

4 Phil. 609

[G.R. No. 1652. July 26, 1905]

**MARIA TONGCO, PLAINTIFF AND APPELLEE, VS. SABINO MANIO ET AL.,
DEFENDANTS AND APPELLANTS.**

D E C I S I O N

WILLARD, J.:

Of the several tracts of land described in the complaint this appeal relates to only one, viz, a parcel situated in Catulinan, in the pueblo of Baliuag.

The answer of the defendants alleges that this piece of land had been acquired by Fidela Tiongson, the wife of the defendant Sabino Manio, in payment of a debt which the plaintiff owed to her. The court, in its decision, found as a fact that the defendants Sabino Manio and Fidela Tiongson, his wife, had no interest whatever in this property, and that plaintiff was entitled to be restored to the possession thereof. There was no motion for a new trial made in the court below, and we can not review the evidence upon which this finding was based. It is therefore conclusive against the defendants.

After the case had been brought here by a bill of exceptions, the defendants made a motion that they be allowed to take additional evidence in this court, under the provisions of section 497, paragraph 2, of the Code of Civil Procedure. An order was made by this court to that effect, a commissioner appointed, and evidence produced before him. We have examined the evidence, which has been returned to this court, and do not see how it can in any way change the result reached by the court below.

The defendants introduced before the commissioner a grant from the

Government of a tract of land in Catulinan, but this grant was made not to Fidela Tiongson but to Teodora Tiongson, the wife of the other defendant, Antonio Ramos, and did not describe the property which is described in the complaint.

The judgment of the court below is affirmed, with the costs of this instance against the appellants. After the expiration of twenty days judgment will be entered in conformity herewith and the cause will be returned to the lower court for execution. So ordered.

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