

THE SHELL COMPANY OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FRANCISCO R. SANTOS, ET AL., DEFENDANT-APPELLANT.

G. R. No. L-21989. November 12, 1966

Ponente: REYES, J.B.L., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/631f284a89be/>

REYES, J.B.L., J.:

This is a direct appeal on a question of law from the decision of the Court of First Instance of Manila in its Civil Case No. 47564.

The record on appeal exhibits sizeable, substantial and important omissions in the findings of fact and even in the dispositive portion of the appealed decision. These omissions can be gleaned from the fact that the lower court's findings of fact appear incomplete and mixed-up with the rest of the dispositive portion and it cannot be made out where the former ends and the latter begins. The omissions are made more conspicuous and glaring by the lack, in the dispositive portion (or what appears to be so), of a clause " (a)", although there is a clause "(b)"; hence, a disposition under clause "(a)" was entirely omitted (Rec. on App., p. 30).

The aforesaid deficiencies occur in the typewritten record on appeal that was transmitted to this Court and also in the printed copies. They can not but be due to rank carelessness, to say the least, in the preparation of the all important record of appeal, and cast doubt upon the entire contents thereof.

The brief of the appellant, Mutual Security Insurance Corporation, does contain a statement of facts whence the alleged findings of fact of the lower court could possibly be deduced; but the statement is contradicted in the brief of the appellee, the Shell Company of the Philippines, Ltd. Which of the statements of facts --- that of the appellant or that of the appellee --- reflects the true findings of fact of the trial court cannot be verified because of the aforesaid omissions in the copying of the appealed decision in the record on appeal, so that there is no source, from the record and the briefs submitted to this Court, from which to derive an understanding as to what the omitted portion stated.

The result is that a ruling, whatever it may be, on the legal issue involved cannot be sensibly made in the case at bar. Any ruling would only be theoretical, without reliable basis.

While It is the duty of the clerk of court of the trial court to verify the correctness of the copies of all petitions, motions, pleadings, orders and decisions included in the record on appeal (Section 10, Rule 41, Rules of Court), it is the primary responsibility of appellant to see that the pleadings, decisions and orders are correctly transcribed before the record is elevated to the appellate court, in order that the latter may know, without resort to the originals, what the appeal and the appealed decision are about.

Rule 50, section 1, of the Revised Rules provides that an appeal may be dismissed on the ground, among others, of –

"(e) Unauthorized alterations, omissions or additions in the printed record on appeal;"

IN VIEW OF THE FOREGOING, the appeal is hereby dismissed. And the appeal being frivolous, as shown by the carelessness with which the record of appeal was prepared, appellant shall pay treble costs.

SO ORDERED.

Concepcion, C.J., Dizon, Regala, Makalintal, Bengzon, J. P., Zaldivar, Sanchez and Ruiz Castro, JJ., concur.

Barrera, J., on leave.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.