ASIA BANKING CORPORATION, PLAINTIFF AND APPELLEE, VS. STANDARD PRODUCTS CO., INC., DEFENDANT AND APPELLANT.

G.R. No. 22106. September 11, 1924

Ponente: OSTRAND, J.

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OSTRAND, J.:

This action is brought to recover the sum of P24,736.47, the balance due on the following promissory note:"P37,757.22

"Manila, P. I., Nov. 28,1921.

"On demand, after date we promise to pay to the Asia Banking Corporation, or order, the Sum of thirty-seven thousand seven hundred fifty-seven and 22/100 pesos at their office in Manila, for value received, together with interest at the rate of ten per cent per annum.
"No._____Due_____

"The Standard Products Co., Inc.

"By (Sgd.) George H. Seaver

"President"

The court below rendered judgment in favor of the plaintiff for the sum demanded in the complaint, with interest on the sum of P24,147.34 from November 1, 1923, at the rate of 10 per cent per annum, and the costs. From this judgment the defendant appeals to this court.

At the trial of the case the plaintiff failed to prove affirmatively the corporate existence of the parties and the appellant insists that under these circumstances the court erred in finding that the parties were corporations with juridical personality and assigns same as reversible error.

There is no merit whatever in the appellant's contention. The general rule is that in the absence of fraud a person who has contracted or otherwise dealt with an association in such a way as to recognize and in effect admit its legal existence as a corporate body is thereby estopped to deny its corporate existence in any action leading out of or involving such contract or dealing, unless its existence is attacked for causes which have arisen since making the contract or other dealing relied on as an estoppel and this applies to foreign as well as to domestic corporations. (14 C. J., 227; Chinese Chamber of Commerce vs. Pua Te Ching, 14 Phil., 222.)

The defendant having recognized the corporate existence of the plaintiff by making a promissory note in its favor and making partial payments on the same is therefore estopped to deny said plaintiff's corporate existence. It is, of course, also estopped from denying its own corporate existence. Under these circumstances it was unnecessary for the plaintiff to present other evidence of the corporate existence of either of the parties. It may be noted that there is no evidence showing circumstances taking the case out of the rules stated.

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

Street, Malcolm, Avanceña, Villamor, and Romualdez, JJ., concur.

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