

CELESTINA G. DE GUZMAN, PETITIONER, VS. COURT OF APPEALS, SPOUSES CRESENCIANO AND LUCILA DE GUZMAN, RESPONDENTS.

G.R. No. 110122. August 07, 1996

Ponente: MENDOZA, J.

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MENDOZA, J.:

This is a petition for review on certiorari of the decision, dated April 28, 1993, of the Court of Appeals[1] affirming the decision of the Regional Trial Court of Cabanatuan City, Branch 29, ordering petitioner to pay private respondents the amount of P92,000.00, with interest at 6% per annum from June 21, 1989 until fully paid, and P10,000.00 as attorney's fees.

This arose from a complaint which private respondents, the spouses Cresenciano Sioson and Lucila De Guzman-Sioson, filed against petitioner Celestina De Guzman, for collection of the amount of P92,000 which the spouses claimed petitioner owed to them. Private respondents presented a letter which in part reads as follows:[2]

Alam naman ninyong ako ay nagkaroon ng stroke kaya't sana ay magpatawad na tayo sa mga pagkukulang ng bawat isa sa atin. Ang handa ko lang bayaran sa inyo ay P92,000 at sa ano man oras na kunin ninyo ay ibibigay ko.

Petitioner filed her Answer with counterclaim in which she denied being indebted to private respondents and claimed that the letter in question was a forgery.

It appears that petitioner and private respondent Lucila de Guzman-Sioson were sisters-in-law, petitioner being the widow of Lucila's elder brother, Andres De Guzman. Cresencio claims that petitioner was manager of a riceland which Cresenciano's wife Lucila and petitioner's deceased husband, Andres, owned in common but that petitioner did not deliver Lucila's share in the harvest. On May 1987, Cresenciano wrote petitioner a letter demanding the delivery to him and his wife of 1,500 cavans of palay. Sometime in July 1987, he received by mail the aforementioned letter, a photocopy of which was presented to the court, marked as Exhibit C. Upon receipt of the letter, Cresenciano saw petitioner to tell her that he was not amenable to her offer of P92,000. In subsequent conferences with her, however, Cresenciano agreed to be paid P92,000 because he was then in dire need of money. Just the same petitioner did not pay. For this reason, private respondents referred the matter to a lawyer, Atty. Ildefonso Jose J. Cruz, who sent a demand letter to petitioner. As petitioner did not answer, private respondents brought the action in the RTC.

Petitioner denied the allegations against her. She claimed that she was not the farm manager;[3] that she never sent a letter to private respondents; and that she was never confronted by private respondent Cresenciano Sioson about the letter in question.[4]

As stated in the beginning, the trial court ruled in favor of the private respondents. Petitioner appealed to the Court of Appeals, but the decision was affirmed. Hence this petition, assigning the following errors:

I.

THE LOWER COURT ERRED IN GIVING CREDENCE TO THE PLAINTIFF'S TESTIMONY THAT THE DEFENDANT ACKNOWLEDGED THE PAYMENT OF P92,000.00 AS SHOWN IN EXHIBIT "C".

II.

THE LOWER COURT ERRED IN BELIEVING THE LOSS OF THE ORIGINAL OF EXHIBIT "C."

III.

THE LOWER COURT ERRED IN NOT DISMISSING THE CASE AND IN NOT GRANTING DAMAGES TO THE DEFENDANT IN VIEW OF THE FILING OF A MALICIOUS AND VINDICTIVE CASE, INSTEAD GRANTED DAMAGES TO THE PLAINTIFFS.

The petition has no merit. To begin with, it is not the function of this Court to analyze and weigh evidence by the parties all over again. Our jurisdiction is in principle limited to reviewing errors of law that might have been committed by the Court of Appeals.[5] A fortiori, where the factual findings of the trial court are affirmed in toto by the Court of Appeals, there is greater reason for not disturbing such findings and for regarding them as not reviewable by this Court.[6]

In any event, we think the Court of Appeals correctly accorded credence to private respondents' claims. Petitioner's claims are rendered doubtful by her tendency to deny practically every one of private respondents' allegations. As it turned out however, some of these allegations involved undisputed collateral matters. For example, during the cross-examination, petitioner denied that the signatures on several documents[7] shown to her by the opposing counsel were hers. On redirect examination, however, she made a complete turnabout and acknowledged that after all the signatures were actually hers. Indeed she could not very well deny her signature without doing greater harm to her cause. As aptly observed by the Court of Appeals, "there is substantive basis to conclude that [petitioner] must have been preconditioned to deny any and all" of private respondents' assertions, thus making her testimony unworthy of credence and belief.

