

MA. CONSOLACION LAZARO, PETITIONER, VS. HON. COURT OF APPEALS AND SPOUSES TERESITA AND JOSEFINO BORJA, RESPONDENTS.

G.R. No. 122275. December 14, 2001

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

This petition for review assails the decision[1] dated May 31, 1995, of the Court of Appeals in CA-G.R. CV No. 36846 affirming in toto the decision[2] dated December 27, 1991, of the Regional Trial Court of Valenzuela, Metro Manila, Branch 172, dismissing the complaint for sum of money and ordering plaintiff therein to pay defendants their counterclaim.

The facts, as found by both the trial court and the Court of Appeals, are as follows:

Private respondents spouses Teresita and Josefino Borja obtained a loan in the amount of Eight Hundred Ninety Two Thousand Five Hundred Pesos (P892,500) from petitioner's mother, as representative of Manuel Cruz and C. Hermoso Tannery, Inc.. Private respondents issued postdated checks to cover the loan. They also delivered to the lender pieces of jewelry as collateral. Private respondents defaulted in their payment.

Petitioner Ma. Consolacion Lazaro, alleging that she was the one who extended the loan to private respondents, demanded payment thereof, since the postdated checks issued by private respondents were dishonored. Private respondents ignored the demand on the grounds that they did not acquire the loan from petitioner and that the collateral they put up settled their obligation. Consequently, petitioner instituted an action for sum of money with the Regional Trial Court of Valenzuela, docketed as Civil Case No. 3468-V-90. It disposed the case on December 27, 1991 in this wise:

For having to defend themselves and forced to litigate rendered, dismissing the complaint. Plaintiff is hereby ordered to pay defendants their counterclaim as follows:

1. The sum of P100,000.00 as moral damages;
2. The sum of P20,000.00 as exemplary damages;
3. The sum of P20,000.00 as attorney's fees;
4. Costs of suit.

SO ORDERED.[3]

The trial court held that petitioner was not the one who extended the loan to private respondents. It was Manuel C. Cruz and C. Hermoso Tannery Inc., represented by petitioner's mother which did so. Pursuantly, petitioner has no personality to claim the money loaned to private respondents. She is not the real party in interest and absent any authorization to represent the corporation, petitioner cannot institute the action for collection of money.

Unsatisfied, petitioner appealed to the Court of Appeals which affirmed the trial court's judgment in its decision promulgated on May 31, 1995, thus:

WHEREFORE, premises considered, the appealed decision (dated December 27, 19[91]) of the Regional Trial Court (Branch 172) in Valenzuela, Metro Manila in Civil Case No 3468-V-90 is hereby AFFIRMED in toto. Costs against the appellant.

SO ORDERED.[4]

Petitioner's motion for reconsideration was denied, hence, this petition where petitioner raises the following issues:

- WHETHER OR NOT THE PETITIONER IS THE REAL PARTY IN INTEREST.
- WHETHER OR NOT THE OBLIGATION TO PAY WAS EXTINGUISHED BY THE ALLEGED COLLATERALIZATION OF PIECES OF JEWELRY.

The first issue is factual. Basic is the rule that factual issues are beyond the province of this Court in a petition for review, for it is not our function to review evidence all over again.[5] Although there are exceptions, petitioner did not show that this case is one of them.[6] Factual findings of the trial courts, when adopted and confirmed by the Court of Appeals, are binding and conclusive upon us and, generally, will not be reviewed on appeal.[7]

As to the second issue, this is the first time that petitioner raises the same. In fact, petitioner did not mention anything about the pieces of jewelry private respondents put up as collateral in its complaint. We find it proper not to rule upon the same. Any issue raised for the first time on appeal and not timely raised in the proceedings in the lower court is barred by estoppel.[8]

WHEREFORE, the instant petition is DENIED and the assailed decision dated May 31, 1995 of the Court of Appeals affirming the decision of the Regional Trial Court in Civil Case No. 3468-V-90 is AFFIRMED.

Costs against petitioner.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, and De Leon, Jr., JJ., concur.
Buena, J., on official leave.

[1] Rollo, pp. 116-129.

[2] Id. at 54-62.

[3] Id. at 61-62.

[4] Id. at 129.

[5] American President Lines, Ltd. vs. Court of Appeals, G.R. No. 110853, 336 SCRA 582, 587 (2000).

[6] Baricuatro Jr. vs. Court of Appeals, G.R. No. 105902, 325 SCRA 137, 145-146 (2000).

[7] W-Red Construction and Development Corporation vs. Court of Appeals, G.R. No. 122648, 338 SCRA 341, 345 (2000).

[8] Jimenez vs. Patricia, Inc., G.R. No. 134651, 340 SCRA 525, 533 (2000).

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