent for her personal gain and that she has been filing malicious suits against the Spouses Bernardino. Respondent filed

⁴ *Id.* at 43.

⁵ *Id.* at 46; RTC, Branch 222.

⁶ Respondent claims that petitioner had already died on March 28, 2016; *rollo*, p. 103.

⁷ *CA rollo*, pp. 47-49.

⁸ *Id.* at 89-93.

⁹ *Id.* at 74-75.



her Opposition¹⁰ thereto stating, among others, that she has all the right to be appointed as Special Administratrix since she is the legitimate daughter of the deceased Mariano and that she is able to protect and preserve the estate from Norma, the one being recommended by petitioner.

Petitioner filed an undated Rejoinder claiming that the case filed against Norma before the RTC Makati, Branch 59, related to two promissory notes where the payee was Mariano Turla ITF: Norma C. Bernardino, hence, a trust account was created which did not belong to the estate of the deceased. Respondent filed her Reply to Rejoinder contending that in case Norma is appointed as Regular Administrator of the estate, she will succeed in taking all the assets of the estate for her own use and benefit.

On June 29, 2009, petitioner filed a Motion to Order DNA Testing as respondent's blood relation to Mariano is in issue. Respondent opposed the same on the ground that petitioner lacked the legal right or personality to request for a DNA test as she has no legal interest in the matter in litigation.

On May 12, 2010, respondent filed her initial Accounting¹¹ of the funds that have come to her possession.

In an Order dated June 25, 2010, the RTC granted petitioner's motion for an order for DNA testing,¹² the dispositive portion of which reads:

WHEREFORE, premises considered, the above incidents are disposed in the following manner.

x x x x

(4) The motion for DNA testing filed by the oppositor is GRANTED, and accordingly, the parties are directed to make arrangements for DNA testing and analysis for the purpose of determining the paternity of Marilu Turla, upon consultation and coordination with laboratories and experts on the field of DNA analysis at the expense of oppositor.¹³

Petitioner filed a motion to remove respondent as Special Administratrix on grounds that she had incurred expenses mostly legal without proper receipts which cannot be returned if the same is disallowed since it is not guaranteed that she will be declared as one of the heirs. Respondent opposed the same arguing that the grounds raised in the motion are not sufficient for her removal and are highly speculative; that she has made an honest and truthful accounting for the approval of the intestate

¹⁰ *Id.* at 76-78.

¹¹ *Id.* at 94-96.

¹² *Rollo*, p. 54. (CA Decision dated June 29, 2011 in CA-G.R. SP No. 115847).

¹³ *Id.* at 55.



court; and that the said motion was filed for the purpose of stopping her from prosecuting the various actions she had filed against the Bernardino spouses to recover properties belonging to the estate.

On August 28, 2012, the RTC received the Report of Dr. Maria Corazon A. de Ungria, Head of the DNA Analysis Laboratory, UP Natural Sciences Research Institute (*NSRI*), on the DNA test on the blood samples from Rufina's alleged siblings and respondent, with the following conclusion:

Based on the results of mitochondrial DNA analysis there is no possibility that Mr. Ireneo S. de Castro and Ms. Basilia de Castro Maningas are maternal relatives of Ms. Marilu de Castro Turla.¹⁴

On September 11, 2012, the RTC issued an Order,¹⁵ the decretal portion of which reads:

WHEREFORE, premises considered, the Motion to Remove Marilu Turla as Special Administratrix filed by oppositor Maria Calma Turla is hereby GRANTED. Accordingly, petitioner Marilu C. Turla is REMOVED as Special Administratrix in this case. Petitioner is hereby ordered to submit an inventory of all the assets of the deceased that came into her possession and knowledge and for her to render an accounting thereof within thirty (30) days from receipt hereof.

In the meantime, let Letters of Special Administration issue in favor of Norma Bernardino who is hereby APPOINTED as Special Administratrix of the estate of the deceased Mariano C. Turla, effective upon the filing of a bond in the amount of One Million Pesos (P1,000,000.00) and the taking of the corresponding Oath of Office.

