

**FELIX DONASCO AND NATIVIDAD DOFITAS, PETITIONERS, VS.  
CONRADO BARRIOS AND CLAUDIO PARREÑAS, RESPONDENTS.***G.R. No. 48192. August 05, 1942*

Ponente: PARAS, J.

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In Special Proceedings No. 2388 of the Court of First Instance of Iloilo, covering the estate left by the deceased Eugenio Parreñas and Antonina Dohino, after a prior order for summary distribution in favor of Claudio Parreñas had been set aside upon motion of Natividad Dofitas, the court issued an order on June 29, 1939 reopening the proceedings and, upon recommendation of the parties, appointing Bernardo Donguines as administrator of said estate. At the suggestion of the latter, Teleaforo Gedang and Simon Miagan were named commissioners of claims and appraisals before whom Felix Donasco and Natividad Dofitas, the herein petitioners, filed on December 11, 1939 certain claims amounting to P851.66 to which no opposition whatsoever was made. The report of the committee on claims, in which the petitioners' claims were allowed, was filed with the court on June 4, 1940. On July 27, 1940 the herein respondent Claudio Parreña interposed an opposition to said report on the ground that he was not, as an heir, notified of the hearings held in connection with petitioners' claims and that, although the administrator was present, the latter and the petitioners were represented by the same attorney. On September 18, 1940 the court in effect disapproved the committee's report and set the hearing of petitioners' claims for October 4, 1940. Upon denial of their motion for re-consideration, the petitioners have come to this Court with a petition for a writ of certiorari.

There is merit in the petition. Under the Code of Civil Procedure, the report filed on June 4, 1940 did not require any approval of the lower court which could have formally-passed upon the petitioners' claims only if an appeal was perfected within twenty-five days after the submission of the report. In the present case, lack of such appeal gave finality to the report. In passing we are unable to state that there was in fact any irregularity in the hearings of the petitioners' claims, because the administrator, who was appointed upon the recommendation of all the parties interested and who had the legal duty "to attend the sessions of the committee and to protect the estate against the allowance of unjust claims," was present.

The petition is therefore hereby granted, and the order of the Court of First Instance of Iloilo of September 18, 1940, in Special Proceedings No. 2388 and all subsequent proceedings had thereunder, annulled and set aside, with costs against the respondents other than the respondent Judge.

Yulo, C. J., Moran, Ozaeta, and Bocobo, JJ., concur.

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