

BENIGNO GOITIA, PLAINTIFF AND APPELLANT, VS. THE CHARTERED BANK OF INDIA, AUSTRALIA, AND CHINA, DEFENDANT AND APPELLEE.

G.R. No. 5640. March 25, 1911

Ponente: CARSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-5640/>

CARSON, J.:

We think that the reasoning of the court below, based upon the agreed facts in this case, sufficiently and satisfactorily sustains the decision from which this appeal was taken.

It may be well, however, to point out that we do not find any merit in the contention of the appellant based on his construction of the language used by this court in our decision in a case involving another phase of the questions and facts presented by the case at bar (*Landa vs. Sanz*, 8 Phil. Rep., 13). It appears to rest on a misconception of the true meaning of the language used in the former decision, a misconception which may well have had its origin in the imperfect and doubtless misleading translation of the original Spanish text found in the English version published in the official reports.

The English text of the former decision makes the court, in discussing the legal status which resulted from the transactions therein set out, expressly declare that it was the duty of the bank to have, hold and reserve funds of the drawer to the amount of the lost check, for the payment of the new check, the execution of which was authorized and directed in that decision; whereas the original Spanish version nowhere imposed such a duty upon the bank. The only obligation which the original decision expressly recognized as resting on the bank was the "stoppage" of payment on the lost check in compliance with the judicial order which the bank obligated itself to respect and obey. It is true, that in directing and authorizing the issuing of a new check, we said that we did so in order that the payee of the lost check might be able therewith to draw out the funds which ought to be reserved in the bank for its payment. But beyond its obligation to "stop" payment of the lost check, the duty to reserve these funds in the bank clearly rested, not on the bank, but upon the drawer of the original check, to whose credit these funds originally stood in his checking account with the bank.

The judgment of the court below should be affirmed, with the costs of this instance against the appellant. It is so ordered.

Arellano, C. J., Mapa, Moreland, and Trent, 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.