

**INTESTATE ESTATE OF MIGUEL GUZMAN. RAFAELA GUZMAN,
PETITIONER AND APPELLEE, VS. JUAN ANOG AND REINALDO ANOG,
OPPONENTS AND APPELLANTS.***G.R. No. 10618. October 26, 1917*

Ponente: CARSON, J.

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In the petition filed in these special proceedings had under authority of section 597 of the Code of Civil Procedure as amended by Act No. 2331, which provides for the summary settlement of estates of deceased persons not exceeding P3,000 in value, it is alleged that two parcels of land are the property of the estate of the deceased. This allegation was denied by two of the sons of the deceased, who have been in possession for many years and claim to be the absolute owners, not by any right of inheritance from the deceased, who, as these claimants allege, never was in possession and never had any title to the land in question.

The trial judge proceeded summarily to determine title to the land and to provide for its distribution among the various heirs of the deceased, over the objections of counsel for the claimants in possession.

In so doing the trial judge manifestly erred. We have frequently decided that when questions arise as to the ownership of property, alleged to be a part of the estate of a deceased person, but claimed by some other person to be his property, not by virtue of any right of inheritance from the deceased, but by title adverse to that of the deceased and his estate, such questions cannot be determined in the course of administration proceedings. The Court of First Instance, acting as a probate court, has no jurisdiction to adjudicate such contentions, which must be submitted to the court in the exercise of its general jurisdiction as a Court of First Instance to try and determine the ordinary actions mentioned in the Code of Civil Procedure. (Franco O'Brien, 13 Phil. Rep., 359; Devesa Arbes, 13 Phil. Rep., 273; De los Santos Jarra, 15 Phil. Rep., 147.)

Chapter 29 of the Code of Civil Procedure as amended by Act No. 2331, in providing for the "summary settlement of estates of small value," confers no such jurisdiction, and indeed it is clear that there is even less justification for an attempt to exercise such jurisdiction in these summary proceedings than there would be for such an attempt in regular administration proceedings.

It appearing from the petition filed in the court below that the only property sought to be distributed in these proceedings is the real estate claimed by the appellants, and it appearing further that the petitioner's decedent died in the year 1899, we are of opinion that the court should have declined to entertain the petition.

We conclude that the judgment entered in the court below should be reversed, and it appearing from the petition and the pleadings filed in the court below that the only property sought to be distributed in these proceedings is the real estate claimed by the appellants, and it appearing further, that petitioner's decedent died in the year 1899, we are of opinion that the petition should be dismissed, without costs in this instance, the costs in first instance to be against the petitioner. So ordered.

Arellano, C. J., Johnson, Araullo, Street, and Malcolm, JJ., concur.

Judgment reversed; petition dismissed.

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