

CONCEPCION PINON, PLAINTIFF-APPELLEE, VS. CONSUELO ZAFRA ET AL., DEFENDANTS. BRAULIO LUBUGUIN, JULIAN SANTAMINA AND CRISPINA ARROYO, DEFENDANTS-APPELLANTS.*G.R. No. 47805. November 19, 1941*

Ponente: MORAN, J.

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On December 22, 1932, plaintiff Concepcion Pifion instituted against defendants Julian Santamina, Crispina Arroyo and Gonzalo Cawil an ordinary civil action for the recovery of a loan of P1,000 which was docketed as civil case No. 43432 of the Court of First Instance of Manila. This loan was secured by a mortgage on several parcels of land which was executed by Cawil as attorney-in-fact of the spouses Julian Santamina and Crispina Arroyo. On default of the defendants, judgment was rendered for the plaintiff and a writ of execution was levied on five parcels of land covered by certificates of title Nos. 2283, 2427, 2429, 2474 and 2479. Those parcels were, at public auction, awarded to plaintiff as the highest bidder and no redemption having been effected within the statutory period, the provincial sheriff of Laguna executed an absolute deed of sale thereof in her favor. Plaintiff thereafter sought registration of this deed with the register of deeds but it was refused for her failure to deliver the certificates of title, which then were in the possession of the defendants. Plaintiff there-upon sought an order from the Court of First Instance of Laguna to compel defendants to deliver the certificates to the register of deeds and on denial of her petition, she instituted the present action to recover possession of the lands in question. From a judgment in her favor, defendants took the present appeal.

Appellants contend that the judgment of the Court of First Instance of Laguna in civil case No. 43432 for recovery of a loan is null and void for want of jurisdiction over the subject matter of the action and over the persons of the defendants therein. The alleged want of jurisdiction rests upon the theory that the power of attorney executed by Julian Santamina and Crispina Arroyo in favor of Gonzalo Cawil by which the latter was authorized to mortgage or sell with the right of repurchase the lands in question does not carry with it authority to borrow money; and that as a matter of fact such power of attorney had been revoked prior to the taking of the loan. Both of these pretensions are frivolous. Whether Gonzalo Cawil had or had no authority to borrow from the plaintiff the sum of ^1,000 in virtue of his power of attorney or whether that power of attorney was still good at the time of the transaction, is a matter of defense which the defendants Julian Santamina and Crispina Arroyo had every opportunity to present in civil case No. 43432 for recovery of the loan, and can, in no sense, affect the jurisdiction of the court over the subject matter and over the persons of the defendants therein. The amount of the loan sought to be recovered was within the jurisdiction of the court, and by the filing of the complaint by the plaintiff and by the service of summons upon the defendants the court acquired jurisdiction over the persons of both parties. Where the court has jurisdiction over the subject matter of the action and over the persons of the parties, it has authority to try and decide the case, and its decision is valid regardless of whether or not it is erroneous. And where a valid decision has become final because no appeal has been taken therefrom within the reglamentary period, the same with all its errors becomes binding and may validly be executed.

Judgment is affirmed, and as the instant appeal is manifestly frivolous, double costs are hereby charged against counsel for the appellants.

Abad Santos, Diaz, Horrilleno, and Ozaeta, JJ., concur.

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