

**THE BANK OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE,
VS. AGUSTIN BELZUNCE, ADMINISTRATOR OF THE ESTATE OF
RUPERTO BULZUNCE, DEFENDANT AND APPELLANT.**

G.R. No. 11179, March 14, 1917

Ponente: MORELAND, J.

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MORELAND, J.:

This is an appeal from a judgment of the Court of First Instance of the Tenth Judicial District in favor of the plaintiff for the sum of P50,000, "with interest thereon at the rate of 9 per cent per annum from the 22d day of January 1913, said interest to be compounded quarterly as agreed between the parties until the final payment is made."

The only question raised on this appeal is the jurisdiction of the Court of First Instance, it being urged that, inasmuch as it appears from the complaint that the claim which is the foundation of the judgment was against a deceased person, it was the duty of the plaintiff to show affirmatively on the trial the facts necessary to give the Court that the claim had been duly presented to the commissioners appointed to hear claims against the estate of the deceased, the rejection by them of the claim, and an appeal taken from that rejection to the Court of First Instance in the manner provided by law. It is contended that the record does not show those preliminary facts and therefore that the Court of First Instance had no jurisdiction to render the judgment appealed from.

We are of the opinion that the contention of the appellant is not well founded. The jurisdiction of Courts of First Instance is presumed in the absence of evidence clearly showing the contrary; and in cases of this character, every step necessary to confer jurisdiction on that court will be presumed to have been taken in the absence of evidence to the contrary.

We do not undertake to decide at this time, the question not having been presented or discussed, whether it is necessary that all of the steps indicated by the appellant as essential to confer jurisdiction on the Court of First Instance in cases of this character must be shown or not; it is sufficient that the presumption of jurisdiction attending the action of a court of record has not been overcome and its judgment stands good.

The judgment appealed from is affirmed, with costs against the appellant. So ordered.

Torres, Carson, Trent, and Araullo, JJ., concur.

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