

FORTUNATO LAYAGUE AND SANTIAGO ROMBO, PLAINTIFFS AND APPELLEES, VS. CONCEPCION PEREZ DE ULGASAN, IN HER CAPACITY AS ADMINISTRATRIX OF THE INTESTATE OF ALIPIA PEREZ, DEFENDANT AN...

G.R. No. 13666. October 31, 1960

Ponente: GUTIERREZ DAVID, J.

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GUTIERREZ DAVID, J.:

On July 29, 1949, Fortunato Layague and Santiago Rombo filed with the Court of First Instance of Negros Occidental an action for declaratory relief against Concepcion Perez de Ulgasan, the judicial administratrix of the estate of the deceased Alipia Perez, praying that the deeds of sale, annexes "A", "C" and "E" of the complaint-wherein certain portions of real property under administration were sold to them by the heirs of the deceased in 1946-be declared legal and valid and that the same be confirmed. The complaint alleged, among other things, that prior to the sales sought to be declared valid, the real estate was partitioned by the heirs among themselves and by virtue of such partition, the heirs took possession of their respective shares.

The defendant, in her answer, claimed that the extrajudicial partition, as well as the sales made by the alleged heirs of Alipia Perez, was null and void. Defendant, therefore, asked for the dismissal of the complaint and, as counterclaim, prayed that for the coconut fruits gathered from the lands plaintiff Fortunato Layague be sentenced to pay P2,700.00 and plaintiff Santiago Rombo, P1,800.00 to the estate of the deceased Alipia Perez, including interests from the commencement of the action, plus costs and expenses of the litigation.

For failure to file an answer to the counterclaim, the plaintiffs were, upon motion of the defendant, declared in default and a date was set for the reception of evidence with respect to the counterclaim.

No trial, however, was held on the main case, because on October 2, 1956, the plaintiffs and the defendant entered into a stipulation of facts. This stipulation, upon the request of the parties, became the basis of the lower court's judgment rendered on October 17 of the same year, the dispositive part of which reads:

"En virtud de todo lo expuesto, el Juzgado falla esta causa declarando validas y eficaces las escrituras de venta marcadas Ane-xos "A", "C" y "E" otorgadas por Rafael Perez, Eleuterio Perez y Leon Perez, respectivamente, de los derechos, interes y participaciones que, como herederos de la finada Alipia Perez, todos y cada uno de ellos tienen o pudieran tener en el Lote No. 1562 de la Medicion Cadastral de San Carlos, descrito en el Certificado Original de Titulo No. RO-1147 (23335) de la oficina del Registro de la provincia de Negros Occidental. La costas seran tasadas en contra de la demanda.

From this judgment, the defendant appealed to the Court of Appeals, contending that the lower court erred:

- In failing to render judgment with respect to the counterclaim presented by the defendant-appellant against the plaintiffs-appellees on which an order of default had been entered and evidence presented by the defendant-appellant;

- In not having rendered judgment in favor of the defendant-appellant against the plaintiff Santiago Rombo for P1,320.00 and against the plaintiff Fortunato Layague for P4,400.00 for the value of the coconuts they gathered from* the land in question during the crop years 1947-1948.

As the case was submitted upon a stipulation of facts and the issue involved is one of law, the Court of Appeals certified the case to this Court.

The validity of the sales made by the heirs of their respective shares in the realty under administration is no longer contested by defendant-appellant. The only question now for determination, as stated by appellant herself in her brief, is whether or not the trial judge erred in not rendering judgment with respect to her counterclaim for the value of the fruits gathered by plaintiffs from the land during the crop year 1947-48.

It is admitted in the stipulation of facts that plaintiffs-appellees were "during the year 1947-48 up to September 1949" in possession of two-thirds portion of the land under administration proceedings by virtue of the deeds of sale executed by the heirs; that during that period, Fortunato Layague gathered 40,000 coconuts which yielded about 8,000 kilos of copra, while Santiago Rombo gathered 12,000 coconuts which he converted into 2,400 kilos of copra; and that both of them sold the copra, the price thereof being P55.00 per hundred piculs at the time. It is likewise admitted that the land in question was in custodia legis when the heirs sold their interest or participation therein in 1946. As a matter of fact, the intestate proceedings of the late Alipia Perez was instituted way back in 1936 and has not yet been closed or terminated.

Under section 3, Rule 85, of the Rules of Court, the executor or administrator shall have the right to take possession of the real or personal property of the deceased so long as it is necessary for the payment of debts and expenses of administration. Where there are no debts, however, to be paid, there is no reason for the executor or administrator taking possession of the estate which should pass to the heirs. (*Buenaventura, et al. vs. Ramos*, 43 Phil., 704.) The sale made in the instant case by the heirs of their right, interest or participation in the lands under administration in favor of the plaintiffs-appellees having been declared valid and there being not even an intimation that the estate is indebted, we are inclined to rule that the payment for the value of the fruits gathered by the plaintiffs-appellees as purchasers to the defendant administratrix is not necessary and might even prove to be cumbersome. In any event, the quantity of the fruits gathered by appellees is known and determinable in value. Conceding that the proceeds they received from the fruits of the estate belong to the estate, the court in the intestate proceedings has jurisdiction over them and could, if necessary, compel said appellees to deliver to the administratrix of the estate the necessary portion of said proceeds for the payment of any claim against the estate. In this connection, we note that the estate of the deceased has been under administration proceedings for quite an unreasonably long time. This is patently against the policy of the Rules of Court to close up the estate as promptly and economically as possible. As was once held by this Court, "All courts of first instance should exert themselves to close up estate within twelve months from the time they are presented, and may refuse to allow any compensation to executors and administrators who do not actively labor to that end, and they may even adopt harsher measures." (*Lizarraga Hermanos vs. Abada*, 40 Phil., 124.) The defendant administratrix would, therefore, do well to accomplish the administration of the estate with the utmost reasonable dispatch, with a view to an early distribution of the remainder among the persons entitled thereto.

Wherefore, there being no error committed by the trial court in not rendering judgment on the counterclaim under consideration, the appeal of the defendant-appellant is dismissed, without special pronouncement as to costs.

Paras, C.J., Bengzon, Padilla, Bautista Angelo, Labrador, Reyes, J.B.L., Barrera, and Paredes, JJ., concur.

Appeal dismissed.

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