Petitioner Marilu Turla is hereby ordered to turn-over possession of all the assets of the deceased Mariano Turla which came into her possession to Norma Bernardino within thirty (30) days from the time the latter formally takes her Oath of Office.

SO ORDERED.¹⁶

In finding merit to petitioner's motion to remove respondent as Special Administratrix, the RTC ruled that while respondent's birth certificate stated her father to be Mariano and her mother to be Rufina, the DNA test results conclusively showed that she is not Rufina's daughter.

Respondent's motion for reconsideration was denied in an Order¹⁷ dated May 9, 2013.

¹⁴ *Id.* at 75.

¹⁵ *Id.* at 71-76; Per Judge Charito B. Gonzales; RTC, Branch 80.

¹⁶ *Id.* at 76.

¹⁷ *Id.* at 77-79. Per Judge Alexander S. Balut, RTC, Branch 76.



Respondent filed a petition for *certiorari* with the CA. After the submission of the parties' respective pleadings, the case was submitted for decision.

On November 27, 2015, the CA issued the assailed Decision, the dispositive portion of which reads:

WHEREFORE, premises considered, the petition is GRANTED. The [Order] dated September 11, 2012 issued by the RTC of Quezon City, Branch 80, [and] the Order dated May 9, 2013 issued by Branch 76 of the same court, in Special Proceedings No. Q-09-64479, are ANNULLED AND SET ASIDE.

SO ORDERED.¹⁸

Hence this petition for review.

Petitioner contends that respondent had petitioned the RTC to be appointed as Special Administratrix of the intestate estate of Mariano on the basis of her birth certificate showing that she is the daughter of Rufina, wife of Mariano; that in 1994, however, Mariano executed an affidavit of adjudication for the extrajudicial settlement of the intestate estate of the late Rufina wherein he stated that "being her surviving spouse, I am the sole legal heir entitled to succeed to and inherit the estate of the said deceased who did not leave any descendant, ascendant or any other heir entitled in her estate"; that while respondent's birth certificate states her father to be Mariano Turla and her mother Rufina de Castro, the DNA results conclusively showed that she is not Rufina's daughter, so her own birth certificate stating Rufina as her mother was fraudulent. She avers that she had put in issue the blood relationship of the respondent with the deceased Mariano.

Petitioner also argues that respondent had violated her duties as Special Administratrix as the latter failed to submit an inventory and to render an accounting thereof, hence there was a good reason for the RTC to remove her. Moreover, she failed to comply with the Order to submit inventory and render accounting and to turn over possession to the new administrator; and that the appointment of Norma Bernardino as the new Special Administratrix is in accordance with the rules.

We find no merit in the petition.

Settled is the rule that the selection or removal of *special* administrators is not governed by the rules regarding the selection or

¹⁸

Id. at 43-44.



removal of *regular* administrators.¹⁹ Courts may appoint or remove *special* administrators based on grounds other than those enumerated in the Rules, at their discretion. As long as the said discretion is exercised without grave abuse, higher courts will not interfere with it. This, however, is no authority for the judge to become partial, or to make his personal likes and dislikes prevail over, or his passions to rule, his judgment. The exercise of such discretion must be based on reason, equity, justice and legal principles.²⁰

We agree with the CA when it found that the RTC acted with grave abuse of discretion in removing respondent as Special Administratrix of the estate of Mariano Turla on the basis of the DNA result showing that she is not maternally related to Rufina, Mariano's wife.

