

LEONCIA D. AGUIRRE, LUIS D. AGUIRRE, JR., AND AURELIA LUNINGNING AGUIRRE, PETITIONERS VS. VICENTA AGUIREE, FELIPE AGUIRRE, ANDRES AGUIRRE, CARIDAD AGUIRRE, SOCORRO AGUIRRE, SEVE...

G.R. No. L-33080. August 15, 1974

Ponente: BARREDO, J.

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BARREDO, J.:

Petition for review of the decision of the Court of Appeals in CA-G.R. No. 37717-R entitled Leoncia D. Aguirre et al. vs. Vicenta Aguirre et al.; in favor of petitioners, but claimed by them to be short of what they should be entitled to under the law, having in view the findings of fact of the appellate court itself.

This litigation started in the Court of First Instance of Batangas as an action for partition and damages among the surviving descendants of the spouses Gregorio Aguirre and Regina Antolin of the properties left by said spouses. The trial court rendered judgment for petitioners who were plaintiffs there but made no award of damages. Upon appeal to the Court of Appeals, mainly because of the failure of the trial court to award them damages, the appellate court made the following pertinent findings and conclusions of fact:

"With respect to plaintiffs-appellants' claim for damages, the same was denied by the trial court on the ground of insufficiency of evidence. This is an error. Sufficient proofs had been introduced by them at the trial as shown by the following testimony —

Q.

The properties having originated from the spouses, Gregorio Aguirre and Regina Antolin, how much share did your children receive annually as their share?

A.

More or less P200.00.

Q.

In the properties left by the spouses, Melencio Aguirre and Fructuosa Perez, how much is the amount, corresponding to your two children?

A.

More or less P800.00 annually.

Q.

And the sums of P200.00 and P800.00 respectively were not given to you for your two children since 1955 up to the present?

A.

Yes, sir, it was not given to me.

Q.

By refusal of the defendants to accede to the demands for partition of the properties mentioned in the complaint, what damages if any did you incur?

A.

Actual damages P1,000.00 yearly for 1955 up to the present. (Plaintiffs testimony t.s.n. p. 36 June 22, 1961).

The damages of P1,000.00 annually above-mentioned represents the value of the rice, corn, mangoes, copras, salt and others, to which the plaintiffs-appellants are entitled but were unable to receive by reason of the unjustified acts of the defendants-appellees as shown by the following testimony —

Q.

How were you able to get the corresponding share in the produce of the lands mentioned in the complaint corresponding to your two children?

A.

The share regarding palay was given to me by Socorro Aguirre the money coming from San Juan was given to me by Caridad Aguirre and the copra coming from Lobo was given to me by Dominador Aguirre. The salt, mongos, palay, and corn in Batangas were given to me by Maura Aguirre.

Q.

How about the share of your children in the properties in Bilogo, Taysan, Batangas, where did you get the same?

A.

From Maura Aguirre also. Q. How about the properties located in Rosario, Batangas, where did you get the share corresponding to your two children?}

Q.

Until when were you receiving the corresponding share of the produce of the lands mentioned in the complaint for your two children?

A.

Up to 1954.

Q.

What happened in the year 1955 to the produce corresponding to your two children in the properties mentioned in the complaint?

A.

In 1955, Felipe Aguirre, Dominador Aguirre, Caridad Aguirre and Socorro Aguirre divided the 1/6 share of my children, saying the same will be given to Cristeta Lamahang.

Q.

Did you agree to such division of the share corresponding to your two children?

A.

I did not agree.

Q.

When you did not agree, what happened?

A.

The 1/6 share corresponding to my two children was not given to me.

Q.

Is that up to the present?

A.

Yes, sir. (t.s.n. pp. 33-35 June 22, 1961).

"In connection with the above-mentioned claims of P1,000.00 yearly, it is to be noted that the lands subject of this suit are unsurveyed lands, which according to the pertinent tax declaration contained an area of 500 hectares. Portions of these lands in the names of Melecio Aguirre and Fructuosa Perez are coconut lands. The coconut plantation in Jaybanga, Lobo, Batangas, consists of around 3,000 fruit bearing coconut trees and the ricelands are cultivated by around 50 families, residing at the place as permanent tenants. This is shown by the following --

Q.

More or less will you tell this Honorable Court how many coconut trees theft are?

A.

There are around three thousand (3,000) coconut trees, sir.

Q.

Fruit bearing or not?

A.

All fruit hearing, sir. (t.s.n. p. 38. April 2. 964).

Q.

All of them are situated at Barrio Jaybanga. Lobo, Batangas?

A.

Yes. sir. (t.s.n. p. 49, April 2, 1964).

Q.

And the lands in Jaybanga, Pinagbayanan Lulos and Matamis, Rosario, Batangas what can you say as to that?

A.

There are around fifty (50) tenants, sir.

Q.

In their testimony these tenants are only transients or temporary, what can you say as to that?

A.

That is not true, sir. They have established homes there and many tenants are qualified voters of that place (t.s.n. p. 39 April 2, 1964).

Due to the wrongful acts of the defendants and intervenors, the plaintiffs were forced to litigate to protect their rights, incurring additional actual damages in the form of attorney's fees, expert witness fees and miscellaneous expenses. These are established by the following testimony —

Q

When the share in the produce of the lands mentioned to the complaint, corresponding to your two children was not given to you, what did you do?

