

SALVADOR GUERRERO, GUARDIAN OF THE MINORS MARIA MANUELA AND MARIA DEL CARMEN SANCHEZ MUÑOZ, PLAINTIFF AND APPELLEE, VS. LEOPOLDO TERAN, DEFENDANT AND APPELLANT.

G.R. No. 4898. March 19, 1909

Ponente: JOHNSON, J.

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JOHNSON, J.:

On the 18th day of March, 1908, the plaintiff commenced an action against the defendant to recover the sum of P4,129.56 and costs. This amount was claimed by the plaintiff from the defendant upon the theory that the defendant had been the administrator of the estate of Antonio Sanchez Munoz from the 1st day of September, 1901, until the 22d day of October, 1906. The plaintiff made a part of his complaint the following items of indebtedness:

Difference, account of the property "Bonga"

P10.55

Difference, account of the property "Basag"

218.75

Difference, small accounts "Bonga" and "Basag"

8.80

Difference, account estate of A. Sanchez

150.00

Difference, account heirs of J. M. Ceballos

224.81

Difference, account hemp of "La Trinidad"

P82.87

Difference, account workmen at "La Trinidad"

80.70

Difference, account Uttes of Ligao

2.00

Small accounts of "Bonga" and "Basag"

3,676.84	
Cost of 1 lamp and 1 barometer	
33.50	
Workmen at "La Trinidad"	
5,709.90	
Excess of salaries paid account general expenses at "La Trinidad"	
670.00	
Account of cockpit.....	
34.15	
Account "late Caualog"	
220.10	
Account Jesus Teran.....	
235.92	
Account Antonio Moreda.....	
1,029.88	

Total.....	
12,388.72	

In answer to the said complaint, the defendant admitted certain allegations and denied others. The defendant admitted that he owed the plaintiff P188.39 but claimed that the plaintiff owed him the sum of P482.14, and that the plaintiff, therefore, still owed to the defendant the difference between P188.39 and P482.14, or the sum of P293.75, for which latter amount the defendant prayed for judgment, with interest and costs against the plaintiff.

After hearing the evidence adduced during the trial of the cause, the lower court found from the evidence that the defendant, as administrator of the estate of Antonio Sanchez Muñoz, or that part of the said estate belonging to the plaintiff, owed the plaintiff the sum of P3,447.46, with interest at 6 per cent until the same amount should be fully paid.

From this decision of the lower court the defendant appealed and made the following assignments of error:

- "1. The court erred in holding that the defendant, from September 17, 1901, to October 6, 1906, managed and administered the estate of Sanchez Muñoz as a judicial administrator or executor.
- "2. The court erred in holding that the defendant was responsible to the plaintiffs for the loans made to different persons for different accounts, and for credits against the persons mentioned in the complaint.
- "3. The court erred in declaring in the judgment that the difference in the weight of the scales was illegal.

"4. And the court erred in sentencing the defendant to pay the costs specified in the judgment."

With reference to the first above assignment of error, from the record brought to this court the following facts appear:

First. That the defendant Leopoldo Teran was, on the 17th day of September, 1901, appointed as administrator of said estate. The record also discloses that the defendant entered into a bond in the sum of 10,000 dollars, gold, for the faithful performance of his duties as such representative of the estate of Antonio Sanchez Muñoz.

Second. The record further discloses that upon the 18th day of March, 1902, the Court of First Instance of the Province of Albay appointed Maria Muñoz y Gomez as guardian for the said Maria Manuela and Maria del Carmen Sanchez Muñoz, and that the said Maria Munoz y Gomez gave the required bond for the faithful performance of her duties as such guardian.

Third. While there are some indications in the record that the defendant continued to act as the administrator of said estate after the appointment of the said Maria Muñoz y Gomez, up to and including the 6th day of October, 1906, yet the fact exists and must be accepted as true that the said Maria Muñoz y Gomez was the actual representative of the said Maria Manuela and Maria del Carmen Sanchez Muñoz in the administration of their interests in the estate of the said Antonio Sanchez Muñoz, from and after the 18th day of March, 1902, until the 6th day of October, 1906, and therefore the said Maria Muñoz y Gomez, as such guardian and administratrix of the estate of the said minors, must be held responsible for the property belonging to said minors during the period while she (Maria Muñoz y Gomez) was the actual guardian of said minors.

