

FRANCISCO T. RAMOS, PLAINTIFF AND APPELLEE, VS. JUAN ABRAHAM, JR., DEFENDANT AND APPELLANT

G. R. No. 8593. September 11, 1914

Ponente: JOHNSON, J.

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JOHNSON, J.:

FRANCISCO T. RAMOS, PLAINTIFF AND APPELLEE, VS. JUAN ABRAHAM, JR., DEFENDANT AND APPELLANT

body { font-family: Verdana, Geneva, Arial, helvetica, sans-serif; font-size:80%; background-color:#FFFFFF; margin:0 2% 0 2%; text-align: justify; } h1 { font-family:times; } h2 { background-color:#cccccc; padding:10px 0 10px 0; font-weight: bold; text-align: center; } h3 { font-weight: bold; text-transform: uppercase; text-align: center; } div#footer { font-size:9px; }

The present action was commenced in the Court of First Instance of the Province of Cebu, on the 29th of April, 1912. Its purpose was to recover of the defendant the sum of P15,000.00, with interest and costs, being the balance of an amount due from the defendant to the plaintiff, for a certain amount of sugar which had been delivered by the plaintiff to the defendant, between the 1st of January, 1912, and the 31st of March, 1912.

The defendant answered, denying generally all of the facts contained in the petition and also setting up several special defenses and a counterclaim against the plaintiff.

After hearing the evidence adduced during the trial of the cause, the Honorable Higinio Benitez, in a carefully prepared opinion in which the facts are set out in detail, reached the conclusion that the defendant was indebted to the plaintiff in the sum of P5,861.20, with legal interest, from the 29th day of April, 1912, the date on which the present action was commenced. From that decision, the defendant appealed to this court and made a number of assignments of error, each of which present questions of fact only. Upon the questions of fact presented, we have made a careful examination of the record and, while there is some contradiction found in the testimony of the plaintiff and the defendant, we have reached the conclusion that the preponderance of the evidence clearly sustains the conclusions of the lower court. Its judgment is, therefore, hereby affirmed with costs.

It is so ordered.

After the expiration of 20 days from the date hereof let judgment be entered in accordance herewith, and 10 days thereafter let the record be returned to the court from whence it came, for execution.

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