Indeed, petitioner's only defense is one of denial. The rule is that denial, if unsubstantiated by clear and convincing evidence, is a negative and self-serving evidence which has no weight in law and cannot be given greater evidentiary value over the testimony of credible witnesses who testified on affirmative matters.[8]

Petitioner makes much of the fact that it took private respondents two years from receipt of the letter to bring this suit in the RTC. But this was due to the fact that, as explained by Cresenciano, he and petitioner talked of settling his claim. He said that in the beginning he really did not agree to settle for P92,000, as petitioner had offered in her letter but after negotiations, which took time, he thought it prudent to accept the offer and thus avoid having to sue in court. The law encourages the amicable settlement not only of pending cases but also of disputes which might otherwise be filed in court.[9] Private respondents should not therefore be begrudged the time taken by them before filing their action in court.

Nor did the appellate court err in affirming the trial court's decision admitting Exhibit C in evidence although it is a mere photocopy of the letter sent by petitioner to private respondents. The original letter was lost, according to Cresenciano. He explained that on May 31, 1989, he and his lawyer went to the Office of the City Fiscal of Cabanatuan for the hearing of an estafa case involving the parties to this case. Cresenciano handed the original of the letter to his lawyer but the latter asked him to have it photocopied outside at a photocopying service being operated within the premises of the Cabanatuan City Hall. After the hearing, his lawyer gave him the xerox copy of the letter, with advice to him to keep the original which he was supposed to have. He then discovered that he had forgotten to get back the original from the operator of the photocopying machine. He lost no time in looking for the letter at the photocopying center but his efforts were to no avail. He tried to look for it at the City Fiscal's Office on the chance that he might have left it there but it was not there.

The due execution of the document was duly proven during the trial. Evidence respecting handwriting may be given by a comparison made by the court with writings admitted or treated as genuine by the party against whom the evidence is offered.[10] In the case at bar, as the trial court noted, there are obvious similarities between petitioner's signature on Exhibit C and her acknowledged signatures on several documents, as well as her specimen signatures executed during the trial.

It appearing that the execution and the loss of the original document have been duly proven, the introduction in evidence of a photocopy thereof was proper. It is settled that if the original writing has been lost or destroyed or cannot be produced in court, upon proof of its execution and loss or destruction, or unavailability, its contents may be proved by a copy or a recital of its contents in some authentic document, or by recollection of witness.[11] There was basis therefore for the trial court to consider the copy as secondary evidence of the letter.

WHEREFORE, the petition for review is DENIED and decision of the Court of Appeals is AFFIRMED.

SO ORDERED.

Regalado (Chairman), Romero, Puno, and Torres, Jr., JJ., concur.

[1] Per Artemon D. Luna, J. with whom Buenaventura, J. Guerrero, J. and Lourdes K. Tayao-Jaguros, J., concurred.

[2] Original Records, p. 1.

[3] Testimony of Celestina De Guzman, TSN., April 17, 1991. p. 12.

[4] Id., p.15.

[5] Gobonseng, Jr. v. Court of Appeals, 246 SCRA 472, 474 (1995); Pantranco North Express, Inc. vs. Court of Appeals, 224 SCRA 477, 485 (1993).

[6] See Meneses v. Court of Appeals, 246 SCRA 162, 171 (1995).

[7] I.e., Exhibit D and D-1 Reply to Sinumpaang Salaysay of respondents Cresenciano Sioson and Lucila De Guzman filed before the Office of the City Fiscal of Cabanatuan on April 21, 1989; and Exhibit E, a handwritten note signed by one "Ninay" (nickname of Petitioner); TSN, April 17, 1991, pp.16-17.

[8] Abadilla v. Tabiliran, Jr. 249 SCRA 447, 464 (1995).

[9] See First Intramuros BF Condominium v. NLRC, 231 SCRA 644. (1994).

[10] Court Administrator v. Villanueva, 223 SCRA 41 (1993).

[11] People vs. Goce, 247 SCRA 780 (1995), citing Revised Rules of Court, Rule 130 §4; De Vera v. Aguilar, 218 SCRA 601 (1993).

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