

ANTONIO MINA, PLAINTIFF AND APPELLANT, VS. VICTORINO LUSTINA, DEFENDANT AND APPELLEE.

G.R. No. 2554. January 22, 1908

Ponente: WILLARD, J.

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WILLARD, J.:

The plaintiff and appellant moved for a new trial in the court below on the ground of the insufficiency of the evidence, but he took no exception to the order denying such motion. We can not, therefore, review the evidence.

The court found as a fact that the allegations of the complaint were not proven. This is a sufficient finding to support a judgment acquitting the defendant of the complaint. No facts are stated in the decision which in any way indicate that the plaintiff is the owner of the land in question, or has any interest therein.

The answer contains a general denial and an admission that the defendant is in possession of a part of the land described in the complaint. There is nothing in the answer which in any way admits that the plaintiff is the owner of the land or has any interest therein.

The judgment of the court below is affirmed, with the costs of this instance against the appellant. So ordered.

Arellano, C J., Torres, Mapa, Johnson, Carson, and Tracey, JJ., concur.

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