Respondent had filed with the RTC a Petition for Letter of Administration in the matter of the intestate estate of the late Mariano Turla. Petitioner filed her opposition thereto based on the ground that respondent is not the daughter of the deceased Mariano Turla; that the spouses Mariano and Rufina Turla did not have any child; that she had not been legally adopted and no right arise from a falsified birth certificate. In respondent's Opposition to petitioner's motion to recall order appointing her as Special Administratrix, she claimed that she has the right to be appointed as such since she is the legitimate child of the late Mariano, hence, respondent's blood relationship with the decedent had been put in issue. Subsequently, petitioner asked for a DNA test on respondent which the RTC granted as follows:

x x x Amidst the protestation of the petitioner (herein respondent) against the DNA analysis, the Court finds it **prudent to allow the conduct of the DNA testing considering its definitive result will decisively lay to rest the issue of filiation of the petitioner with the deceased Mariano Turla** for purposes of determining the issues on the other hand in this proceeding for the settlement of the estate of the said deceased and persons to whom the same should be distributed. The filiation issue will secure a legal right associated with paternity such as support or even inheritance as in the present case. The presumption of legitimacy is not conclusive and consequently may be overthrown by evidence to the contrary. To reject the conduct of the same and result that may be obtained therefrom is to deny progress in proceedings of this case.²¹

¹⁹ *Co v. Judge Rosario, et al.*, 576 Phil. 223, 225, citing *Heirs of Belinda Dahlia A. Castillo v. Lacuata-Gabriel*, 511 Phil. 371, 383 (2005), citing *Roxas v. Pecson*, 82 Phil. 407, 410 (1948); see *Rivera v. Hon. Santos*; 124 Phil. 1557, 1561 (1966), in which the Court ruled that the selection of a special administrator is left to the sound discretion of the court, and that the need to first pass upon and resolve the issues of fitness or unfitness as would be proper in the case of a regular administrator, does not obtain; see also *Alcasid v. Samson*, 102 Phil. 735, 737 (1957), in which the Court declared that the appointment and removal of a special administrator are interlocutory proceedings incidental to the main case and lie in the sound discretion of the court.

²⁰ *Id.* at 226, citing *Fule v. Court of Appeals*, 165 Phil. 785, 800 (1976).

²¹ *Rollo*, p. 54. (CA Decision dated June 29, 2011 in CA-G.R. SP No. 115847). (Emphasis supplied)

x x x x

WHEREFORE, premises considered, the above incidents are disposed in the following manner:

x x x x

(4) The motion for DNA testing filed by the oppositor is GRANTED, and accordingly, the parties are directed to make arrangements **for DNA testing and analysis for the purpose of determining the paternity of petitioner Marilu Turla**, upon consultation and coordination with laboratories and experts on the field of DNA analysis, at the expense of the oppositor.²²

Clearly, the DNA test was ordered to prove respondent's paternity, but surprisingly, the test was conducted with the alleged siblings of Rufina, which showed that respondent is not related to Rufina. While respondent was shown to be not blood related to Rufina, however, the DNA result did not at all prove that she is not a daughter of Mariano, as petitioner claims and which the RTC's order of DNA testing wanted to establish. Notably, petitioner alleges that she is Mariano's half-sister, but it baffles us why she was not the one who underwent the DNA testing when such procedure could satisfactorily prove her contention that respondent is not Mariano's daughter.

Moreover, Section 5 of A.M. No. 06-11-5-SC, Rule on DNA evidence, provides that the grant of DNA testing application shall not be construed as an automatic admission into evidence of any component of the DNA evidence that may be obtained as a result thereof. Here, the DNA result was not offered in accordance with the Rules on Evidence. Therefore, we do not find the DNA test results as a valid ground for the revocation of respondent's appointment as Special Administratrix and her removal as such. Respondent's removal was not grounded on reason, justice and legal principle. We find apropos the CA disquisition in this wise:

The estate to be administered is that of decedent Mariano Turla, hence, it is grave abuse of discretion on the part of the Respondent Judge to remove petitioner on the ground that she is not related to Rufina Turla. True, that she claims to be the daughter of the Spouses Mariano Turla and Rufina Turla. However, a finding that she is not the daughter of Rufina Turla does not automatically mean that she is not the daughter of Mariano Turla as well, especially since in the two versions of her birth certificate, it was Mariano Turla who reported her birth and who signed the same as the father of the child.

