

FELICIANO LEGASPI, PLAINTIFF AND APPELLEE, VS. EUSEBIO PADDIT, DEFENDANT AND APPELLANT. AND

G. R. Nos. 15572 and 15573. September 24, 1920

Ponente: MOIR, J.

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MOIR, J.:

These two cases were tried together in the Court of First Instance of the Province of Nueva Ecija. Both of them relate to lands which were claimed by the plaintiff, but there is no proof that they are the same lands, and the records show that they are entirely different causes of action. We can see no reason for having accumulated these two cases.

In the first case Feliciano Legaspi alleged that he was the owner of a certain parcel of land described in his complaint; that he agreed with the defendant Eusebio Paddit to exchange two hectares of this land for a carabao, and that the exchange was made, but they agreed to cancel their contract, and each one was to be given possession of his property; that the carabao was returned to defendant by the plaintiff, but the land was not returned by the defendant Paddit to plaintiff.

The defendant, Paddit, denied all the allegations of the complaint, and alleged that the plaintiff, by means of fraud, persuaded the defendant to lend him a carabao with the promise that he would give defendant a portion of his land, but that defendant having given the carabao to him, the plaintiff used it for four months without giving defendant possession of the land; that, in view of this fact, he took

back his carabao, and that the land now claimed by the plaintiff was not the land which they agreed should be exchanged, but is another tract which the defendant has had for fifteen years.

The court found for the plaintiff as to the two hectares of land, and ordered defendant to return it to the plaintiff, with damages, and defendant, appealed.

One brief was filed for the two cases.

The only error assigned in the first case is as follows:

"First. El Juzgado a quo erro al declarar que el terreno cuestionado en la causa civil No. 1459 en que es demandado Eusebio Paddit, es el objeto del contrato de permuta entre el demandante y el demandado Paddit, Exhibit A de la citada causa."

The other action sets out that the two defendants named therein on the 15th of June, 1915, received from plaintiff "en concepto de comodato" a portion of land of two hectares situated in Abar, municipality of San Jose, Nueva Ecija, and that the defendants refused to return it to plaintiff when requested to do so.

The defendants in that case denied all the allegations of the complaint, and alleged ownership of the property described in the complaint for twenty years.

The court declared that plaintiff owned the land described in this second action, and ordered defendants to return

it, with damages and costs, and they appealed.

The attorneys for the defendants set up two errors committed in the second case by the trial court, as follows:

"Second. El Juzgado a quo erro al declarar que los terrenos cuestionados estan incluidos en las escrituras marcadas Exhibits B y D.

"Third. El Juzgado a quo erro al denegar la mocion de nueva vista bajo el fundamento de que las pruebas no justifican la decision dictada en ambos expedientes, y al no absolver a todos los demandados."

The only questions involved in these two sections are questions of fact; that is, the identity of the lands sought to be recovered in each case with the lands which plaintiff alleges he gave to defendant in the first case and which defendants in the second case admit they received from plaintiff, but allege had been returned to him.

The principal argument of defendants is that defendants' possession of the land long prior to the date of the contract with plaintiff is proven by certain land tax declarations filed as exhibits.

These declarations do not help their case any, for the reason that the descriptions appearing in them do not agree with the description of the land they claim.

The Court of First Instance seems to have had some doubt as to the description and location of the lands in these two suits, for an order was issued to the justice of the peace of San Jose to go to the lands, with the parties, and to hear their evidence on the ground, and make a report to court. This he did and also made a small map of the land, which agreed with the contention of the plaintiff, and the justice of the peace was then called to testify. The court evidently based its decision largely on the evidence and report of the justice of the peace.

The question naturally arises if the lands claimed by plaintiff are not the lands which defendants received from him why were the lands which defendants in the second case admit they got from plaintiff, and which one of them says was only 300 meters, and the other 500 meters, distant, not pointed out to the commissioner. One of them says the justice of the peace did not ask him to point it out. These defendants seem intelligent enough, judging from their evidence, and we do not think this excuse sufficient.

No sufficient reason has been presented on appeal for reversing the judgments of the court below, and they should be, and hereby are, affirmed, with costs.

We desire to call attention, however, to the fact that there are three different civil records filed in this case as exhibits: That of the Land Case No. 248 of Domingo Tomas; Land Case No. 168 of Crispulo Medina; and Land Case No. 126 of Crisanto Sanchez, all of the Court of First Instance.

Any matter belonging to other records, which the parties wish to present as evidence, should be presented by certified copies. Parties have no right whatever to take court records, which belong to the Government and are held for the benefit of the original litigants, and present them as exhibits in their cases, in order to save the small expense of getting copies certified. It makes bulky records in this court, and serves no useful purpose.

This practice the courts should not permit under any circumstances.

One copy of this decision will be attached to each record. So ordered.

Mapa, C. J., Johnson, Araullo, Malcolm, Avanceña and Villamor, JJ., concur.

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