

STEWART E. TAIT, B. H. BERKENKOTTER, W. ICK AND ROSE L. HARRIES, PLAINTIFFS AND APPELLEES, VS. PLACIDO L. MAPA, J. AMADO ARANETA, MA-AO SUGAR CENTRAL CO., AND FINANCING CORPORAT...

G.R. No. L-13239. March 24, 1961

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

This is an appeal from a decision of the Court of First Instance of Manila, the dispositive part of which reads as follows:

"Wherefore, judgment is hereby rendered against the defendants Placido L. Mapa, J. Amado Araneta, Ma-ao Sugar Central Go., Inc. and Financing Corporation of the Philippines, sentencing them jointly and severally to pay the plaintiff the following amounts:

(a) S. E. Tait

P121,783.94

Stephen P. Brankov and Lina Wasserman in

substitution of Rose L. Harris

118,786.43

Bernard E. Berkenkotter (executor of the estate

of B. H. Berkenkotter) W. Ick

43,837.08

with interest thereon at the rate of six (6%) per cent per annum from October 13, 1953, when this suit was filed, until full payment; and

(b) Costs of suit."

This appeal is, however, within the exclusive jurisdiction of the Court of Appeals, for: (1) Although the aggregate amount of the foregoing judgment is P284,407.45, this sum includes interests accrued before October 13, 1953, deducting which the total principal awarded would be P150,441.65 only; (2) the appeal raises questions of fact and no question of law which is within the exclusive appellate jurisdiction of this Court; and (3) this case involves

three (3) separate causes of actions; one in favor of S. E. Tait, for P64,467.66; another in favor of Rose L. Harris, for P62,910.66; and the third, in favor of H. B. Berkenkotter, jointly with W. Ick, for P23,063.33, all exclusive of interest (Republic Act No. 296, section 17, as amended by Republic Act No. 2613, and 29; *Go Bon Chiat vs. Valmarida*, L-4605, April 24, 1953; *Samson vs. Andal*, 89 Phil., 627; *A. Soriano y Cia vs. Jose*, 47 Off. Gaz. [12 Supp.] 145; *International Colleges, Inc. vs. Argonza*, 90 Phil., 470; *Abrasaldo vs. Compañia Maritima*, G. R. No. L-11918, July 31, 1958; *E.C. Pangilinan & Co., Inc. vs. J. Pasicolan*, 107 Phil., 645; *Cajilig et al. vs. Co*, 109 Phil., 98.

Wherefore, the record of this case should be, as it is hereby remanded to the Court of Appeals for disposition, in accordance with law. It is so ordered.

Bengzon, Acting C. J., Padilla, Bautista Angelo, Labrador, Reyes, J. B. L., Barrera, Paredes, and Dizon, JJ., concur.

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