

ROMAN CAJUIGAN, ADMINISTRATOR OF THE ESTATE OF JORGE CAPRICHO AND CLEMENCIA MORALES, DECEASED, PLAINTIFF AND APPELLEE, VS. MARIANO NATIVIDAD ET AL., DEFENDANTS. – MARIANO NATIVI...

G. R. No. 5201. January 13, 1910

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-5201/>

JOHNSON, J.:

On the 10th of July, 1907, the plaintiff commenced an action against the defendants for the purpose of recovering a certain number of carabaos.

The plaintiff alleged that he had been duly appointed as administrator of the estate of Jorge Capricho, deceased, and Clemencia Morales. This fact was admitted by the defendants. The plaintiff claims that the defendants were in possession of a certain number of carabaos belonging to the estate of the said deceased, and that the defendants were illegally possessing said animals. The plaintiff asked that the court render a judgment against the defendants, either for the return of the animals or for a judgment for their value, together with a judgment for the use of said animals from some time in the months of November or December, 1902.

The defendants presented different answers.

After hearing the evidence, the lower court found that the proof adduced during the trial was insufficient to show any claim whatever on the part of the plaintiff against the defendant Pedro Liongson, and the cause was therefore dismissed as to him.

As to the other defendant, Mariano Natividad, the court found that he was in possession illegally of three carabaos of the value of P300; that the use of each carabao per year was worth P30, and rendered a judgment against the defendant and in favor of the plaintiff, ordering the defendant to return said carabaos or to pay to the plaintiff the sum of P300, as the value of said carabaos, and also the sum of P495 for the use of said carabaos from the month of December, 1902, and to pay the costs.

From this judgment the defendant, Mariano Natividad, appealed to this court and made several assignments of error.

From an examination of the record brought to this court, the following facts seem to be established beyond question:

First. That some time in the month of August, 1902, Jorge Capricho died intestate in the pueblo of Moriones, Province of Tarlac.

Second. That some time in the month of December, his wife, Clemencia Morales, died intestate.

Third. That at the time of the death of Jorge Capricho he was indebted to the defendant, Mariano Natividad, in the

sum of P486.94.

Fourth. That after the death of Jorge Capricho and on or about the 15th of October, the said Mariano Natividad and Clemencia Morales liquidated the account which the said Natividad held against the estate of Jorge Capricho, which liquidation showed that there was due from the said estate to Mariano Natividad the sum of P486.94. This indebtedness was evidenced by a written promise to pay, signed by Clemencia Morales, and also a promise in case of failure to pay to pledge certain carabaos for the payment of the said indebtedness.

Fifth. That after the death of Clemencia Morales (the date does not appear of record) one Sotero Morales, was duly appointed as administrator of said estate.

Sixth. That on the 10th day of August, 1903, in accordance with the provisions of section 669 of the Code of Procedure in Civil Actions, the court appointed a committee composed of Benito Soriano and Domingo Bertram, to appraise the estate of the deceased and allow claims against the said estate. (See record, p. 37.) The record does not contain the report of this committee. It is possible that the original records were not presented as a part of the record in the present case, for the reason that they were burned at the time the government building in the Province of Tarlac was burned.

Seventh. The first administrator, Sotero Morales, presented an inventory of the property of said estate (see record, p. 48), on the 5th day of January, 1907. There is nothing in the record which shows why the said inventory had not been filed with the court earlier; neither does the record show whether or not such inventory had been filed and had been burned at the time of the burning of said government building.

On the same day (the 5th of January, 1907) the said administrator (Morales) rendered his final account as such administrator and asked the court to confirm the same in accordance with sections 681 and 682 of the Code of Procedure in Civil Actions. The record does not disclose what action the court took upon this account rendered.

The inventory presented by the administrator, Sotero Morales, in paragraph 8 contained a statement that there existed seven carabaos belonging to the said estate, of the value of P560. The said account rendered by Morales, in paragraph 5, shows that three of these carabaos had been delivered to Mariano Natividad "en garantia de una deuda," but it does not show when said carabaos had been delivered to the said Mariano Natividad. The fact however, exists, and it is not denied that the carabaos were delivered by the administrator, Morales, to Natividad, within a few weeks after the death of Clemencia Morales and that the said Natividad had been in possession of said carabaos from that date, probably in the month of December, 1902, up to and including the time of the commencement of the present action (July 10, 1907.)

Eight. Later Sotero Morales died; the exact date does not appear, and the plaintiff herein was appointed as administrator of said estate. The date of the appointment of the plaintiff does not appear. Exhibit A, which is alleged to have been a copy of his appointment, does not appear in the record.

The contention of the plaintiff is that Sotero Morales, the first administrator, had no authority to pay the claim of Mariano Natividad against the estate, by delivering to him the carabaos in question, without the express permission of the court. This contention of the plaintiff is valid, The plaintiff contends that it was the duty of Mariano Morales, if he had a claim against the estate in question, to have presented it to the committee appointed for the purpose of allowing claims. This contention of the plaintiff is also valid. It is not disputed, however, by the plaintiff that the carabaos were turned over to Natividad by the first administrator, Sotero Morales, and accepted by Natividad in good faith, believing that the carabaos had been turned over to him in part payment of his claim against the said estate. Sotero Morales, in his account rendered makes the statement that there were no debts existing against the said estate. (See record, p. 50.)

The simple question presented by the record is - Can an administrator maintain an action to recover personal property belonging to an estate, which has been in the possession of the defendant for a period of more than four years, he possessing the same in good faith? The defendant had held the property continuously from probably some time in the month of December, 1902, (certainly not later) up to and including the time of the commencement of the present action, July 10, 1907, and no question is raised here that the defendant did not possess the property in question in good faith. Article 1955 of the Civil Code provides that "The ownership of personal property prescribes by uninterrupted possession in good faith, for a period of three years." Paragraph 3 of section 43 of the Code of Procedure in Civil Actions provides that an action for the recovery of personal property shall be limited to four years. Without, at this time, attempting to discuss the effect of the provisions of said section 43 upon the provisions of said section 1955 of the Civil Code, and expressly reserving that question for future discussion, we are of the opinion and so hold that under the facts in the present case, the right of the plaintiff to recover the carabaos in question can not be sustained, and therefore the judgment of the lower court is hereby reversed, and without any special finding as to costs. So ordered.

Arellano, C. J., Torres, Carson, and Moreland, 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.