

LEON CLIMACO, PLAINTIFF AND APPELLANT, VS. CARLOS SIY UY, ET AL., DEFENDANT AND APPELLEES.

G.R. No. L-21118. April 27, 1967

Ponente: DIZON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/badba47eea9b/>

DIZON, J.:

Appeal taken by Leon Climaco from the order of the Court of First Instance of Zamboanga dated January 12, 1959 in Civil Case No. 740 entitled "Leon Climaco, plaintiff, vs. Carlos Siy Uy and Manuel Co. defendants," denying the admission of his amended complaint for the substitution of a deceased party-defendant, and dismissing the action.

On August 21, 1958 Climaco filed with the lower court an action for damages against (1) Carlos Siy Uy and (2) Manuel Co, his complaint alleging: that sometime in May, 1957, defendants maliciously charged him with the crime of estafa before the City Fiscal of Manila; that, conspiring with each other, they gave the latter a false Manila address for plaintiff in order to mislead said officer into filing, as he did file, Criminal Case No. 399622 with the Court of First Instance of Manila against him, without giving him an opportunity to present his side of the case; that, besides, defendants had arranged to have plaintiff arrested and taken to Manila, without giving him a chance to file a bond, albeit this part of the plan failed; that to defend himself, plaintiff and his counsel had to make several trips to Manila by plane and boat, thus, incurring extraordinary expenses; that, after trial, the Court of First Instance of Manila dismissed the case; that the said prosecution hurt the business credit and reputation of plaintiff, wounded his feelings, and caused him suffering, anguish, humiliation, and damages in the total amount of P19,000.00.

On September 8, 1958 defendants filed a motion to dismiss the complaint on the ground that it stated no cause of action and that the Court had not acquired jurisdiction over the person of defendant Carlos Siy Uy who died on August 27, 1958 before summons could be served upon him. Pending resolution of this motion, plaintiff filed a motion for leave to amend his complaint to substitute the heirs of Carlos Siy Uy - and eventually, the Executor of his Estate - as defendants in the action. On October 11, 1958, the lower court issued an order granting the motion, but subsequently, defendants moved for a reconsideration of said order and, on January 12, 1959, the court issued the appealed order not only setting aside its previous order of October 11, 1958 but also dismissing the complaint.

Thereupon the plaintiff took the present appeal.

Upon the facts alleged in the complaint it is clear that Climaco had a cause of action against the persons named as defendants therein. It was, however, a cause of action for the recovery of damages, that is, a sum of money, and the corresponding action is, unfortunately, one that does not survive upon the death of the defendant, in accordance with the provisions of Section 21, Rule 3 of the Rules of Court.

Neither could the action as against the deceased Siy Uy be maintained under Section 1, Rule 87 of the Rules of Court because this legal provision only authorizes actions against the Executor or Administrator when they are for the recovery of real or personal property, or an interest therein, from the estate, or to enforce a lien thereon, or

when the action is to recover damages for an injury to person or property, real or personal. In this case the damages which Climaco sought to recover from the deceased Siy Uy did not spring from any injury caused to his person. Therefore, in so far as the appealed order denied Climaco's motion for leave to amend his complaint in the sense stated therein, the same is correct.

However, the deceased Siy Uy was not the only defendant. Manuel Co was also named defendant in the complaint. Obviously, therefore, the order appealed from is erroneous insofar as it dismissed the case against Co.

WHEREFORE, the order appealed from is set aside insofar as it dismissed the case against defendant Manuel Co, and the record of this case is remanded to the lower court for further proceedings. With costs.

Concepcion, C.J., Reyes, J.B.L., Regala, Makalintal, Bengzon, J.P., Zaldivar, and Sanchez, JJ., concur.
Castro, J., took no part.

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.