

LEONCIA REYES, AS ADMINISTRATRIX OF THE INTESTATE ESTATE OF DALMACIO CELINO, PETITIONER, VS. ENRIQUE BAUTISTA, RESPONDENT.

G.R. No. L-4876. December 29, 1952

Ponente: PARAS, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/b7422d17f26e/>

PARAS, C.J.:

On November 14, 1940, Enrique Bautista (herein respondent) filed in the intestate proceedings of the deceased Dalmacio Celino (Special Proceeding No. 3298 of the Court of First Instance of Laguna), a claim praying that Leonica Reyes, administrative, (herein petitioner), be ordered to pay the sum of Php.1,502.00, with legal interest from April 30, 1931, plus Php.500.00 as damages and attorney's fees. On the same date the respondent filed a separate civil action against the petitioner, in her own capacity and as administrative (civil case No. 7435 of the Court of First Instance of Laguna), in which the respondent prayed that the petitioner be ordered to vacate certain properties alleged to have been sold with right of repurchase to the respondent, and to pay the sum of Php.5,691.00 as rentals on said properties from May 11, 1931.

In civil case No. 7435, the Court of First Instance of Laguna rendered a decision dated September 19, 1948, dismissing the complaint, which decision has long become final.

In special proceedings No. 3298, the Court of First Instance of Laguna, acting upon the respondent's claim, decided as follows:

"IN VIEW OF THE FOREGOING, the Court hereby declares the estate of the late Dalmacio Celino in the above entitled proceedings indebted (to Enrique Bautista) and approving the claim of the latter against the former in the said sum (Php.1,502.00). The claim for damages and attorney's fees in the additional sum of Php.500.00 is hereby disapproved and disallowed as the preponderance of evidence; particularly the admission of the claimant in his pleadings, shows that there was sufficient valid tender of payment of the principal indebtedness and the creditor Enrique Bautista refused to accept payment or on about April, 1941, for which reason he is not now entitled to the damages and attorney's fees stipulated in the loan agreement of November 30, 1930." (p. 6, Petitioner's brief)

Upon appeal by the petitioner, the Court of Appeals affirmed the decision of the court of first instance, the petitioner has come before us by the writ of certiorari.

The essential facts are not disputed. After a readjustment or liquidation of the accounts of the deceased Dalmacio Celino and his wife originally amounting to Php.5,691.00, it was determined that the unpaid balance due from them to the respondent was Php.1,502, and this amount is covered by a promissory note executed by Dalmacio Celino on November 30, 1930, providing that it was payable within five months and that in case of default an additional amount of Php.500.00 would be paid as damages and attorney's fees should judicial action be necessary for the collection of indebtedness.

The subject-matter of the complaint in civil case No.7435 was the original debt, of Php.5,691.00, although the

complaint alleged that said amount represented unpaid rentals of certain properties sold to the respondent with right of repurchase by Dalmacio Celino. In said case, in which—as already noted—the complaint was dismissed by the Court of First Instance of Laguna, it was found that the document alleged to be a pacto de retro sale was in fact a mortgage to secure the payment of Php.5,691.00. In view of the final decision in civil case No. 7435, the petitioner now insists that the respondent's claim for Php.1,502.00 filed in special proceeding No. 3298 is barred, being merely the balance of the accounts of the petitioner in favor of the respondent involved in civil case No. 7435 and that the respondent could not split his cause of action. In other words, it is the theory of the petitioner that because the complaint of the respondent in civil case No. 7435, which necessarily included the sum of Php.1,502.00 claimed in special proceeding No. 3298, was dismissed on the merits in a final decision, the claim in the intestate proceedings cannot prosper. The petitioner has cited the decision in *Strong vs. Repide*, 22 Phil. 19, in which it was held that the failure of Strong to include any claim for dividends in his first action against Repide for the recovery of certain shares of stock, barred his second action to recover said dividends.

The petitioner's contention is untenable. In the very decision of the Court of First Instance of Laguna in civil case No. 7435, invoked by her, it was held that the indebtedness of Php.1,502.00 in favor of the Respondent was admitted by the petitioner, and that said indebtedness, although the result of a liquidation, became a separate and independent obligation evidenced by a new promissory note. The institution of the civil case for the collection of Php.5,691.00 might have been unfounded, but this circumstance did not affect the virtually of the promissory note executed by the deceased Dalmacio Celino on November 30, 1930 as a separate and distinct source of an obligation. The case of *Strong vs. Repide* is therefore not controlling, since dividends are logically incidental to and part of the shares of stock.

Wherefore, the appealed decision is affirmed, and it is so ordered with costs against the petitioner.

Pablo, Bengzon, Padilla, Tuason, Jugo, Bautista Angelo, and Labrador, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.