

JULIAN T. AGUÑA, PLAINTIFF AND APPELLANT, VS. ANTONIO LARENA, JUDICIAL ADMINISTRATOR OF THE INTESTATE ESTATE OF THE DECEASED MARIANO LARENA, DEFENDANT AND APPELLEE.

G. R. No. 37207. December 06, 1932

Ponente: OSTRAND, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-37207/>

OSTRAND, J.:

This action is brought to recover the sum of P29,600 on two causes against the administrator of the estate of the deceased Mariano Larena.

Upon his first cause of action, the plaintiff claims the sum of P9,600, the alleged value of services rendered by him to said deceased as his agent in charge of the deceased's houses situated in Manila. Under the second cause of action the plaintiff alleges that one of the buildings belonging to the deceased and described in his complaint was built by him with the consent of the deceased, and for that reason he is entitled to recover the sum disbursed by him in its construction, amounting to P20,000.

From the evidence it appears undisputed that from February, 1922, to February, 1930, the plaintiff rendered services to the deceased, consisting in the collection of the rents due from the tenants occupying the deceased's houses in Manila and attending to the repair of said houses when necessary. He also took any such steps as were necessary, to enforce the payment of rents and all that was required to protect the interests of the deceased in connection with said houses. The evidence also shows that during the time the plaintiff rendered his services, he did not receive any compensation. It is, however, a fact admitted that during said period the plaintiff occupied a house belonging to the deceased without paying any rent at all.

As to the building whose value is claimed by the plaintiff, the record shows that said building was really erected on a parcel of land belonging to the deceased on Calle Victoria, Manila, and that the expenses for materials and labor in the construction thereof were paid by the appellant, the construction having begun in 1926 and terminated in 1928, but the ownership of the money invested in the building is in question.

Upon the first cause the plaintiff-appellant insists that, the services having been rendered, an obligation to compensate them must necessarily arise. The trial court held that the compensation for the services of the plaintiff was the gratuitous use and occupation of some of the houses of the deceased by the plaintiff and his family. This conclusion is correct. If it were true that the plaintiff and the deceased had an understanding to the effect that the plaintiff was to receive compensation aside from the use and occupation of the houses of the deceased, it cannot be explained how the plaintiff could have rendered services as he did for eight years without receiving and claiming any compensation from the deceased.

As to the second cause, the evidence presented by the plaintiff is his own testimony, that of his witnesses, and several documents, consisting of municipal permit, checks, vouchers, and invoices. The testimony of the plaintiff's witnesses, the persons who sold the materials and furnished the labor, proves a few unimportant facts, and as to the ownership of the money thus invested, there is only the testimony of the plaintiff-appellant, who said

that it all belonged to him and that his understanding with the deceased was that the latter would get the rents of the house, and, upon his death, he would bequeath it to the plaintiff, but unfortunately, he died intestate. This testimony, however, was objected to on the ground that it is prohibited by section 383, paragraph 1, of the Code of Civil Procedure, which provides that the party to an action against an executor or administrator cannot testify on any fact that took place before the death of the person against whose estate the claim is presented. The lower court admitted this testimony but did not believe it. And certainly it cannot be believed, even assuming it to be admissible, in view of the circumstances appearing undisputed in the record, namely, the fact that the plaintiff-appellant did not have any source of income that could produce him such a large sum of money as that invested in the construction of the house; and the fact that the deceased had more than the necessary amount to build the house.

But above all, the facts appearing from Exhibit 40 are conclusive against the claim of the plaintiff-appellant. Exhibit 40 is a book of accounts containing several items purporting to have been advanced by the deceased to the plaintiff-appellant for the construction of the house. The plaintiff admitted that the first two lines constituting the heading of the account on the first page were written by himself. Said two lines say: "Dinero Tornado a Don Mariano Larena para la nueva casa." Appellant further admits that the first entry in Exhibit 40 was made by him and that the sum of P3,200 mentioned in the third entry was received by him. It is to be noted that the first entry is dated February 1, 1926, and the last is under the date of December 31, 1927. The other entries are admitted by the plaintiff-appellant to have been made by the deceased. Finally the appellant admitted in cross-examination that this book, Exhibit 40, was his and that whenever he received money from the deceased, he handed it to the deceased in order that the latter might enter what he had received. The total of the items contained in this book is P17,834.72, which is almost the amount invested in the construction of the building. Furthermore, the items entered in Exhibit 40, appear in Exhibit 41 as withdrawn by the deceased, from his account with the Monte de Piedad, and a corresponding entry appears in Exhibit 43 showing a deposit made by the plaintiff in his current account with the Philippine National Bank. From all of this it is clear that the money invested in the construction of the building in question did not belong to the plaintiff.

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

Street, Malcolm, Villa-Real, Abad Santos, Hull, Vickers, Imperial, and Butte, 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.