

**VICENTE SANTIAGO, AS EXECUTOR OF JUAN DIZON, PETITIONER,
VS. THE COURT OF FIRST INSTANCE OF RIZAL AND SIXTO DE LOS
ANGELES, AS EXECUTOR OF MARTA DIZON, RESPONDENTS.**

G.R. No. 33915. October 16, 1930

Ponente: OSTRAND, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-33915/>

OSTRAND, J.:

This is a petition for a writ of mandamus to compel the respondent court to order the other respondent, Sixto de los Angeles, to pay certain claims against the estate of the deceased Marta Dizon.

It appears from the record that Juan Dizon died on July 20, 1927, and the petitioner, Vicente Santiago, was appointed special administrator of his estate. Later on, Marta Dizon, a niece of Juan Dizon, died and Sixto de los Angeles took charge of her estate as administrator. Before her death, Marta Dizon entered into possession of the house in which Juan Dizon had lived, claiming that she was a coowner of the house as well as of certain other property.

At the instance of the aforesaid petitioner, a committee on appraisal and claims, consisting of three persons, was appointed for the estate of Marta Dizon, and in the month of July, 1929, the petitioner filed eight claims against the estate, the total amount of the claims being P3,534.24. The majority of the committee allowed the claims, and on January 30, 1930, it filed its report, with notice to the respondent Sixto de los Angeles. The report contained the appraisal of the property alleged to belong to the deceased Marta Dizon, together with the report of the allowance and approval of the claims mentioned. It may be noted that one of the members of the committee dissented on the ground that inasmuch as the ownership of the property of the two estates was still in dispute, the claims should be settled by separate actions and not by proceedings before the committee in question.

No other claims than those of the petitioner were presented to the committee, and no appeal was taken by the executor of Marta Dizon's estate, and no immediate action was taken by the court, but on April 30, 1930, the petitioner filed a motion for the payment of the claims on the ground that the period for appeal from the allowance of the claims had expired. The executor, Sixto de los Angeles, opposed the motion and upon hearing, the Court of First Instance denied it and held that the aforesaid committee had no jurisdiction to take cognizance of the claims and that their report was null and void. Thereupon the present petition was filed in this court.

We agree with the court below that the aforesaid claims should not have been brought before the committee on appraisal and claims of the estate of Marta Dizon. One of the claims was for the sum of P1,167 as fees and traveling expenses of the sheriff in watching the rice land, sugar land, building lots, and tomanales of the estate of the deceased Juan Dizon. This item is evidently a part of the compensation demanded by the herein petitioner in case G. R. No. 31919, Vicente Santiago vs. Cristina Cruz; that demand was disposed of by this court and has now nothing to do with the committee on appraisal and claims.

The other items of the claims relate to lime, palay, mongo, tomatoes, and other vegetables alleged to have been unlawfully carried away by Marta Dizon from the estate of Juan Dizon. In view of the fact that the ownership of

the things thus taken away is still unsettled, it is evident that the petitioner's claims in that respect could not very well be determined by the committee but should be settled by an action under section 703 of the Code of Civil Procedure. In the case of *Franco vs. O'Brien* (13 Phil., 359), this court held that "The question of ownership of property is one which should be determined in an ordinary action and not in probate proceedings, and this whether or not the property is alleged to "belong to the estate." (Syllabus.) The facts in that case differ somewhat from the facts in this, but the underlying principle is the same in both.

Upon the facts stated, we hold that the respondent court performed its duty lawfully in setting aside the findings and conclusions of the committee on appraisal and claims and in suggesting to the petitioner that an ordinary action should be brought for the recovery of the products alleged to have been appropriated by Marta Dizon. The order of the court below is consequently in force, and the herein petitioner had an adequate remedy by appeal. In such circumstances, mandamus will not lie.

The petition is denied with the costs against the petitioner. So ordered.

Avancena, C. J., Street, Malcolm, Villamor, Johns 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.