

JUANA ESPIRITU, PLAINTIFF, VS. A. S. CROSSFIELD, JUDGE OF THE COURT OF FIRST INSTANCE OF MANILA, AND VICENTE GUASH, ADMINISTRATOR OF THE ESTATE OF JOSE JIMENEZ Y MIJARES, DEFEND...

G.R. No. 5313. December 10, 1909

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-5313/>

JOHNSON, J.:

From the record it appears that on the 2nd day of November, 1906, the said Vicente Guash, as administrator of the estate of Jose Jimenez y Mijares, commenced an action in the Court of First Instance against the said Juana Espiritu, for the purpose of recovering the possession of certain personal property described in the second paragraph of said complaint.

The defendant answered the petition of the plaintiff in that action, alleging that she had purchased said personal property of the said Jose Jimenez y Mijares on the 19th of January, 1906.

After hearing the evidence adduced during the trial of the cause, the judge found that the plaintiff, as administrator of the estate of Jose Jimenez y Mijares, was entitled to the possession of said personal property, or the value thereof, in case delivery could not be had, which value was fixed at the sum of P1,000.

From that judgment the defendant (Juana Espiritu) appealed to the Supreme Court.

After a consideration of the record brought to the Supreme Court, the judgment of the lower court was reversed and the defendant (Juana Espiritu) was absolved, without costs. (Guash vs. Espiritu, 11 Phil. Rep., 184.)

The decision of the Supreme Court was based upon the provisions of section 712 of the Code of Procedure in Civil Actions, for the reason that the judge below had not found as a fact either that the plaintiff had no other remedy or that there was a deficiency of assets, and for the reason that there was no such allegation in the pleadings in the court below. The effect of the decision of the Supreme Court in that cause was to dismiss the cause of action and to relieve the defendant (Espiritu) from any liability in that action. Final judgment to that effect was rendered on the 24th of September, 1908, in the Supreme Court and the cause was duly remanded to the lower court on the 5th of October, 1908, with direction to enter a judgment to the same effect. The cause was received in the lower court on the said 5th of October, 1908.

It must be remembered that the original action (Guash vs. Espiritu) was for the purpose of recovering the personal property described in the complaint, or its value, and that at the beginning of the action in the lower court' the property was taken from the possession of the defendant (Espiritu) and delivered to the plaintiff, and it is to be supposed that the property was in the possession of the plaintiff at the time of the final judgment rendered in said cause, as well as at the time said amended pleading was filed in said cause.

It is to be supposed that a judgment was entered in the lower court in accordance with the direction of the

Supreme Court. However, notwithstanding the judgment of this court dismissing said cause of action and absolving the defendant from liability, the plaintiff (Guash) obtained permission of the lower court and filed an amended complaint in said cause, thereby attempting to keep alive said cause of action.

On the 22nd of July, 1909, the defendant in that action (Juana Espiritu) commenced an original action in this court against A. S. Crossfield, one of the judges of the Court of First Instance of the city of Manila, and Vicente Guash, administrator, etc., reciting substantially the substance of the facts hereinbefore set out and prayed for the following relief;

"In view of all the foregoing the plaintiff petitions the Supreme Court-

" (1) To issue a writ of mandamus against the Hon. A. S. Crossfield, judge of First Instance, Manila, directing him to issue an order of execution in connection with the afore-said judgment of the Supreme Court, requiring Vicente Guash, administrator of the antestate estate of Jose Jimenez y Mijares to return to Juana Espiritu the personal property taken by the said administrator.

"(2) To issue a preliminary writ of prohibition against the said judge of First Instance, ordering him to desist and abstain from further proceedings under the amended and supplementary complaint presented in the civil suit No. 5000 by Vicente Guash, administrator of the intestate estate of Jose Jimenez y Mijares, against Juana Espiritu.

"(3) To condemn the defendant herein to the payment of the costs of this action."

The theory of the plaintiff (Espiritu) in this action is —

(1) That the original action having been dismissed and she having been relieved from all responsibility in such action, that she was entitled to a return of the personal property, of the possession of which she had been deprived.

(2) That a final judgment having been rendered in such original action, the same could not be revived by the filing of an amended complaint in said cause.

(3) That the lower court should be directed to issue an execution directing Guash (the plaintiff) to return to her (Espiritu) the possession of the personal property in question.

This contention of the plaintiff in the present action presents, in fact, but one question, to wit, the right of any of the parties to an action to amend their pleadings after final judgment has been rendered in the cause. Upon this question of the right to amend pleadings, the modern codes of procedure in civil actions, as well as criminal, are very liberal. Section 110 of the Code of Procedure in Civil Actions, in force in the Philippine Islands, provides that —

"The court shall, in furtherance of justice, and on such terms, if any, as may be proper, allow a party to amend any pleading or proceeding and at any stage of the action, in either the Court of First Instance or the Supreme Court, by adding or striking out the name of any party, either plaintiff or defendant, or by correcting a mistake in the name of a party, or a mistake or inadequate allegation or description in any other respect, so that the actual merits of the controversy may speedily be determined, without regard to technicalities and in the most expeditious and inexpensive manner."

It will be noted that the right to amend covers almost all possible amendments which might be made, but that it limits the time of the amendment, by saying that it shall be made "at any stage of the action." We are of the opinion and so hold that after (final judgment has been rendered that the action is closed and the time for amendments is passed.

This court said in the case of *Molina vs. De la Riva* (8 Phil. Rep., 569) :

"After judgment is rendered [in the Supreme Court] and the case is returned to the lower court for execution, the party liable under the judgment will not be permitted, in opposition to the execution, to present for consideration new issues of fact and law upon the question of his liability."

If the parties, after final judgment, should be allowed to amend their pleadings at that time or take an exception to the issuance of an execution upon the final judgment rendered, the cause might never end; there might never be a final termination of the litigation, for as often as an order for an execution was issued, if such practice should be permitted, the parties might present an exception and bring the case again to the higher court on appeal, and thus the cause be prolonged indefinitely. Parties litigant, both plaintiff and defendant, should be required to state in the beginning of the action all of the facts upon which they rely for their relief or for their defense, and their amendments should be allowed with great caution, to the end that parties litigant might not use this as a method of procrastination for an immeritorious cause, solely for the purpose of harassing their opponents.

Of course the Supreme Court in deciding the original action might have reserved to the defeated party (see *Sanidad vs. Cabotaje*, 5 Phil. Rep., 204) the right to amend their pleadings, and thus not have rendered a final judgment. This the Supreme Court did not do. It rendered a final judgment closing that litigation, evidently believing that the parties had stated all of the facts upon which they relied for relief and for their defense, and, therefore, there existed no further facts upon which the pleadings could be amended, upon which the parties might rely for relief.

From all of the foregoing facts, we are of the opinion and so hold that the prayer of the petition presented by the plaintiff in this action should be and is hereby granted, with costs. So ordered.

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