

JOSE M. PRADO, ADMINISTRATOR OF THE ESTATE OF MARIA PRADO, DECEASED, PLAINTIFF AND APPELLANT, VS. CASIMIRO NATIVIDAD, DEFENDANT AND APPELLEE.

G.R. No. 23235. August 27, 1925

Ponente: VILLA-REAL, J.

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VILLA-REAL, J.:

Casimiro Natividad and Maria Prado contracted marriage in the month of May, 1889. Casimiro Natividad brought to the marriage some real properties which he had received from his mother as his future share in her inheritance. Maria Prado did not bring anything. During the marriage the spouses acquired on different dates real and personal properties. On April 27, 1904, Maria Prado died from pulmonary tuberculosis in Manila, where she had been taken for treatment.

On the 14th day of February, 1917, Jose Maria Prado, in his capacity as administrator of the estate of the deceased Maria Prado, filed a complaint in the Court of First Instance of Camarines Sur against Casimiro Natividad, wherein he alleged that the latter had refused to make a liquidation of the estate of the conjugal partnership brought into existence by the marriage of Casimiro Natividad and the deceased Maria Prado and which was dissolved by the death of the latter, and prayed the court for judgment, decreeing the liquidation of said partnership, adjudicating to the plaintiff administrator one-half of the conjugal property described in the complaint with its products, that is to say, one-half of P26,125, Philippine currency, with the costs of the action.

In answer to the complaint, Casimiro Natividad admitted the allegations contained in the first, second, and third paragraphs thereof and denied generally and specifically all the rest, and as special defense alleged: (1) That the plaintiff had no legal capacity to sue and maintain this action; (2) that the estate of the conjugal partnership constituted between him and his deceased wife Maria Prado had already been liquidated, no conjugal property having been found to exist, but a loss of P10,000; (3) that the heirs of Maria Prado owe him the sum of P1,460; and (4) that the action brought by the plaintiff has already prescribed.

The plaintiff, in reply to the answer, denied each and every allegation contained in the first, second, third, and fourth paragraphs thereof.

After trial, the lower court rendered judgment, holding that no residue existed which should be divided between the husband and the heirs, and dismissing the complaint. From this judgment the plaintiff Jose Maria Prado took an appeal by bill of exceptions, assigning to the judgment of the trial court, as the basis of his appeal, four supposed errors which may be reduced to the following: First, its failure to decree the liquidation of the conjugal partnership formed by the spouses Casimiro Natividad and Maria Prado; second, the fact of the lower court having taken into account the value of the property of the conjugal partnership at the time of the acquisition thereof, and not of its liquidation; and third, the fact of its having taken into consideration the supposed debt of P17,423.98.

The complaint filed herein contains a detailed statement of the movable and immovable properties that were

acquired during marriage. At the trial of the case, evidence was introduced tending to show the existence of said properties with their prices and fruits. Also evidence was introduced in an attempt to show the true expenses incurred during the administration of the conjugal partnership. With that evidence in the record, it is not necessary to order the defendant, in his capacity as administrator of the estate of said partnership, to make a formal liquidation thereof; because what was done during the trial of the case amounts to a liquidation, and to make another one would be to do double work, and would give rise to new controversies when the liquidation is submitted for the contesting thereof by the adverse party. The trial court has not, therefore, committed any error in not ordering a formal liquidation.

As to the appraisal of the real property of the conjugal partnership, it is not the purchase, but the market, or in default thereof, the assessed, value at the time of the liquidation that must be taken into account. (Art. 1428 in connection with art. 1367 of the Civil Code.) Urban, as well as rural, property has its value in the market which rises and falls according to the movement of the population, market, and trade, and it is not just nor equitable that the conjugal partnership should not share the advantages or disadvantages that those fluctuations give to its property.

The evidence shows that during the marriage the spouses began to build a house of strong materials which remained unfinished until the dissolution of the conjugal partnership by the death of the wife Maria Prado, and cost P3,000. Upon the death of Maria Prado the defendant had the building finished, spending P2,000 more out of his own money. At the termination of the house, it was assessed at P10,654, its value having, therefore, increased by P5,654, of which increase P3,392.40 must correspond to the P3,000 which was the cost of the house not finished at the death of Maria Prado, making a total of P6,392.40. The lands in Burobandan which were acquired during marriage, had an area of 15 hectares approximately. After the dissolution of the conjugal partnership the defendant acquired 80 hectares more which added to the 15 hectares formed a single tract of 95 hectares which was assessed at P9,500, of which P1,500 correspond to the 15 hectares pertaining to the conjugal partnership. Of the land of 40 hectares in Cabatagan which was assessed at P3,750, only 5 hectares pertain to the conjugal partnership and the 35 are private property of the husband, P469 corresponding to the 5 hectares. The lands in Sagpon are assessed at P1,072; the one in San Antonio at P180, and the one in Joyon-Joyon at P150. All of the other lands, those situated in Catalutoan and San Jose, are estimated at P1,090. Taking, therefore, into account the assessed value of the property of the conjugal partnership at the time of the liquidation, the total value thereof amounts to P10,853.40.

The appellant contends that the claim in connection with the debts contracted by Casimiro Natividad for the expenses of the administration of the property of the conjugal partnership of the family and the last sickness and funerals of Maria Prado, should have been filed with the committee on claims in the intestate proceeding for the settlement of the estate of Maria Prado. This contention is clearly untenable, because said debts having been contracted by Casimiro Natividad as legal administrator of the conjugal partnership formed by virtue of his marriage with Maria Prado, must, according to law (art. 1408 of the Civil Code), be charged to said partnership at the making of the liquidation thereof and not to the estate of Maria Prado, inasmuch as she did not personally intervene in obtaining said loans.

So that even if the assessed value of the estate of the conjugal partnership at the time of the liquidation be taken into account, its total value of P10,853.40 would not be sufficient to cover all the expenses incurred by the administration of said partnership which amount to the sum of P17,423.98, and consequently after the sale of said estate and the payment of the debts with the proceeds thereof there would be no residue that might be considered as conjugal property to be distributed among the heirs of Maria Prado.

In conclusion, while the lower court erred in not taking into account the assessed value of the estate of the

conjugal partnership at the time of its liquidation, yet that does not affect the final decision, and the judgment appearing to be in accordance with the evidence and the law, the same is hereby affirmed in its entirety, with the costs against the appellant. So ordered.

Avanceña, C. J., Johnson, Street, Malcolm, Villamor, and Johns, JJ., concur.

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