

CANUTA GUERRERO, PLAINTIFF AND APPELLEE, VS. EULALIO SINGSON ET AL., DEFENDANTS AND APPELLANTS.

G.R. No. 6365. March 18, 1911

Ponente: CARSON, J.

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CARSON, J.:

Judgment was entered in the court below adjudicating the right of ownership of the land described in the complaint in favor of the plaintiff.

Upon a careful review of the whole record, we are of opinion that the evidence of record sustains the material allegations of the complaint, and that the special defense set up by defendants, wherein they claim the right of possession of the land in question, is not satisfactorily established by the evidence introduced by them at the trial.

In regard to the assignments of error based on the action of the court below in proceeding to the premises in dispute and there examining the lines and boundaries set out in the pleadings, it is sufficient to say that where the record discloses, as it does in this case, that a party to a civil action has offered no objection to a particular mode of procedure adopted by the lower court, tacitly assenting thereto or formally acquiescing therein, he will not be heard to raise an objection on this ground for the first time in this court.

Twenty days hereafter let judgment be entered affirming the judgment of the court below with the costs of this instance against the appellants, and ten days thereafter let the record be returned to the court wherein it originated. So ordered.

Arellano, C. J., Mapa, Moreland, and Trent, JJ., concur.

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