

JUAN AGUSTIN ET AL., PLAINTIFFS; VICTOR DEL ROSARIO, APPELLANT, VS. BARTOLOME INOCENCIO, DEFENDANT AND APPELLEE.*G.R. No. 3745. October 26, 1907*

Ponente: TRACEY, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-3745/>**TRACEY, J.:**

The parties to this controversy, who had been conducting a partnership as industrial partners without capital, contributed from its profits the sum of P807.28 as a fund toward the construction of a casco for use in their business, to which they added P3,500, borrowed from Maria del Kosario, the wife of the defendant, Bartolome Inocencio, he being the managing partner. It is admitted that this total, a little over P4,300, was the estimated cost of the casco, but in the progress of the work the defendant found that it called for additional funds, which he advanced to the amount of P2,024.49. It satisfactorily appears from the evidence that this, amount was necessary in order to complete the work undertaken. Although it would seem¹ that he failed to notify his partners of the various items from time to time going to make up this sum, it is shown that the books were at all times open to their inspection, and that, being asked to examine them, they omitted to do so, and that the plaintiff Juan Agustin, representing all the partners, was also present at the construction of the casco, in charge of the practical work and cognizant of its needs and its progress.

The work done on the casco having been within the scope of the association and necessary to carry out its express object, the borrowing of the money required to carry it on, with the acquiescence if not with the affirmative consent of his associates, was not outside the powers of the managing partner and constitutes a debt for which all the associates are liable.

The note passed into the hands of the defendant by reason of the successive deaths of his wife and of their only child, each without debts, and for the amount thereof he became a creditor, subject, however, to the deduction therefrom of his proportionate part of the indebtedness.

The trial court treated his claim on this note, as well as the sum of P2,024.49 furnished by him, as an addition to his capital in the firm, rather than as a loan, and this constitutes one of the grounds of error stated by the appellant. We do not deem it necessary to pass upon this objection, for the reason that, considered as a loan, this sum would place the defendant as a creditor in a stronger position as against his associates than if regarded as a mere contribution to capital. The error, if it be an error, is not, therefore, prejudicial to the plaintiff, but is rather beneficial to him. The respondent did not except to it.

Various small sums have been paid out of the profits to some of the partners and these were properly allowed in the judgment.

On the theory on which the action was disposed of, the trial court committed no error in the computation of the various shares.

Of the four parties plaintiff, but one, Victor del Rosario, is interested in this appeal, which has been dismissed as to the others, and as to him the judgment of the trial court must be affirmed, with costs of this instance. So ordered.

Arellano, C. J., Torres, Johnson, and Willard, 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.