

**PHILIPPINE EDUCATION CO., INC., PLAINTIFF AND APPELLANT, VS.
HOMOBONO A. AGUILING AND GREGORIO AGUILING Y ADVINCULA,
DEFENDANTS AND APPELLEES.**

G. R. No. 40447. August 30, 1934

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V. ALBERT, CLERK, SUPREME COURT, P.I.

This court having regularly acquired jurisdiction for the trial of the above-entitled cause submitted by both parties for decision, after consideration thereof by the Court upon the record, its decision and order for the judgment having been filed on the _____ 1st _____ day of _____ August _____, A. D. nineteen hundred and _____ thirty-four _____;

By virtue thereof and the resolution of this Court of August 14, 1934, it is hereby adjudged and decreed that the order of the Court of the First Instance of _____ Capiz _____, dated the _____ 29th _____ day of _____ May _____, nineteen hundred and _____ thirty-three _____, and from which the above-entitled appeal was taken, be, and the same is hereby, reversed and it is ordered that the defendants pay the plaintiff jointly and severally the sum of P7,668.90, with interest at 6% annually from February 4, 1932, the date of the filing of the complaint, plus 10% of said sum as penalty, and the costs in both instances; and if within 90 days from notice of the resolution of this Court dated August 14, 1934, the defendants fail to pay said plaintiff the said amount, the properties described in the mortgage executed on December 7, 1929, shall be sold on accordance with law and their proceeds applied to the payment of the same.

It is further ordered that _____ the plaintiff _____ recover from _____ the defendant _____ the sum of P__100.00__, as costs.

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