

NARCISO R. LACUNA AND FELISA P. LACUNA, PETITIONERS, VS. THE HONORABLE INTERMEDIATE APPELLATE COURT AND CEFERINA S. ARGALLON, RESPONDENTS.

G.R. No. 69027. May 29, 1987

Ponente: PARAS, J.

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PARAS, J.:

In a criminal case[1] brought against herein petitioner Narciso R. Lacuna before the Court of First Instance (CFI for short), now Regional Trial Court of Manila, Lacuna was accused of falsely selling to herein private respondent Ceferina Argallon (complainant therein) his rights to a house and lot located in Project 4, Quezon City for the sum of P5,000.00. After the usual preliminary investigation, trial was held with the CFI eventually acquitting Lacuna with an express finding that the fact from which the civil liability might arise did not exist.

In a civil case subsequently filed against Lacuna and his wife, Felisa P. Lacuna (his co-petitioner herein) the spouses were absolved from any liability, the CFI making use of the reference adverted to in the decision in the criminal case re the non-existence of any causative fact for liability.

On appeal the Intermediate Appellate Court (IAC), now the Court of Appeals[2] (CA) affirmed the judgment of the trial court. The decretal part of the IAC decision reads:

"WHEREFORE, finding no reversible error in the decision appealed from, it being consistent with the facts and law applicable, the same is hereby AFFIRMED in toto.

Costs against the plaintiff-appellant.

SO ORDERED."

(p. 55, Rollo)

However, on a Motion for Reconsideration, the IAC thru Mr. Justice Porfirio Sison, reversed itself, and made the LACU-NAS civilly liable. The Motion for Reconsideration of the re-versal having been denied, the LACUNAS filed the instant petition for certiorari (actually a petition for review), which We find impressed with merit.

In the aforementioned assailed resolution, the IAC ruled (in reversing itself) that the LACUNAS are civilly liable because Narciso Lacuna had signed a receipt couched in the following terms:

"Received the sum of P5,000.00 from Mrs. C. Argallon as payment of right of the house and lot in E. Evangelista St., Project. no. 4." (Exhibit "E") (p. 6, Decision, CA)

We note however that the receipt was merely a simulated one to accommodate Argallon (so that she could pretend to her Chinese capitalist Chua Simeon, that she, Argallon, had really purchased a storage place for the sacks which consti-tuted the business engaged in by her and the Chinese boyfriend).

We cannot give Our judicial imprimatur to the reversing resolution of the IAC. While factual findings of the IAC

are generally binding on Us, one notable exception is when there are erroneous inferences made from facts apparently proved.

In the instant case there are matters evidencing wrong inferences by the IAC. For instance the receipt itself should not be considered the equivalent of a deed of sale of realty. The alleged price of P5,000.00, although comparatively inadequate for the purchase of a house and lot in Project 4, Quezon City, was still in 1961 quite a sizeable amount, and businesswoman that she was, Argallon would not have accepted a mere receipt for such an important transaction. The receipt cannot of course even be the basis of the registration of the purchase in the Registry of Property. For another, the words "San Juan, Rizal" were crossed out in the receipt. Why? Argallon said (at the preliminary investigation) that this was because payment was effected by her inside the Security Bank branch at Sta. Mesa Boulevard, where she had intended to obtain the money on the same day. Said date however was a SUNDAY, and not therefore a banking day. At the trial itself, Argallon said the receipt was given in the warehouse of the NARIC Branch also on Sta. Mesa Boulevard. The fact of the matter is that the receipt was given in San Juan, Rizal (with no money changing hands precisely because of the intended simulation.)

Then there is the un rebutted allegation of Narciso that he and Argallon had a live-in relationship for several years. This explains why Narciso accommodated Argallon. No wonder the trial court in the criminal case not only acquitted Narciso but also categorically stated that the fact from which the civil liability would arise does not exist.

WHEREFORE, the IAC resolution dated July 20, 1984 is SET ASIDE, and a new one is hereby rendered reinstating the IAC decision dated January 17, 1984.

SO ORDERED.

Fernan, (Chairman), Gutierrez, Jr., Padilla, and Cortes, JJ., concur.
Bidin, J., no part, I participated in the appealed decision.

[1] Criminal Case No. 69027.

[2] Penned by Court of Appeals Justice Porfirio V. Sison (Ponente), with Justices Abdulwahid A. Bidin, Marcelino R. Veloso, and Desiderio P. Jurado, concurring.

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