[G.R. No. 2382. April 05, 1906]

ARSENIO JIMENEZ, PLAINTIFF AND APPELLEE, VS. JULIO JAVELLANA, ADMINISTRATOR OF THE ESTATE OF MAXIMO JALANDONI, DEFENDANT AND APPELLANT.

D E C I S I O N

JOHNSON, J.:

This was an action brought by the plaintiff against the defendant to recover the sum of 648 pesos for professional services rendered to Maximo Jalandoni during his last sickness. The claim was presented to a commission appointed under sections 773-776 of the Code of Procedure in Civil Actions. The said commission disallowed many of the items of the claim of the plaintiff. From the decision of the commission the plaintiff appealed to the Court of First Instance of the Province of Iloilo. The judge of the Court of First Instance, after hearing the evidence adduced during the trial of said case, rendered a judgment in favor of the plaintiff in the sum of 581.81 pesos. From this decision the defendant appealed to this court. The plaintiff asks for a confirmation of the decision of the inferior court.

During the trial the plaintiff showed by competent witnesses the following facts:

First. That he had been employed by the deceased, Maximo Jalandoni, as a physician to render professional services during the last sickness of the latter. Second. That he performed the services which were itemized and set out in his complaint.

Third. That the charges for the services as there itemized were reasonable.

The defendant attempted to prove that the plaintiff had not been employed by the said deceased and that the plaintiff had not performed the services itemized in his account. An examination of the evidence adduced during the trial convinces us that there is a great preponderance of evidence in favor of the claim of the plaintiff. The judgment of the inferior court is therefore hereby affirmed with costs. After the expiration of twenty days let final

judgment be entered and ten days thereafter let the case be remanded to the lower court for proper procedure. So ordered.

Arellano, C. J., Torres, Carson, and *Willard, JJ.,* concur.

Mapa, J., did not vote.

Date created: April 29, 2014