

**INTESTATE ESTATE OF THE DECEASED JULIO MAGBANUA.
MARIANO MAGBANUA ET AL., PLAINTIFFS AND APPELLANTS, VS.
MANUEL A. AKOL AND ZACARIAS B. DOROMAL ET AL., DEFENDANTS
AND APPELLEES.**

G.R. No. 47971. June 27, 1941

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-47971/>

LAUREL, J.;

On August 24, 1917, Julio Magbanua died intestate in the municipality of Pototan, Province of Iloilo. No intestate proceedings had been instituted until April 1, 1935, when a petition was filed in the Court of First Instance of Iloilo by one Raynalda Magbanua, who alleged to be an acknowledged natural daughter of the deceased Julio Magbanua, together with her husband, Segundo Bernasol, which petition was amended on May 18, 1936, praying that letters of administration be issued and that Zacarias B. Doromal be appointed administrator of the estate left by the deceased Julio Magbanua. To this petition Priscila Magbanua and Paz Magbanua, who alleged to be legitimate sisters of the deceased Julio Magbanua, filed an opposition in which they prayed that the petition be dismissed and that, if the court deemed it proper to appoint an administrator, Attorney Manuel A. Akol be so appointed. On July 20, 1935, the Court of First Instance of Iloilo issued an order appointing Manuel Akol as administrator and Zacarias B. Doromal as co-administrator. Upon motion of Priscila and Paz Magbanua, the court appointed Telesforo Gedang and Pedro Flores as commissioners on claims and appraisal. These commissioners, on August 10, 1935, published a notice that claims against the intestate Julio Magbanua should be filed within 6 months from said date. On November 11, 1935, Mariano Magbanua and his wife, Priscila Magbanua, filed with the committee a claim against the deceased Julio Magbanua in the total amount of P2,251.86. After hearing, the committee disallowed this claim, on the ground that, in accordance with section 43 of the Code of Civil Procedure, it had prescribed. Due exception was made to this adverse resolution by the claimants, Mariano Magbanua and Priscila Magbanua, and, by way of appeal, they filed the corresponding complaint against Manuel Akol and Zacarias B. Doromal, as administrators of the estate of Julio Magbanua, seeking judgment for the sum of P2,251.86. After trial, the Court of First Instance of Iloilo issued an order affirming the resolution of the committee on claims disallowing the claim of the spouses Mariano Magbanua and Priscila Magbanua, on the ground of laches. From this order, the claimants, Mariano Magbanua and Priscila Magbanua, appealed and now contend that the trial court erred in declaring that their claim has prescribed and in not sentencing the judicial administrators of the estate of Julio Magbanua to pay the sum of P 2,251.86.

It is here admitted that at the time of the death of Julio Magbanua on August 24, 1917, the appellants' right of action upon the claim in question had not yet prescribed, but that at the time said claim was filed before the committee on claims on November 11, 1935, more than 18 years had already elapsed. The appellants maintain that the death of Julio Magbanua ipso facto suspended the running of the prescriptive period fixed in Chapter III of the Code of Civil Procedure.

In *Sikat vs. Viuda de Villanueva* (57 Phil., 486), we observed:

"It may be argued in this case that inasmuch as none of the persons entitled to be appointed administrators or to apply for the appointment of an administrator have taken any step in that direction, and since no administrator or committee on claims and appraisal has been appointed to fix the time for filing claims, the right of the plaintiff, as administrator of Mariano P. Villanueva's estate, to present the latter's claim against Pedro Villanueva's estate could not prescribe.

"If, as we have stated, the object of the law in fixing short special periods for the presentation of claims against the estate of a deceased person is to settle the affairs of the estate as soon as possible in order to pay off the debts and distribute the residue; and if a creditor having knowledge of the death of his debtor is interested in collecting his credit as soon as possible; and if according to law the persons entitled to the administration or to propose another person for administrator have thirty days from the death within which to claim that right, after which time the court may appoint any creditor of the intestate debtor: then the plaintiff herein as administrator of Mariano P. Villanueva's estate, was guilty of laches in not instituting the intestate proceedings of Pedro Villanueva in the Court of First Instance of Manila until after the lapse of three years after this court had set aside the intestate proceedings begun in the Court of First Instance of Albay for lack of jurisdiction over the place where the decedent had died, that is, from October 21, 1921, to June 18, 1925."

If the claimant in *Sikat vs. Viuda de Villanueva* was held guilty of laches for failing to institute the proper intestate proceedings within the period of three years, there is more justification for ruling that the herein appellants cannot recover upon their claim, it appearing that more than eighteen years had elapsed after the death of their debtor, Julio Magbanua, and before the institution of the latter's intestate proceedings. The flaw in the appellants' argument lies in their belief that "los acreedores de un difunto no pueden entablar demanda contra los representantes de este ante los tribunales de justicia, sino que aquellos tienen que esperar la formacion de un tribunal especial formado por los comisionados de avaluo y reclamaciones, ante el cual deben acudir y reclamar su credito dentro del plazo fijado por el Juzgado de Testamentaria." As is conspicuous in *Sikat vs. Viuda de Villanueva*, "according to law the persons entitled to the administration or to propose another person for administrator have thirty days from the death within which to claim that right, after which time the court may appoint any creditor of the intestate debtor," and to "hold otherwise would be to permit a creditor having knowledge of his debtor's, death to keep the latter's estate in suspense indefinitely, by not instituting either testate or intestate proceedings in order to present his claim, to the prejudice of the heirs and legatees." In *Ledesma et al. vs. McLachlin et al.*, decided November 23, 1938, 38 Off. Gaz., 3127, 3128, this court again intimated that section 642 of the Code of Civil Procedure authorizes a creditor to institute an intestate proceeding through the appointment of an administrator for the purpose of collecting his credit.

"According to the promissory note Exhibit C, executed by the deceased Lorenzo M. Quitco, on January 21, 1922r the last installment of P1,500 should be paid two years from the date of the execution of said promissory note, that is, on January 21, 1924. The complaint in the present case was filed on June 26, 1934, that is, more than ten years after the expiration of the said period. The fact that the plaintiff Socorro Ledesma filed her claim, on August 26, 1933, with the committee on claims and appraisal appointed in the intestate of Eusebio Quitco, does not suspend the running of the prescriptive period of the judicial action for the recovery of said debt, because the claim for the unpaid balance of the amount of the promissory note should not have been presented in the intestate of Eusebio Quitco, the said deceased not being the one who executed the same, but in the intestate of Lorenzo M. Quitco, which should have been instituted by the said Socorro Ledesma as provided in section 642 of the Code of Civil Procedure, authorizing a creditor to institute said case through the appointment of an administrator for the purpose of collecting his credit. More than ten years having thus elapsed from the expiration of the period for the payment of said debt of P1,500, the action for its recovery has prescribed under section 43, No. 1, of the Code of Civil Procedure." (Italics ours.)

In the instant case there can be no dispute that the appellants were aware of the death of Julio Magbanua, because the latter was a brother of the appellant Priscila Magbanua who alleges to have taken care of him during his last

days and to have paid his funeral expenses, the latter being one item of her claim. We cannot too often repeat that the speedy settlement of the estate of deceased persons for the benefit of creditors and those entitled to the residue by way of inheritance or legacy after the debts and expenses of administration have been paid, is the ruling spirit of our probate law. (*Sikat vs. Viuda de Villanueva*, *supra*.)

The order appealed from will be, as the same is hereby, affirmed, with costs against the appellants. So ordered.

Avanceña, C. J., Diaz, Moran and Horrilleno, 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.