

**THE INTESTATE ESTATE OF EUGENIO TIANGCO, DECEASED.
ANDREA TIANGCO, ADMINISTRATRIX, APPELLEE; BENITO SIY CONG
BIENG & CO. PETITIONER AND APPELLANT.**

G.R. No. 13592. August 05, 1919

Ponente: JOHNSON, J.

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JOHNSON, J.:

The only question presented by this appeal is whether or not the lower court committed an error in not extending the time for the presentation of claims against the estate of the deceased Eugenio Tiangco. The important facts of the record are as follows:

- That Eugenio Tiangco died in the Province of Bulacan on the 25th day of January, 1916;
- That an administrator of said estate was duly appointed, as well as commissioners for the consideration of claims which might be presented against said estate, on the 21st day of February, 1916;
- That notice of the appointment of said commissioners was duly and legally made in accordance with the provisions of the law, and the time for the presentation of claims was limited to six months from the 5th day of April, 1916;
- That claims were presented and the said commissioners duly made their report to the court on the 19th day of December, 1916, which was approved by the lower court on the 27th day of January, 1917, and a distribution of the estate was made;
- On the 13th day of June, 1917, the appellant herein presented a motion for the reopening of said estate and for permission to present his claim to said commissioners. On the 2d day of August, 1917, the original motion was amended. The amended motion alleged that the appellant had failed to present his claim by reason of the fraud of one Esteban del Rosario, who was the husband of one of the heirs of the deceased, Eugenio Tiangco.

The appellant alleged that he saw the said Esteban del Rosario in the month of February, 1917; that Esteban del Rosario promised to arrange the matter for him, which he failed to do. Esteban del Rosario admits that he had a conversation with the attorney of the appellant in the month of February, 1917, but that he refused to assume any responsibility in relation to the claim of the appellant. The lower court, upon a consideration of the proofs adduced, reached the conclusion that Esteban del Rosario had not deceived nor defrauded the appellant.

It will be noted that the appellant did not present his claim, even though he knew that the settlement of the estate was in process of conclusion, for several months after he had full knowledge of the death of Eugenio Tiangco. The proofs show that much notoriety was given to the death of Eugenio Tiangco; that it was published in various daily papers in the city of Manila. Even granting that the appellant did not have notice of the death of Eugenio Tiangco nor of the publication of the appointment of commissioners and of the necessity to present his claim, he admits that he knew of the death of Eugenio Tiangco as early as the month of February, 1917. His failure to take any action whatever looking to the presentation of his claim, for four or five months thereafter, can hardly be

considered excusable negligence. Esteban del Rosario had no responsibility whatever connected with the settlement of the estate. He was not the administrator and, personally, did not participate in the distribution of the estate. We are of the opinion that the appellant was not justified in relying upon the promises made by Esteban del Rosario, even granting that they were made, for the delay in the presentation of his claim.

In our opinion, the lower court soundly exercised the discretion which was conferred upon him by law-, under the facts in the particular case, in refusing to re-open the administration of the estate for the purpose of permitting the petitioner to present his claim. His failure to present the same within the time was due to his own fault and not to the fault of any person connected with the administration of the estate.

The purpose of the law in fixing a definite period within which claims against an estate must be presented is to insure a speedy settlement of the estate of deceased persons and the early distribution and delivery of the property of the estate to the persons who are legally entitled to receive it. The settlement and distribution of the estate of deceased persons should not be unnecessarily delayed by the lethargy and negligence of those who have a direct interest in the same.

The decision of the trial court in the present case as to whether the period fixed by law should be extended was within his sound discretion and should not be disturbed until it is clearly shown that he abused such discretion. We are not of the opinion that he did. The facts fully justify his conclusion. The appellant has himself to blame.

In our opinion, the judgment of the trial court should be and is hereby affirmed with costs. So ordered.

Arellano, C.J., Torres, Araullo, Street, Malcolm, and Avanceña, JJ., concur.

Judgment affirmed.

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