

GASPAR ZURBITO, PLAINTIFF AND APPELLANT, VS. PATROCINIO BAYOT, DEFENDANT AND APPELLEE.

G.R. No. 6541. September 12, 1911

Ponente: JOHNSON, J.

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JOHNSON, J.:

On the 19th of February, 1908, the plaintiff and appellant herein commenced an action in the Court of First Instance of the Province of Masbate, claiming damages in the sum of P50,000, alleged to have been occasioned by certain alleged libelous statements made by the defendant affecting his honor, virtue, and reputation.

To this petition the defendant filed a demurrer, which demurrer was sustained by the lower court on the 18th of December, 1908.

After the decision sustaining the demurrer, the plaintiff refused to amend his complaint and the lower court, on the 21st of February, 1910, rendered a final judgment dismissing the complaint and absolving the defendant from any liability thereunder, with costs against the plaintiff.

The basis of the action of the plaintiff is that, on the 7th day of August, 1907, the defendant being the "administradora" of the estate of Francisco Maria Bayot, filed a written objection, with the commissioners who had been Appointed to consider claims against the said estate, to a certain claim presented to the said commissioners against said estate by the plaintiff herein, in which written objection the defendant is alleged to have made certain statements which, the plaintiff claims, reflected upon his virtue, honor and reputation.

The lower court, in discussing the sufficiency of the complaint, considering the objection of the defendant, communicated in writing to the said commissioners, made the following statement:

"This document is a kind of report, communication, or brief, addressed to the commission of appraisal and claims of the intestate estate of Francisco Ma. Bayot, signed by the administratrix thereof, objecting to the claim filed against her by Gaspar Zurbito and asking that said claim be disallowed.

"In stating her grounds and reasons for asking that the commission disallow Zurbito's claim, she inserts into various portions thereof the words and phrases quoted in the complaint, many of which are certainly abusive, and at least offensive and insulting.

"As drawn up, and considering the use for which it was intended, this document has, in our opinion, all the characteristics of a real private communication, which must be regarded as privileged under the provisions of section 9 of Act No. 277."

Commissioners appointed to consider claims against estates of deceased persons have a right to hear evidence and decide upon the validity and legality of the claims presented against estates. The commissioners constitute, therefore, a tribunal. This tribunal has a right to hear evidence pro and con in relation to claims presented to it. It has a right to hear arguments in favor of or against the validity or legality of such claims, and to decide such claims. Persons presenting their claims before the commission have a right to present whatever evidence and

arguments they have in support of the same. The administrator of the estate and those directly interested in the estate have a right present whatever arguments they have in opposition to the allowance of such claims. If the persons presenting the claim are, in the opinion of those opposing it, attempting to have a claim allowed which should not be allowed, they have a right to state their reasons therefor, even though such opposition may incidentally reflect upon the honor and credit of the person presenting the claim.

A careful reading of the statements made by the defendant in his opposition to the allowance of the claim presented by the plaintiff, shows that there were some statements contained in it which did not necessarily relate to the particular claim presented; however, those allegations are not made the basis of the complaint filed by the plaintiff herein.

It appears from the record that after the commencement of the action the plaintiff died and an administrator was appointed who continued the action. No question is raised here as to the right of the administrator to continue an action of the nature of the present one; therefore we do not discuss that question.

After a full consideration of the facts and the law applicable to the present cause, we are of the opinion that the judgment of the lower court should be and is hereby affirmed. Without any finding as to costs it is so ordered.

Torres, Mapa, Carson, and Moreland, JJ., concur.

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