

**MGR. JEREMIAH J. HARTY, APPELLAHT AND PLAINTIFF IN ERROR,
VS. MUNICIPALITY OF VICTORIA.***G.R. No. 13. November 11, 1912*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-13/>

The value of the land involved in this action does not exceed \$25,000, and the case should therefore be dismissed. (Enriquez vs. Enriquez, 222 U. S., 123; 56 L. ed., 122, 32

Sup. Ct. Rep., 62; Enriquez vs. Enriquez, 222 U. S., 127; 56 L. ed., 124; 32 Sup. Ct. Rep., 64.)

In any event the appeal must be dismissed. The case is reviewable only by writ of error, and the disposition of questions of fact by the court below is not open to consideration here. (Carifio vs. Philippine Islands, 212 U. S., 449; 53 L. ed., 594; 29 Sup. Ct. Rep., 334; Tiglaio vs. Philippine Islands, 215 U. S. 410; 54 L. ed., 257, 30 Sup. Ct. Rep., 129; Jover y Costas Irs. Philippine Islands, 221 U. S., 623, 635; 55 L. ed., 884, 890, 31 Sup. Ct. Rep., 664; Santos vs. Holy Roman Catholic & Apostolic Church, 212 U. S., 463, 53 L. ed., 599, 29 Sup. Ct. Rep., 338; Ker & Co. vs. Couden, 223 U. S., 268, 56 L. ed., 432, 32 Sup. Ct. Rep., 284.)v

Mr. Justice HOLMES delivered the opinion of the court:

This suit was brought by the Archbishop of Manila to recover a square in the municipality of Victoria. The church of the town and its parish house stand in this square, and they are admitted to be church property, but the land not occupied by them was declared by the supreme court to constitute the public square or plaza of the town, devoted to public uses. The plaintiff brought a writ of error and appealed. The appeal must be dismissed. (Jover y Costas vs. Philippine Islands, 221 U. S., 623 635, 55 L. ed., 884, 890, 31 Sup. Ct. Rep., 664; Carino vs. Philippine Islands, 212 U. S., 449 456, 53 L. ed., 594, 595, 29 Sup. Ct. Rep., 334.) The suit is like an ordinary action at law, and can be brought to this court only by writ of error, as was done in Santos vs. Holy Roman Catholic & Apostolic Church (212 U. S., 463 [53 L. ed., 599; 29 Sup Ct. Rep., 338]), and Ker & Co. vs. Couden (223 U. S., 268 [56 L. ed., 432; 32 Sup. Ct. Rep., 284].)

There is a motion to dismiss the writ of error also, on the ground that the value of the real estate in controversy does not exceed \$25,000. Affidavits to that effect are offered, and the order allowing the writ purports to do so on affidavits of the plaintiff and two others, "notwithstanding the fact that, by admission of counsel for plaintiff, it appears that the value of the parcel of land for which judgment was rendered in favor of the defendant municipality, exclusive of the value of the adjoining parcel of land with the church and convent situated thereon, title to which is recognized to be in the plaintiff, and damages thereto resulting from the aforesaid judgment, does not exceed \$25,000." We doubt whether the affidavits do not imply the same admission, and whether the action should not be dismissed on that ground. The affidavit of the plaintiff puts the value of the land in controversy at over \$25,000 on the manifestly untenable ground that the church edifices are deprived of free egress and ingress by the decision, and the other seemingly mean that the parcel of land with the church buildings included is worth \$30,000, the buildings being valued at \$25,000, leaving \$5,000 for the land in dispute.

But the result is the same if we go further. The evidence was contradictory, and although we were invited to consider it on the one side in the light of the relation of the church to the community, and on the other in that of

the custom by which the plaza is of the essence of a town, we can do neither. There is no question of law before us, for it hardly was argued, and could not be with any seriousness, that the supreme court was not authorized to review the evidence under article 497 of the Philippine Code, or that this court can consider whether it was right in finding the preponderance of evidence to be on the defendant's side.

Appeal and writ of error dismissed.

[1] 226 U. S., 12; 57 L. ed., 103.

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.