

LA VIUDA DE SOLER, PLAINTIFF AND APPELLEE, VS. AURELIO RUSCA, DEFENDANT AND APPELLANT.

G.R. No. 2905. August 03, 1909

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-2905/>

JOHNSON, J.:

The plaintiff commenced an action in the Court of First Instance of the city of Manila to recover of the defendant the sum of P854.24, alleging that the same was a balance due for goods sold and delivered to the defendant by the plaintiff, upon the 31st day of August, 1904.

After hearing the evidence adduced during the trial, the lower court found that the plaintiff was entitled to recover the sum of P600.87, Philippine currency, and half of the costs, and allowed half of the costs to the defendant. From this decision of the lower court the defendant appealed and made several assignments of error.

During the trial the plaintiff attempted to prove that she had sold to the defendant goods, wares, and merchandise to the amount of P1,554.24, and that the defendant had only paid on said account the sum of P700. During the trial the plaintiff also proved by a letter (Exhibit F) that the defendant had acknowledged that he was indebted to the plaintiff.

The defendant attempted to prove during the trial that he had overpaid the account and that there was due him from the plaintiff the sum of P2.51, and presented several exhibits to sustain this contention. These exhibits were made up of various receipts. By reference to these exhibits or receipts it will appear, for example, that Exhibit 1, which was a receipt signed by the plaintiff for the sum of P195.70, was a receipt given for goods sold and delivered in the month of July, 1902, whereas the account upon which the plaintiff sues in the present case was not contracted until the 12th of August, 1902. It will be seen, therefore, that this receipt was given for other goods, wares, and merchandise sold before the date of the sale of the merchandise for which the present action is brought.

An examination of the Exhibits Nos. 1 to 10, inclusive, will also demonstrate the fact that they were receipts for goods sold and delivered in the month of February, 1902, about eight months before the sale of the goods constituting the basis of the present action. The defendant also presented a receipt marked "Exhibit No. 15" for the payment of certain goods, wares, and merchandise, but upon examination it will be seen that this receipt also was for goods sold and delivered prior to the 12th day of August, 1902. Exhibit No. 16 is a receipt dated the 4th day of August, 1902.

The plaintiff gave the defendant credit for payment on the original account for goods sold and delivered on the 12th day of August, 1902, in the sum of P700. The defendant presented receipts marked Nos. 11, 12, 13, and 14, each being a receipt for the sum of P200, except Exhibit No. 14, which was as receipt for P100, making in all the sum of P700. There is no proof other than these receipts showing that the defendant had paid more than the sum of P200 upon the said account, leaving a balance of P854.24.

We are unable to understand upon what theory the lower court arrived at his conclusion that there was due and unpaid on said account the sum of \$691, Mexican, which reduced to Philippine currency amounted to P600.87. However, the plaintiff did not appeal from the judgment of the lower court and has presented no question here with reference to the amount of the judgment rendered by the lower court.

There being no sufficient reason shown by the appellant why the amount of the judgment of the lower court should be changed, and the plaintiff not having appealed, the judgment of the lower court is affirmed, with costs.

Arellano, C. J., Torres, Carson, and Moreland, JJ., concur.

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.