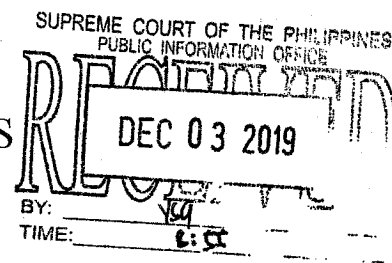




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila



SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 11 November 2019 which reads as follows:

"G.R. No. 242738 (Rizaldo Bigoy, Archimedes Asilo, Celeste Bañez,* Rosanna Regis, Allan Cobacha, et al. v. Jaime Paul Bustos Gamboa, Marcelino Bustos Gamboa, Anita Gamboa Enriquez, Adela Gamboa Aguilar, Alicia Gamboa Duenas, et al.)

After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the May 9, 2018 Decision² and the October 2, 2018 Resolution³ of the Court of Appeals (CA) in CA-G.R. CV No. 106180 for failure of petitioners Rizaldo Bigoy, Archimedes Asilo, Celeste Bañez, Rosanna Regis, Allan Cobacha, et al. (petitioner) to sufficiently show that the CA committed any reversible error in affirming the denial⁴ of their Motion for Limited and Partial Intervention,⁵ with a Complaint-in-Intervention.⁶

As correctly ruled by the CA, intervention is not a matter of absolute right and may be permitted only when the applicant satisfies the statutory requirements for intervention.⁷ The denial of a motion for intervention is correctible only if shown to be arbitrary or capricious,⁸ which petitioners failed to prove in this case. As correctly observed by the CA, petitioners' intervention will unduly delay the settlement of the estate proceedings of the late Adela Blanco *Vda.* de Bustos and Margarita Blanco *Vda.* de Moreta. Furthermore, their rights may be fully protected in a separate proceeding.⁹ It is settled that a probate court's jurisdiction is limited in nature; thus, dispute as to property rights over properties included in the estate should be threshed out in an ordinary action before a court of general jurisdiction.¹⁰ Consequently, the herein dismissal of petitioners' petition is without prejudice to the filing of the proper action before a court of general jurisdiction to enforce their alleged right of first refusal.

* See rollo, p. 128. Also referred to as "Celeste Banez" in some parts of the rollo.

¹ Id. at 17-42-A.

² Id. at 47-60. Penned by Associate Justice Marie Christine Azcarraga-Jacob with Associate Justices Celia C. Librea-Leagogo and Samuel H. Gaerlan, concurring.

³ Id. at 63-68.

⁴ See RTC Order dated November 13, 2014, signed by Presiding Judge Tita Marilyn Payoyo-Villordon; id. at 195-197.

⁵ Id. at 123-124.

⁶ Id. at 130-134.

⁷ See id. at 55. See also *Heirs of Arce, Sr. v. Department of Agrarian Reform*, G.R. No. 228503, July 25, 2018.

⁸ *Intestate Estate of Julian A. Wolfson v. Cruz*, 151 Phil. 191, 210 (1973).

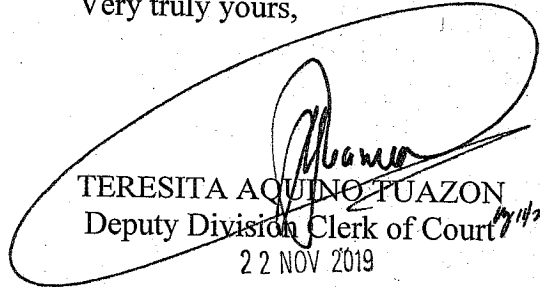
⁹ See rollo, pp. 57-58.

¹⁰ See *Aranas v. Mercado*, 724 Phil. 174, 185-186 (2014).

Palva

SO ORDERED. (INTING, J., on official leave. ZALAMEDA, J., designated as Additional Member per Special Order No. 2727 dated October 25, 2019.) "

Very truly yours,



TERESITA AQUINO TUAZON
Deputy Division Clerk of Court
22 NOV 2019

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 224
Quezon City
(SP Case No. Q-99-395570)

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*For this resolution only
Please notify the Court of any change in your address.
GR242738: 11/11/19A(49)URES