

**VOLUNTARY DISSOLUTION OF COMPAÑIA HISPANO-FILIPINA, INC.
GERARDO GARCIA, PETITIONER AND APPELLEE, VS. EDUARDO
GUTIERREZ REPIDE AND ANGEL SUAREZ, OPPOSITORS AND
APPELLANTS.**

G.R. No. 42086. April 08, 1935

Ponente: BUTTE, J.

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BUTTE, J.:

This is an appeal from a decision of the Court of First Instance of Manila denying a motion of the oppositorsappellants to set aside a decree of dissolution of the Compania Hispano-Filipina, Inc., which was duly entered on June 5, 1931. The motion was filed on October 25, 1933. On June 5, 1931, Gerardo Garcia was appointed receiver of the said corporation. The judgment appealed from must be affirmed for the following reasons: First, no appeal was taken from the decree of June 5, 1931, which therefore became final long before the motion of October 25, 1933, was presented (that the court had jurisdiction to enter said decree of June 5, 1931, is clearly established) ; second, at least the appellant Eduardo Gutierrez Repide is estopped from questioning the decree of June 5, 1931, because he filed motions and petitions in said cause dated June 17, 1931 (record on appeal, pages 41 and 42), and July 6, 1931 (record on appeal, pages 66 and 67), recognizing the receivership and in nowise questioning the validity of the decree of dissolution of June 5, 1931; third, the motion of the appellants filed on October 25, 1933, fails to show that the movants had any interest whatever in the said corporation which gave them any standing in court to ask for the rescission of the decree of June 5, 1931, and the revocation of the appointment of the receiver of the same date.

The presentation of the motion of October 25, 1933, two years and five months after the decree of dissolution had become final and the corporation, during all said time, having been in process of liquidation through receivership, and the appellant Repide having recognized the validity of the receivership by his appearance therein as aforesaid, it is plain that the present proceeding in the Court of First Instance and the appeal in this court are dilatory and obstructive, entailing needless expense in the receivership and dissolution proceedings. The judgment is therefore affirmed with treble costs against the appellants.

Malcolm, Abad Santos, Hull, and Diaz, JJ., concur.

Judgment affirmed.

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