

INTESTATE ESTATE OF THE DECEASED JUAN CARBALLO. ROSA JALANDONI, ADMINISTRATRIX AND APPELLANT, VS. CONCEPCION CARBALLO, APPELLEE.

G. R. No 24367. March 11, 1926

Ponente: OSTRAND, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-24367/>

OSTRAND, J.:

This is an appeal from the following order of the Court of First Instance of Occidental Negros entered in the probate proceedings of the estate of one Juan Carballo:

"The above entitled case was called for hearing, in order that the heirs of the deceased Juan Carballo may be proven to the court, and the account presented by the administratrix as well as the objections filed by one of the heirs may be settled. The administratrix was represented at the hearing of the case by her Attorney Antonio Jayme, Esq., and the other heir called Concepcion Carballo was represented by Attorney Emilio Y. Hilado, Esq.

"It has been duly proven and established at the hearing of this case that Juan Carballo died sometime ago, but before his death he married twice; that in the first marriage he left two children by the name of German and Concepcion Carballo; that in his second marriage he had seven children, but two of them died, and so at the time of the death of said Juan Carballo he only left five children whose names are Cesar Carballo, Juan Carballo, Ernesto Carballo, Maria Monserrat Carballo and Jose Carballo; that Maria Monserrat Carballo subsequently died without leaving any heir, and so the deceased Juan Carballo is only survived at present by his two children belonging to the first marriage and four children to the second marriage whose names are German Carballo, Concepcion Carballo, Cesar Carballo, Juan Carballo, Ernesto Carballo and Jose Carballo.

"It was duly proven and established here that hacienda Buen Retiro was acquired by Juan Carballo before his second marriage to Rosa Jalandoni, administratrix in this case, because the said hacienda was purchased by said Juan Carballo in the year 1884 and he was only married to the present administratrix Rosa Jalandoni in the year 1887, as is evidenced by Exhibits AA and BB. It has also been proven in this case that the said hacienda was registered as a conjugal property of Juan Carballo, deceased, and Rosa Jalandoni, and so said Rosa Jalandoni sold the said farm to Lopez Vito for the amount of P30,000; that the majority of the price of the said farm was already paid to said Rosa Jalandoni and expended by her, that she employed part of the price of the said farm in the payment of some debts, and one thousand pesos in the purchase of some shares in the Kabankalan Sugar Central. But the remaining unpaid price of said farm is still in the hands of Lopez Vito.

"The administratrix claims, however, that one-half of the price of the said farm which is P15,000 should not be accounted for by her because the said amount belongs to her share and she claims further that the sum of one thousand pesos which she purchased for the said shares in the Kabankalan Sugar Central was her own personal property and it did not belong to this estate. The court, after taking into consideration the evidence presented in this case, is of the opinion that the farm Buen Retiro was originally owned by the deceased Juan Carballo previous to the marriage of the present administratrix in this case to the said deceased, and, therefore, the administratrix is bound under the law to account for the said farm. It is true that that farm was already disposed

of and it appears that the purchasers of the same did purchase it in good faith. In view thereof, the purchasers in good faith cannot be affected neither the farm which has been duly transferred under a good title may be affected. Under the circumstances, the court is of the opinion that the administratrix in this case is duty bound to include in her report the whole price of the said farm. Regarding the sum of one thousand pesos which the administratrix had informed the court verbally sometime ago, that she purchased it with the money received by her as payment of the farm Buen Retiro, and that she now claims to have been purchased by her with her own personal fund, the court is of the opinion that the said administratrix should comply with the order of the court dated August 9, 1924.

"In view of all the foregoing, the court hereby declarer German Carballo, Concepcion Carballo, Cesar Carballo, Juan Carballo, Ernesto Carballo and Jose Carballo as the heirs. of the deceased in this case with the right to inherit the property or funds pertaining to this estate, and it is hereby ordered that the administratrix herein should file an amended account in accordance with the tenor of this order within the period of ten days from her receipt of notice of this order."

It does not appear that the appellant has filed a motion in the Court of First Instance for a new trial upon the ground that the evidence was insufficient to justify the decision. Under section 497 of the Code of Civil Procedure, we can therefore not review the evidence taken in the court below and our jurisdiction is limited to a determination of the questions of law involved in the case.

Upon the facts found by the court below, the order appealed from is in the main correct. There is here no question of disturbing the decree of registration, but it seems clear that the appellant as administratrix of the estate of her deceased husband is bound to account for alt the property which came into her hands as such administratrix; she cannot be permitted to enrich herself at the expense of the estate under her administration and in our opinion the principle laid down in the case of Severino vs. Severino (44 Phil., 343), is fully applicable to the present case. If the appellant has expended for the benefit of the remaining portion of the estate any part of the money received by her from the sale of the hacienda Buen Retiro,. she is entitled to credit therefor.

It is also to be observed that inasmuch as upon the death of her husband, the widow's usufructuary interest in the land immediately attached, she may claim the same interest in the proceeds of the sale of the land unless such proceeds have been necessarily expended in payment of the debts of the estate and legitimate expenses of administration. If only a part of the proceeds has been so expended, the usufructuary interest will, of course, subsist as to the remaining portion. The matter may be adjusted in accordance with articles 834 and 838 of the Civil Code.

The order appealed from is affirmed without costs. So ordered.

Avanceña, C. J., Street, Malcolm, Villamor, Johns, Romualdez, and Villa-Real, JJ., concur.

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.