

JUAN GUTING, ADMINISTRATOR OF THE ESTATE OF THE DECEASED NARCISO GUTING, PETITIONER AND APPELLANT, VS. JULIAN RAMBOA ET AL., OPPONENTS AND APPELLEES.

G.R. No. 12103. August 02, 1918

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-12103/>

JOHNSON, J.:

This action was instituted in the Court of First Instance of the Province of Tarlac. Its purpose was to obtain a settlement and division of the estate among the heirs of Narciso Guting, who died in the month of January, 1915.

To a division of the estate among the heirs of Narciso Guting, the defendants presented their opposition claiming one-half of said estate. The defendants claim that all of the property in question is ganancial property acquired during the marriage of Narciso Guting with Margarita Dancel; that they are the only legitimate heirs of Margarita Dancel and are therefore entitled to one-half of said estate.

An examination of the record discloses certain facts which are undisputed:

- (1) That Narciso Guting and Margarita Dancel were legally married in the month of April, 1858, and continued to live together as man and wife until the year 1900. (Exhibit B, page 46; Exhibit C, pages 46-47.)
- (2) That Margarita Dancel died October 11, 1900 (Exhibits B and C), without leaving any children.
- (3) That in the month of November, 1901, Narciso Guting was legally married to Antonia Guiang (Exhibit 4, page 44).
- (4) That Narciso Guting died in the month of January, 1915.
- (5) That Margarita Dancel had two sisters and one brother who were Juana Dancel, Andrea Dancel, and Pablo Dancel; that said sisters and brother had died and that the defendants are their children; that the defendants Julian Rombaoa, Miguel Rombaoa, and Apolonia Rombaoa are the children of Juana Dancel; that Matias Pagarigan is the son of Andrea Dancel; that Jorge Dancel, Isaac Dancel, Gerarda Dancel, Teodorico Dancel, Petra Dancel, and Apolonia Dancel are the children of Pablo Dancel.
- (6) That none of the property in question was acquired after the marriage of Narciso Guting and Antonia Guiang, except, perhaps, the land mentioned in the proyecto de liquidacion marked with the letter L (H of the inventory; Exhibit 2); and the land described in the Torrens title, Exhibit 3.

The only disputed fact between the appellant and the appellees was whether or not the property described in the proyecto de liquidacion had been acquired during the existence of the marriage relation between Narciso Guting and Margarita Dancel between the years 1858 and 1900, except the parcels above-mentioned (parcel L and Exhibit 3).

The lower court, after hearing the evidence adduced during the trial of the cause, reached the conclusion that all of

said property, with said exceptions, was ganancial property; that one-half of the same belonged to the heirs of Margarita Dancel and the other half to the heirs of Narciso Guting (article 1426 of the Civil Code). Upon that conclusion the lower court rendered the following judgment, after a discussion of such questions of law as were raised by the parties in the court below:

"By reason of the aforesaid records the court orders the executor Juan Guting within 15 days to produce before the Court of First Instance of Tarlac an adjustment of the estate of both spouses in accordance with the terms set fourth in the instrument, setting forth clearly and specifically the property or portions thereof that constitute the ganancial half for the heirs of Margarita Dancel. So ordered."

An examination of the dispositive part of said judgment clearly discloses the fact that it is not a final judgment and, of course, is therefore not appealable. (Ron vs. Mojica, 8 Phil. Rep., 328; Montemayor vs. Cunanan, 14 Phil. Rep., 454.)

Said judgment leaves many things yet to be done:

- (1) The Administrator is ordered to make a list or description of the property to be divided:
- (2) To indicate the portions, or parts, or parcels which constitute the one-half of said property which belongs to the defendants.

In making a description or division of the various parcels of property involved many difficulties may arise, and it is not at all certain that all and each of the different properties or parcels of land, in question are capable of a physical division. Some of them may be too small to profitably divide. It may be necessary, in some cases, to sell certain parcels for the reason that they cannot be physically divided and to divide the proceeds of such sale among the respective claimants. And, moreover, it is not at all certain that the defendants, and perhaps even the heirs of the deceased, will be satisfied with the division made by the Administrator; in which case, they will be entitled to be heard by the court upon the question of the equitable division of the property and to present proof in support of their claim.

Thus it is seen that the questions involved in the present litigation have not yet been settled and the judgment is therefore not final.

Without, at this time, discussing the questions raised by the appellant, and for the reasons above given, the appeal is hereby dismissed and it is hereby ordered and decreed that the record be returned to the court from whence it came, for such further proceedings in the premises as may be necessary to finally conclude the questions presented to the trial court. In the further proceedings in the court below, it will not be necessary to retake any of the evidence already adduced, and without finding as to costs, so ordered.

Torres, Malcolm, and Avanceña, JJ., concur.

Fisher, J., with whom concurs Street, J., concurring and dissenting in part.

CONCURRING AND DISSENTING OPINION

FISHER, J., concurring and dissenting:

I concur in the remanding of the case to the lower court, inasmuch as the judgment appealed from is not final, but I dissent from the resolution contained in the majority opinion, with respect to the partition of the property. If the parties do not expressly ask the partition of the inheritance (Act No. 190, sec. 762) the court must adjudicate the inheritance pro indiviso, designating the aliquot parts corresponding to each of the interested parties. (Act No.

190, sec. 753.) Moreover, I believe that, in this decision, we can not decide definitely the disputed questions, and consequently, the parties are not prevented from again bringing the same questions in this appeal before the Court of First Instance and before this court in case of appeal.

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.