

SALUD YOUNG, PLAINTIFF-APPELLEE, VS. OLIVIA YOUNG, DEFENDANT-APPELLANT.

G.R. No. L-35000. September 30, 1983

Ponente: ESCOLIN, J.

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ESCOLIN, J.:

In Civil Case No. R-11363, the Court of First Instance of Cebu affirmed the judgment on the pleadings rendered by the City Court of Cebu ordering the defendant-appellant Olivia Young to pay plaintiff-appellee Salud Young the sum of P3,600.00 with 6% interest per annum from April 14, 1969, plus attor-ney's fees and costs.

This appeal, originally filed in the Court of Appeals, was certified to Us as the case involves a legal question, to wit: whether or not the City Court of Cebu erred in issuing a judgment on the pleadings on the ground that the defendant failed to enter a verified specific denial of the genuine-ness and due execution of the written instruments which were made the basis of the action pursuant to Section 7, Rule 8 of the Rules of Court. Consider-ing that the substance of said documents were properly alleged in, and copies thereof attached to, the complaint; and that defendant's failure to deny the same under oath resulted in the implied admission of their authenticity and due execution (Section 8, Rule 8 of the Rules of Court), the Court holds that the judgment on the pleadings rendered by the City Court was appropriate.

ACCORDINGLY, the judgment appealed from is hereby affirmed. No costs.

SO ORDERED.

Makasiar, (Chairman), Aquino, Guerrero, Abad Santos, and Relova, JJ., concur.

Concepcion, Jr., J., on leave.

De Castro, J., on sick leave.

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