

SIA SIMEON VELEZ, PLAINTIFF AND APPELLANT, VS. RAMON CHAVES ET AL., DEFENDANTS; RAMON CHAVES, APPELLEE.*G.R. Nos. 26598 and 26599. September 17, 1927*

Ponente: STREET, J.

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These two actions were instituted separately in the Court of First Instance of the Province of Misamis by the respective plaintiffs, Sia Simeon Velez and Go Ana, the latter as administrator of the estate of Go Pioco, for the purpose of recovering from Ramon Chaves and his son Salvador B. Chaves the amounts claimed in the two complaints, with damages, interest, and costs. The cases were heard together and were disposed of in the lower court in a single opinion in which the court absolved Ramon Chaves but gave judgment in favor of the plaintiffs against Salvador B. Chaves in the respective amounts of P5,262.45 in the first case, and P9,980.20 in the other, both with interest and costs. Salvador B. Chaves appears to have acquiesced in the decision against himself; but the plaintiffs in the two causes obtained a rehearing as against Ramon Chaves, with the result that the case against him was tried again and decisions were again made absolving him from the complaints, with costs. From this judgment the plaintiffs appealed.

It appears that in the year 1920 and prior thereto Salvador B. Chaves was engaged in business as a merchant in Cagayan, Misamis, and as such had contracted debts to the plaintiffs for merchandise to the value claimed by them. Salvador B. Chaves was unsuccessful in this venture, and he became insolvent, with the result that the plaintiffs have been unable to secure satisfaction from him. Ramon Chaves appears to be the father of Salvador B. Chaves, and being a man of means, the plaintiffs' claims could be made out of him if he could be held liable for the obligations contracted by the son.

The plaintiffs contend that the business run by Salvador B. Chaves was really owned by the father, Ramon Chaves, or at least that the debts contracted by Salvador B. Chaves were contracted with the express assent of Ramon Chaves. In this connection the plaintiff Velez exhibits a chit, dated April 13, 1920, payable to Velez at thirty days, and signed "Ramon Chaves, Por S. B. Chaves." In addition to this it is shown that Ramon Chaves at different times paid the sum of P200 to the plaintiff Go Pioco.

Upon examining the proof we find nothing that would indicate that the trial judge has made any error in absolving the appellee. On the contrary, the proof in our opinion falls far short of sustaining the thesis of the appellants to the effect that the appellee is liable for his son's debts. Undoubtedly the appellee, as father of Salvador B. Chaves, took an interest in his son's financial affairs; and in 1920 he appears to have advanced over P30,000 to cover civil liability incurred by Salvador to the Philippine National Bank. In consideration of the money thus paid Salvador made a transfer of most or all of his property in favor of his father. The father also appears to have held out hope to the plaintiffs that something might be evolved out of the situation for them. But the proof does not show that Ramon Chaves was either primarily liable or that he ever assumed his son's debts. The case was tried twice in the Court of First Instance, and we think that the testimony was properly appreciated, and without any error prejudicial to the plaintiff's.

In the first assignment of error it is claimed that the court committed error at the second trial in refusing to allow the plaintiffs to introduce other proof in addition to Exhibits V and Z. What the proof is that the attorneys wanted to introduce is not brought before us; and although the court may have made a theoretical mistake, yet his Honor cannot be put in error without there being before us the proof which was desired to be introduced, for without an offer of the proof intended to be submitted, we are unable to say that it would have been material.

The judgment appealed from will be affirmed, and it is so ordered, with costs against the appellants.

Avanceña, C. J., Johnson, Malcolm, Villamor, Johns, and Villa-Real, JJ., concur.

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