

LEON CLIMACO, PLAINTIFF-APPELLANT, VS. CARLOS SIY UY, ET AL., DEFENDANTS-APPELLEES.

G.R. No. L-21118. December 18, 1968

Ponente: DIZON J.

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DIZON J.:

In our decision promulgated on April 27, 1967 We set aside the order appealed from in so far as it dismissed the case against the defendant Manuel Co and we remanded the case below for further proceedings, with costs. We are now asked to clarify the question of who should pay the costs.

Our decision held that the complaint was correctly dismissed in so far as it affected the defendant Carlos Siy Uy, but that the dismissal was wrong in so far as it affected the other defendant Manuel Co. As the order of dismissal was issued to resolve the motion to dismiss filed in the name of both defendants, it is clear that the costs should be paid by Manuel Co only.

IT IS SO ORDERED.

Concepcion, C.J., Reyes, Makalintal, Zaldivar, Sanchez, Castro, Fernando, and Capistrano, JJ., concur.

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