

ROMAN SANTOS, PLAINTIFF-APPELLEE, VS. FRANCISCO C. BAYLON, DEFENDANT-APPELLANT.

G.R. No. L-11572. March 30, 1962

Ponente: PAREDES, J.

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PAREDES, J.:

On July 26, 1955, plaintiff Roman Santos filed with the Court of First Instance of Bulacan, a complaint against Francisco C. Baylon, praying that judgment be rendered:—

"1. Declaring null and void the deed of donation inter-vivos executed in favor of the herein defendant Francisco C. Baylon; and,

"2. Entitling the plaintiff the sole and legal heir of the deceased Rosa de los Reyes, to recover title or ownership and possession of the properties mentioned in said Deed of Donation Inter-vivos from the defendant, together with its fruits;

"3. Ordering defendant to pay the plaintiff P15,000.00 for attorney's fees and other damages above stated;

"4. Granting such other relief as this Honorable Court may deem just and equitable, with costs against the defendant."

After the defendant has filed his Answer and after due trial, the court a quo rendered judgment, the dispositive portion of which reads—

"IN VIEW OF ALL THE FOREGOING CONSIDERATIONS, the Court holds as follows:

"a.

That the deed of donation inter-vivos, Annex 'A' to the complaint is null and void;

"b.

That notwithstanding the nullity of said deed, the plaintiff, not being a legitimate brother of the deceased Rosa de los Reyes, cannot succeed her ab-intestate to the properties described therein;

"c.

That the defendant being the legal husband of the deceased Rosa de los Reyes who died intestate and without any issue, has inherited the properties described in said deed of donation, and should therefore be declared the lawful owner of said properties.

"The Court, therefore, hereby dismisses the complaint and thereby declares the defendant the rightful owner by right of inheritance of the properties subject of the action.

"Without damages but with costs against the plaintiff."

Both parties appealed against the above judgment. Plaintiff-appellant Roman Santos appealed to the Court of

Appeals being case CA-G.R. No. 18952-R, entitled "Roman Santos, plaintiff-appellant vs. Francisco C. Baylon, defendant-appellee," which is pending consideration until the present. Defendant Francisco Baylon appealed directly to Us, which is now the subject of this resolution. Baylon in this Court, only questions the decision insofar as it declared the deed of donation "null and void". On the other hand, Santos in his appeal with the Appeals Court raised questions of fact, the most important of which is "whether or not Pedro de los Reyes and Angela Trinidad, parents of Rosa de los Reyes, were lawfully married, in order to determine whether or not plaintiff Roman Santos is a legitimate brother of said Rosa de los Reyes."

Obviously, mixed questions of law and fact, are involved in the whole case. When such a circumstance arises, the appeal comes within the exclusive jurisdiction of the Court of Appeals. There is no reason, practical or otherwise, for splitting the appeal. Thus We held:—

"Although an appeal is taken directly to the Supreme Court as involving only question of law, if it fairly involves question of fact as well as question of law it will be remanded by that court to the Court of Appeals. (Justo vs. Hesnando, [89 Phil., 268]; Mallari vs. de la Cruz, [90 Phil., 591]; Cando vs. Bureau of Lands, [Aug. 18, 1952, No. Lr-3948]; Samonte vs. Samonte, [96 Phil., 1]; Enriquez vs. Llamas, [May 20, 1957, No. L-10399] Arceo, Heirs of vs. Varela, [103 Phil., 990; 55 Off. Gaz., (52) 10685])."

While it may be argued that the appeal of defendant Baylon involves purely a legal question, facts may, however, be found by the Court of Appeals in the appeal by Santos which could affect such legal issue, and render the appeal taken before Us, moot or academic. The Court of Appeals might find that Santos is not entitled to inherit because he is a complete stranger to Rosa de los Reyes, in which event Baylon could be declared, as he has already been declared by the lower court, the lawful owner of the properties involved herein. Since these contingencies are most probable, and in order to avoid any possible inconsistency between the decision that may be rendered by the Court of Appeals and by this Court, the instant appeal is hereby referred to the former, for the proper disposition of the issue raised, which is intimately related to the appeal of appellant Santos to said court.

Let the records, therefore, of the above entitled appeal be forwarded to the Court of Appeals.

Bengzon, C.J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Barrera, Dizon, and De Leon, JJ., concur.

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