

**LUIS RIVAYA, PLAINTIFF AND APPELLEE, VS. FELIX SAMSON,
RAFAEL VILLANUEVA, ANICETO G. MEDEL, DEFENDANTS. FELIX
SAMSON, APPELLANT.**

G.R. No. 9003. December 03, 1914

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-9003/>

JOHNSON, J.:

The plaintiff commenced the present action on the 23d day of March, 1911, in the Court of First Instance of the Province of Albay, to recover the possession, as owner, of three parcels of land, more particularly described in the second paragraph of the complaint, together with damages for the illegal detention of the same.

To the complaint each of the defendants filed a separate answer. The defendant Rafael Villanueva, in his answer, recognized the rights of the plaintiff to the land in question.

The defendant Aniceto G. Medel answered, stating that he was ignorant of the respective rights of the plaintiff and of the defendants, Villanueva and Samson, and prayed the court to make an investigation, for the purpose of ascertaining who was the real owner of the land, as between the said parties.

The defendant Felix Samson, in his answer, alleged that he was the owner of certain parcels of land located in the same sitio as the land which the plaintiff was attempting to recover and prayed that he be relieved from any responsibility under the complaint.

Upon the issue thus formed, the cause was brought to trial on the 21st of February, 1912. It appearing from the allegations of the petition and answer that the only question presented to the court was one relating to the identity of the lands in question, the parties agreed to the appointment of a commissioner for the following purposes:

"1. To prepare a map or plan of the land showing each of the parcels as well as their metes and bounds and their respective areas.

"2. To examine witnesses and take in writing their testimony as to the several parcels of land and as to whom they belonged at the public sale that was had.

"3. To determine whether or not the land which Felix Samson states in his answer was bought by him is the same land described in the complaint of plaintiff Luis Rivaya; and

"4. To set forth in his report all those facts the insertion whereof the parties may request in writing."

It was further agreed that the court should appoint Mr. Jose Sarte of the pueblo of Ligao, Province of Albay, as said commissioner, for the purpose of making an investigation and to report as soon as possible upon the questions submitted to him.

It was further agreed that the court should render a final judgment upon the report of the said commissioner.

On the 19th day of August, 1912, the said commissioner made his report. To that report, the defendant, Felix son,

objected and moved that the court order the said commissioner to make a further investigation and another report. The court granted the objection and the motion of the defendant Samson.

On the 28th day of September, 1912, the said commissioner made his second report. To the second report the defendant Samson also objected. The lower court, after hearing the arguments of the defendant Samson to the second report, overruled said objection and rendered a decision upon the facts stated in said second report of said commissioner.

The lower court found, from the facts stated in said second report, that the plaintiff was the owner and entitled to the possession of the three parcels of land described in his complaint and ordered the defendant Samson to return to the plaintiff said parcels of land and to pay the costs. From that decision the defendant Samson appealed to this court and made several assignments of error.

The appellant devotes much space in his brief in attempting to show that the lower court committed an error in basing his judgment upon the report of the commissioner. It is true that the commissioner was not appointed in accordance with the provisions of the Code of Procedure in Civil Actions. (Sees. 135, 136.) Nevertheless, the record shows that he was appointed by agreement of the parties. The record also shows that the parties agreed that the judge should base his decision upon the facts stated in the report of said commissioner. While the appellant attempts to show that the commissioner did not consider all of the proof which he presented, yet he does not attempt to show that, even if the proof had been considered by the commissioner and had been presented to the court, that it would in any manner have changed the result. The mere fact that the commissioner considered unimportant some of the proof which the appellant presented, which the appellant thought was important, is not sufficient to justify a reversal of the judgment, unless and until it is shown that such proof was in fact important and sufficient to overcome the evidence admitted. The appellant makes no effort to show, admitting that all of the proof had not been taken into consideration by the commissioner, that it was sufficient to counter balance the proof which the commissioner did consider.

Some argument was adduced during the consideration of the cause to the effect that, inasmuch as the commissioner had not been appointed in accordance with the provisions of the Code of Procedure in Civil Actions, all of his acts were null and that the cause should be reversed on that account. It is a well-known fact that in many of the provinces of the Philippine Islands the courts are called upon to consider questions relating to the title of lands which are situated a great distance from the capital of the province where the court is held, The method adopted in the present case is one of great convenience to the court, as well as to the parties litigant. To require witnesses to travel a great distance for the purpose of giving their testimony in court, when, by the appointment of a commissioner, their testimony may be taken in the community where they reside, would be a matter of great inconvenience to them, and not only to them but to the parties litigant. For the reason that the parties agreed that the testimony should be taken before a commissioner and that the court should base his conclusions upon the report of said commissioner, we find no good reason for reversing or modifying the decision of the court, simply because one or the other of the parties is not satisfied with the report of the commissioner.

We find nothing in the record which justifies a modification or reversal of the judgment of the lower court. The same is therefore hereby affirmed, with costs.

Arellano, C. J., Torres and Araullo, concur,

CARSON, J., with whom concurs TRENT, J., concurring:

I concur on the ground that the facts set forth in the so-called commissioner's report were facts stipulated by the parties upon which the case was submitted for judgment.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.