

AURELIA CONTUAN ET AL., PLAINTIFFS AND APPELLANTS, VS. FORTUNATA RAMIREZ ET AL., DEFENDANTS AND APPELLANTS.

G.R. No. 36911. September 25, 1933

Ponente: VILLA-REAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-36911/>

VILLA-REAL, J.:

These are two appeals, one taken by the plaintiffs and the other by the defendants, from the judgment rendered by the Court of First Instance of Bulacan, the dispositive part of which reads as follows:

"The complaint is hereby dismissed without prejudice to the plaintiffs' right to enforce their claim, if any, in the proper proceedings against the estate of the deceased Paulino de la Cruz.

"The counterclaim filed by the defendants is likewise dismissed for analogous reasons; because, in spite of the fact that they knew that their deceased father's estate was under judicial administration, they did not request the intervention of the administrator thereof; because they did not present sufficient evidence to substantiate their claim, having been contented with the testimony of one of them, based on mere conjectures and on simple disputable deductions."

The first question to decide in this appeal is procedural in character and consists in whether or not the herein plaintiffs are justified in bringing this suit against the defendants.

According to the ninth paragraph of the complaint, the plaintiffs in the present cause are: Aurelia Contuan, in her capacity as heiress and judicial administratrix of the estate left by the deceased partner Wenceslawa de la Cruz; Cornelia Espinosa, widow of the partner Doroteo de la Cruz, and the latter's children named Romana and Jose de la Cruz; Justa Camacho, widow of the partner Sebastian Remigio, and the latter's children named Marciana, Victoria, Fidela, Mariano and Mateo Remigio. The defendants are: Fortunata Ramirez, widow of Paulino de la Cruz, and the latter's children named Amando, Rosario, Santiago, Mariano, Rosa, Eresmo, Perpetua and Paulina de la Cruz.

The purpose of the present complaint is to compel the defendants, through judicial proceedings, to deliver to the herein plaintiffs, respectively, the shares which corresponded to their respective fathers in the profits of a partnership formed by and between them and the deceased predecessor in interest of the defendants, for the exploitation of three fisheries leased by them, the latter having been the last manager of the business before his death.

It appears from the records that intestate proceedings relative to the estate of the deceased Paulino de la Cruz, predecessor in interest of the herein defendants, are pending and that an administrator thereof has been appointed.

Without passing upon the question whether or not the herein plaintiffs, in their alleged capacity as heirs, respectively, of the deceased Doroteo de la Cruz and Sebastian Remigio whose properties do not appear to have been distributed either judicially or extra judicially, have juridical personality to bring the present action, inasmuch as their claim against the heirs of the deceased Paulino de la Cruz consists in a sum of money alleged to

be due from the deceased, they cannot bring any action for the recovery thereof either against the said heirs, there being a judicial administrator representing the intestate estate of the deceased (sec. 702, Code of Civil Procedure), nor against the judicial administrator representing the said estate, inasmuch as it is prohibited by section 699 of the aforesaid Code, but said claim should be presented to the committee on claims and appraisal appointed in the intestate proceedings (sec. 700, id.).

In view of the foregoing considerations, we are of the opinion and so hold that when an intestate estate is under judicial administration, no action for the recovery of a debt due from the deceased can be brought either against his heirs, if there is an administrator representing them (sec. 702, Act No. 190), or against the said administrator, it being prohibited by section 699 of the said Code, but the claim should be presented to the committee on claims and appraisal appointed in the intestate proceedings (sec. 700, Act No. 190).

Inasmuch as the law does not permit the bringing of an action for the recovery of a debt due from the deceased, while his estate is under judicial administration, the trial court had no jurisdiction to try the case originally, nor has this court jurisdiction to review it on appeal.

Wherefore, the cause is hereby dismissed, without special pronouncement as to costs. So ordered.

Avanceña, C. J., Malcolm, Hull, and Imperial, 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.