x x x the DNA Test results used as a basis by the Respondent Judge in removing petitioner was not, at the very least, presented and offered as evidence. The rule is that after the DNA analysis is obtained, it shall be

incumbent upon the parties who wish to avail of the same to offer the results in accordance with the rules of evidence. The RTC, in evaluating the DNA results upon presentation shall assess the same as evidence in keeping with Sections 7 and 8 of the Rule on DNA Evidence (A.M. No. 06-11-5-SC). At that point when the RTC used it as basis for the removal of petitioner, the DNA Test Result is not yet considered evidence, depriving petitioner the opportunity to contest the same. In its Order dated May 9, 2013, the RTC backtracked a little and stated that the DNA Test Result was merely persuasively considered in the resolution of the issue. A perusal of the Order dated September 11, 2012 shows otherwise because it was evidently the only basis considered by the RTC in its ruling. As we already determined, the DNA Test Result is not even material and relevant evidence in this case. Petitioner's filiation with Rufina Turla is not material in the resolution of the right of petitioner to the estate of Mariano Turla and/or to administer the same, whether as a regular or as a special administratrix.²³

Mariano's execution of an affidavit of adjudication in 1994 for the extrajudicial settlement of the intestate estate of his late wife Rufina stating among others, "that she did not leave any descendant", would not also prove that respondent is not a daughter of Mariano whose estate is under consideration.

Petitioner argues that respondent had violated her duties as the court-appointed Special Administratrix.

We do not agree.

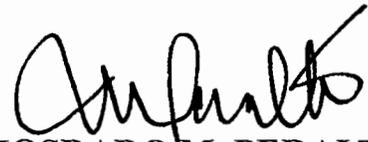
Records show that respondent had submitted with the RTC an accounting of the funds that had come to her possession during the initial year of her administration. While she was directed by the RTC to submit an inventory of all the assets of the deceased that came into her possession and knowledge and for her to render an accounting thereof, such directive was only embodied in the RTC's Order dated September 11, 2012 removing her as Special Administratrix which she assailed by filing a petition for *certiorari* with the CA, which reversed the same and now the subject of the instant petition.

Considering the above-discussion, we find no need to discuss the issue of whether the appointment of Norma Bernardino as the new Special Administratrix is in accordance with the rules.

WHEREFORE, the petition is **DENIED**. The Decision dated November 27, 2015 of the Court of Appeals in CA-G.R. SP No. 131032 is hereby **AFFIRMED**.

²³ *Id.* at 41-42. (CA Decision dated November 27, 2015 in CA-G.R. SP No. 131032). (Citations omitted)

SO ORDERED.



DIOSDADO M. PERALTA
Associate Justice

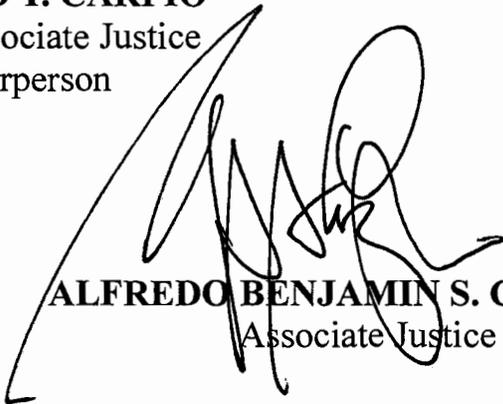
WE CONCUR:



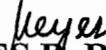
ANTONIO T. CARPIO
Senior Associate Justice
Chairperson



ESTELA M. PERLAS BERNABE
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



ANDRES B. REYES, JR.
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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.



ANTONIO T. CARPIO
Senior Associate Justice
(Per Section 12, Republic Act
No. 292, The Judiciary Act of
1948, as amended)