

ELEURTERIO ONGSING, DEMANDANTE Y APELADO, CONTRA MIGUEL DE LA RIASTE, DEMANDADO Y APELANTE.

G.R. No. L-449. June 19, 1948

Ponente: BRIONES, J.

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BRIONES, J.:

1. PRACTICA FORENSE; DEMANDA DE DESAHUCIO; SUFICIENCIA DE CONTESTACION PARA TRABAR PLEITO O "ISSUE"; CASO DE AUTOS.-El demandando, en su contestacion, niega de paraffo 5 de la demanda, esto es, la alegacion de que aquel no pago alquileres desde el 1.(o) de Junio, 1945. Aqui hay, por tanto, un "issue"; el actor alega que el demandado no el pago los alquileres desde tal fecha y por eso le demanda; peo el demandando niega tal alegacion, diciendo que ofreso pagar el aquiler de dicho mes, o sea la cantidad de P30, pero el demandante lo rechazo; asi que, segun el demandando, no existe derecho de accion contra el. Que mejor "issue" que este para hacer absolutament necesaria, indispensable la articulacion de pruebas por ambas partes a fin de sustanciar sus respectivas alegaciones?

Paras, Feria, Pablo, Perfecto, Bengzon, y Tuason, MM., estan Padilla.

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