

PEDRO RUIZ, PLAINTIFF-APPELLANT, VS. AMOS G. BELLIS, DEFENDANT-APPELLEE.

G.R. No. L-5462. May 29, 1953

Ponente: REYES, J.

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REYES, J.:

On July 16, 1946, Pedro Ruiz brought the present action in the Court of First Instance of Manila for the recovery of P80,440.00, the total of various sums alleged to have been advanced by plaintiff to the defendant Amos G. Bellis during the Japanese occupation.

Answering the complaint, defendant denied the alleged advances or loans except as to the sum of P500.00 evidenced by a promissory note and invoked moratorium as a defense. After various hearings had been had, defendant filed a motion for the dismissal of the case on the ground of moratorium, and the motion having been granted over plaintiff's objection, the latter has appealed to this Court, contending that Executive Order No. 25, dated November 18, 1944, and Executive Order No. 32, dated March 10, 1945, as amended by Republic Act No. 342, providing for moratorium are void.

This contention we have to uphold in view of our decision in the case of *Royal L. Rutter vs. Placido J. Esteban*, G. R. No. L-3708, promulgated May 18, 1953, declaring said Executive Orders void.

Wherefore, the order appealed from is revoked and the case remanded to the court below for further proceedings, with costs against the appellee.

Paras, C. J., Feria, Pablo, Bengzon, Tuason, Montemayor, Jugo, Bautista Angelo and Labrador, JJ., concur.
Padilla, J., no part.

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