Fourth. On the 6th day of October, 1906, the Court of First Instance of the Province of Albay, for the reason that the said Maria Muñoz y Gomez was not a resident of the Philippine Islands at the time of her appointment (the 18th day of March, 1902) removed her as such guardian and appointed as guardian of said minors Felix Samson, and required from said Samson, as provisional guardian, a bond in the sum of P2,000. On the 18th day of October, 1906, the said Samson duly executed the bond as required.

From the order of the judge annulling the appointment of the said Maria Muñoz y Gomez her lawyers appealed to the Supreme Court, which appeal was subsequently withdrawn. The order therefore revoking the appointment of the said Maria Muñoz y Gomez became final. The mere fact, however, that she had been removed as said guardian did not relieve her, nor her bondsmen from liability to the minors during the time that she was duly acting as said guardian. It must be clear, therefore, that the said Maria Muñoz y Gomez is responsible to said minors for the administration of their interests in the estate of the said Antonio Sanchez Muñoz from the time of her acceptance of said appointment on the 18th day of March, 1902, up to the time of her removal on the 6th day of October, 1906. If during this time she allowed other persons to handle the property of her wards and if any mismanagement or loss occurred thereby, the responsibility must fall upon her. Unquestionably, she may have an action against the persons to whom she entrusted the direct management of said estate for any loss which they may have negligently and corruptly occasioned her. Therefore, if any loss occurred to the plaintiff between the 18th day of March, 1902, and the 6th day of October, 1906, they have a right of action only against the said Maria Muñoz y Gomez as their legal guardian and under the law the administratrix of the property of their estate.

In the claim presented by the plaintiff against the defendant no dates are given showing the time of the particular loss or losses occasioned by the defendant. As was said above, the defendant was liable for losses only during the time that he was acting as the legal representative of the said minors in the management of their estate, from the 17th day of September, 1901, up to the time that he was superseded by the said Maria Muñoz y Gomez, on the 18th day of March, 1902. There is no proof showing that any of the losses constituting the amount which the plaintiff claims occurred within this period. However, the defendant acknowledged that of the amount claimed by

the plaintiff, he owes to them the sum of P188.39.

There is no claim of any loss or that the estate has not been properly managed since the appointment of the said Felix Samson on the 6th day of October, 1906.

From a consideration of all of the evidence brought to this court, we reach the following conclusions:

First. That the defendant, Leopoldo Teran, was the duly appointed and recognized representative of the minors Maria Manuela and Maria del Carmen Sanchez Muñoz in the administration of their interests in the estate of the said Antonio Sanchez Muñoz from the 17th day of September, 1901, until the 18th day of March, 1902.

Second. That the said Doña Maria Muñoz y Gomez was the duly appointed representative of the said minors in the administration of their interests in the estate of the said Antonio Sanchez Muñoz from the 18th day of March, 1902, until the 6th day of October, 1906.

Third. That the said Leopoldo Teran was responsible to the plaintiff (the said minors) for the fruits and profits resulting from their interests in the estate of the said Antonio Sanchez Munoz from the said 17th day of September, 1901, to the 18th day of March, 1902.

Fourth. That the said Doña Maria Muñoz y Gomez was responsible to the plaintiff (the said minors) for the fruits and profits resulting from the management of the estate of the said Don Antonio Sanchez Muñoz from the 18th day of March, 1902, until the 6th day of October, 1906.

The record not disclosing that any of the amounts claimed by the plaintiff were due as a result of the management of the said estate during the time while the said defendant was administering their interests therein, except the sum of P188.39, admitted to be due by the defendant, we are of the opinion, and so hold, that the only amount which the plaintiff is entitled to recover in this action is the said amount of P188.39.

Doña Maria Muñoz y Gomez was, as above indicated, removed upon the theory that her appointment was void because she did not reside in the Philippine Islands. There is nothing in the law which requires the courts to appoint residents only as administrators or guardians. However, notwithstanding the fact that there are no statutory requirements upon this question, the courts, charged with the responsibilities of protecting the estates of deceased persons, wards of the estate, etc., will find much difficulty in complying with this duty by appointing administrators and guardians who are not personally subject to their jurisdiction. Notwithstanding that there is no statutory requirement, the courts should not consent to the appointment of persons as administrators and guardians who are not personally subject to the jurisdiction of our courts here.

We deem it unnecessary to discuss the other assignments of error for the reason that there is no evidence in the record indicating any liability on the part of the defendant other than his admission above indicated.

For the reasons above stated, the judgment of the lower court is hereby reversed, without any special finding as to costs.

Arellano, C. J., Torres and Mapa, JJ., concur.

Willard, J., concurs in the result.

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