

5 Phil. 400

[G.R. No. 2933. December 08, 1905]

PHILIPPINE TRADING COMPANY, LIMITED, PETITIONER, VS. A. S. CROSSFIELD, JUDGE OF THE COURT OF FIRST INSTANCE OF MANILA, ET AL., RESPONDENTS.

D E C I S I O N

WILLARD, J.:

The estate of Albino Goyenechea being in the process of settlement in the Court of First Instance of Manila, a committee was appointed in accordance with the provisions of section 669 of the Code of Civil Procedure for the purpose of appraising the property of the estate of the deceased and allowing claims against it. Before this committee the plaintiff presented a claim, the justice of which the administrator admitted and it was allowed by the committee for the sum of P4,790.82. The report of the committee was filed in court, and no appeal was taken from its decision. The plaintiff made an application to the court over which the defendant judge presided for an order requiring the administrator to pay the claim. This motion was denied, and in lieu thereof an order was made requiring the plaintiff company to present evidence before the judge as to the legality of said claim, the administrator having in the meantime filed an objection to its allowance, asserting that it should not be paid. Thereupon the plaintiff brought this original action of prohibition in this court, asking that the defendant judge be directed to refrain from any action in the matter of such claim, other than to direct the administrator to pay the same.

It appears from the answer of the judge and from the evidence submitted before us that Albino died on the 1st day of September, 1898, and that the claim of the plaintiff arose out of the transactions which

took place after the death of the testator. Under these circumstances the committee had no jurisdiction whatever over the claim thus presented before it. Section 669 of the Code, of Civil Procedure provides that this committee shall be appointed *“to allow claims against the estate.”* Section 686 provides that *“they may try and decide upon claims which by law survive against the executors or administrators, except claims for the possession of or title to real estate.”* This section means that their jurisdiction is limited to claims which existed prior to the death of the deceased and which survived him, and that they have no jurisdiction over any claim which did not arise during his lifetime. Causes of action which arise after a person’s death are not proper claims for presentation to such committee.

The action of the court below in disregarding the report of the committee was correct, and his action in requiring a hearing before himself upon the validity of the claim was entirely proper.

It is alleged in the complaint in this action that the judge is about to distribute the estate without the payment of this claim. It appears from the answer, however, that he has no such intention, and that his purpose is to give the plaintiff an opportunity to present evidence before him as to the legality of his demand before any action is taken looking to the distribution of the estate.

As has been said, Albino died in 1898, and it appears that action was taken looking toward the settlement of his estate in accordance with laws then existing. Nothing was done under the present Code of Civil Procedure until the 21st day of May, 1904, when a petition for the probate of his will and the appointment of an administrator was presented to the court below. The plaintiff does not ask for a writ of prohibition on the ground that under these circumstances the Court of First Instance had no jurisdiction to interfere with the administration of an estate which had been commenced under the former law. We therefore do not pass upon the question as to whether the administration of an estate of a person who died before the present Code of Civil Procedure went into force, and which administration was

commenced under the old law, should be continued under that law, or should be commenced anew under the present law.

Let final judgment be entered in this case in favor of the defendants, with costs against the plaintiff, in favor of the defendant Molina. So ordered.

Arellano, C. J., Mapa, Johnson, and Carson, JJ., concur.

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