

ANTERO CAGANDA, PLAINTIFF-APPELLANT, VS. APOLONIO SADANG, DEFENDANT-APPELLEE.

CA-G.R. No. 425. May 29, 1946

Ponente: BENGZON, J.

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BENGZON, J.:

This litigation, forwarded on appeal by the court of first instance of Camarines Sur, involves a loan of three hundred pesos (P300) made lay plaintiff Antero Caganda to the defendant in June, 1930, and the fruits of the latter's coconut land delivered to plaintiff on the same date, which fruits he undertook to apply to the satisfaction of the credit, plus interest at six per cent. It is admitted that he kept and used the realty up to the end of 1937; and that in 1938 defendant took over without his consent. On February 25, 1939, he instituted this collection suit. Defendant, in reply, averred the credit had been more than repaid.

When the case was called for hearing in the court below, plaintiff at first chose to present no evidence on his behalf, relying upon the pleadings. Defendant, corroborated by his wife, testified, in substance, that during the years in which plaintiff enjoyed possession of that parcel, the coconuts gathered by him amounted to nine hundred fifty nine (959) pesos, which, if imputed to the indebtedness, would result in a claim for 524 pesos against plaintiff.

Declaring on rebuttal, plaintiff was made to tell about the total value of the products received by him, and submitted Exhibit G, containing notations as to the number of coconuts and the value thereof, namely, 19,734 nuts, worth P178.57.

The trial judge, discrediting defendant's assertions, elected to abide by Exhibit G, and found that plaintiff had actually harvested 19,734 coconuts selling at P203.66. Judgment, therefore, was rendered against defendant for the balance of P198.76, with interest and costs. Plaintiff took exception; and here he pleads for reversal or modification of the award.

He argues, first that he should not have been required to answer cross-questions about the value of fruits collected by him, because he did not talk about the same in his direct examination. Then he concludes that, if his evidence is excluded, and defendant's rejected, as was done by His Honor, there would be no proof of any payment and the original loan, plus interest, should consequently be demandable.

Should we sustain this technical point, and disregard Exhibit G, there would be no proof contradicting defendant's declarations under oath, which will then have to be accepted; and as defendant interposed no appeal, confirmation of the judgment would perforce ensue. But, in reality, there was no such technical error, as appellant himself voluntarily submitted Exh. G.

It may be stated, in this connection, that the trial judge rightly rejected defendant's calculations of his land's total production during the years 1930-1957, because if it were true that he and his wife had kept notes (Exh. 1), according to which his property had yielded four hundred pesos up to the end of 1931, there would be no valid

explanation for defendant's letter (Exh. F-1) dated November 8, 1936, wherein he says to plaintiff:

"I wrote you these few words about my 'prenda' to you. Because I am utterly broke now, this parcel of mine that I have ceded to you as 'prenda' is delinquent in the payment of taxes. xxxxxxxx So, Tero, Macay, because of my entire confidence in you, husband and wife, and that I do not doubt that you are my brothers, I entreat you, I cast away shame and fear, I forced my will, to ask you to let me have the products this time of my 'prenda' to you, let me convert it into copras, xxx"

Appellant's second contention is that, upon the basis of the data appearing on Exhibit G, he should recover a greater sum. We find this to be meritorious, after going over and checking his computation, which meets with our approval:

“Year

Principal

Interest

Total

Products

Balance

1930

P300.00

P 9.00

P309.00

P 26.00

P283.00

1931

283.00

16.98

299.98

49.08

250.90

1932

250.90

15.05

265.95

26.98

238.97

1933

238.97

14.34

253.31

21.20

232.11

1934

232.11

13.93

246.04

18.78

227.26

1935

227.26

13.64

240.90

5.12

235.78

1936

235.78

14.15

249.93

15.03

234.90

1937

234.90

14.09

248.99

16.38

232.61”

Hence, if at the beginning of the year 1938, plaintiff's credit was P232.61, it follows that on February 25, 1939, when the complaint was filed, this sum increased, at six per cent Interest, to P248.69.

Consequently, the appealed decision will be modified by ordering appellee to pay appellant this sum of f248.69, plus legal interest from the filing of the complaint, plus costs in both instances.

So ordered.

Ozaeta, De Joya, Perfecto, and Hilado, JJ., concur.

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