A.

I consulted a lawyer.

Q.

What happened after the consultations?

A.

This present complaint was filed.

Q.

When you engaged the services of your counsel was there any condition regarding attorney's fees?

A.

Yes, sir.

Q.

What?

A.

Our contract was P5,500.00 (t.s.n. p. 35 June 22, 1961).

Q.

In your previous direct examination, you stated that you suffered actual damages in the amount of P1,000.00 yearly, the sums corresponds to the share which you ought to received from 1955 to 1956. is that the only damage you suffered?

A.

I sustained other damages in the form of attorney's fees and miscellaneous expenses and also moral damages.

Q.

In the amount of how much?

A.

The attorney's fees P5,000.00 miscellaneous expenses P500.00 and moral damages P2,000.00 (t.s.n. p. 6, Oct. 12. 1961).

With respect to the fee for the expert witness which plaintiffs-appellants has incurred, the following testimony is a good guideline —

Q.

In case where the client has the capacity to pay, especially in civil case, how much do you usually charge for examination of documents testimonies given in the Court of First Instance regarding that examination?

A.

I would depend in the nature of the case.

Q.

In this case how much did you charge the plaintiff herein?

A.

Well, I asked expenses for photostate materials and for my appearance here.

Q.

Usually how much?

A.

I charged P500.00 (t.s.n. p. 5, Oct. 28, 1964)."

Upon these facts and considerations, the Court rendered judgment as follows:

"WHEREFORE, the judgment appealed from is hereby modified in the sense that Parcel No. 7 otherwise known as the property located in Matamis, Rosario, Batangas, as part and pared of the mass of property left by the late Gregorio Aguirre, is to be divided between the plaintiffs on one hand and the defendants on the others, awarding the plaintiffs damages, thus: attorney's fees — P5,000.00; actual damages — P1,000.00; moral damages — P2,000.00; exemplary damages — P1,000.00; and fees for expert witness — P500.00. As thus modified, the judgment appealed from is affirmed in all other respects, without pronouncement as to costs."

Indeed, as aptly pointed out by petitioners it is evident that whereas the appellate court found as a fact that the damages suffered by petitioners amounted to P1,000 yearly since 1955, the dispositive portion of its decision simply says P1,000, without any qualification, which, of course, is a manifest ambiguity, if not inconsistency, that leaves the parties at a loss as to what exactly should be the amount of actual damages recoverable by petitioners. Considering, however, the tenor of the opinion and the ratiocination in the decision in question, there can hardly be any doubt that it was the intention of the appellate court to allow the recovery of the yearly damages it found to have been suffered by petitioners. If it went as far as to award attorney's fees of P5,000, moral damages of P2,000, exemplary damages of P1,000 and even fees for experts of P500, it stands to reason that it could not have meant to award petitioners actual damages of only P1,000. The absurdity of such a meager judgment of actual damages in the face of the other special items of damages awarded is too plain to be ignored. In fact, had the judgment of the Court of Appeals been allowed to become final and the problem now besetting petitioners were to be raised as an incident in the execution thereof, the chances are that a construction of said judgment in the manner above-stated might be sanctionable notwithstanding jurisprudence to the effect that it is the dispositive part of a decision that controls irrespective of what might appear in the opinion part thereof, for the simple reason that in this particular subject judgment, the inevitable conclusion from the findings of fact in the opinion of the Court of Appeals is so indubitable that any argument to the contrary would appear flimsy and purely technical, apart from being totally illogical.[1] We have no doubt that any other view would precisely be the kind of reasoning that might convince the people that our courts sometimes sacrifice substantial justice in the altar of technicalities. What is cause for wonder to Us in this case, however, is why such a simple matter had to reach the Supreme Court. It is almost certain that a brief motion for reconsideration calling the appellate court's attention could have made the instant proceeding unnecessary. Or respondent could have readily yielded to petitioners' pose, considering the manifest correctness thereof. Be that as it may. We must admit that delays in the administration of justice could be considerably avoided if greater care were taken in the drafting of the dispositive portions of decisions which in truth constitute the very essence thereof.

Petitioners also assign as error the failure of the Court of Appeals to sentence defendants to pay them interests and costs. Again, We find merit in this contention. They are entitled to interest at the legal rate from the date of the judgment of the trial court. (Section 8, Rule 51, Article 2213, Civil Code of the Philippines.) And to costs. (Section 1, Rule 142).

Anent the claim of petitioners that they are entitled to corresponding adjustment of the amounts granted to them as a result of the rise in the rate of dollar exchange of the peso. We are of the considered opinion that the facts extant in the record do not provide sufficient legal basis thereof.

WHEREFORE, the decision of the Court of Appeals is affirmed with the modification that the amount of actual damages awarded petitioners should be P1,000 annually from 1955 and the respondents shall pay interest on all the amounts adjudged against them at the legal rate from the date of the judgment of the trial court. Costs in all instances against respondents.

Zaldivar, (Chairman), Fernando, Antonio, Fernandez, and Aquino, JJ., concur.

[1] See, Filipino Legion Corporation vs. CA and Lentija, et al., L-22364, and Lentija, et al vs. Filipino Legion Corporation, L-28330, decided jointly on April 30, 1974.

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