

**FELIPA GIRAY VDA. DE DELIM AND FILEMON MERINO,
PETITIONERS-APPELLEES, VS. GUILLERMO Y. SARMIENTO, ET AL.,
RESPONDENTS, GUILLERMO Y. SARMIENTO
RESPONDENT-APPELLANT.**

G.R. No. L-6634. December 22, 1954

Ponente: LABRADOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a28bb8a67943/>

LABRADOR, J.:

This is an appeal from the judgment of the Court of First Instance of Samar in a special action of injunction, which was brought to prevent the respondents from continuing the construction of a building on a certain parcel of land claimed to be a prolongation of a public street in the municipality of Laoang, province of Samar, which (disputed) land borders that belonging to the petitioners. The court rendered its decision upon concurrent motions of the parties for summary judgment. The motions were accompanied by affidavits and documents. According to the petitioners, the land on which the building was erected is a prolongation of a public street; while according to the respondents, it is not a prolongation of a public street but is a patrimonial property of the municipality.

The court held that the land is a prolongation of a public street and granted the injunction. Thereupon, respondents filed a Record on Appeal, asking that the case be remanded to the Court of Appeals. For undisclosed reasons, however, the court a quo remanded the case to this Court.

The question submitted to the court a quo is a question of fact, and the mere fact that it was decided on the Strength of the affidavits and other papers submitted without the formality of a trial did not convert the issue into one purely of law. The issue of fact passed upon by the trial court is the same issue of fact now presented by the appellants as may be seen in the following assignment of error: "The court erred in concluding as clearly established that the lot in question is a prolongation of San Isidro street and by considering and giving weight to the opposition of the Municipality of Laoang, Samar, to registration No. 236- G.L.R.O. No. 42329 (Annex 'D' of the Petitioners) as a basis in its decision to declare the respondent in estoppel."

It does not appear that the value of the property involved in the case is more than P50,000.00; indeed, if it is merely the prolongation of a street, it must be of insignificant size. The picture of the structure being built shows that it is merely of wood and could not if each the jurisdictional value of this Court. There is no evidence or paper to show the actual value of the property, and we believe it can not be more than P50,000.00.

Considering that we have no jurisdiction over the subject-matter of the appeal, the case is hereby forwarded to the Court of Appeals for decision in accordance with the provisions of existing law.

Paras, C.J., Pablo, Bengzon, Padilla, Montemayor, Reyes, Jugo, Bautista Angelo, Concepcion, and Reyes, JJ., concur

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.