

3 Phil. 258

[G.R. No. 1408. January 25, 1904]

**MACARIO DE LEON, PLAINTIFF AND APPELLEE, VS. ANASTASIO NAVAL,
DEFENDANT AND APPELLANT.**

D E C I S I O N

MAPA, J.:

All the questions raised by the appellant in his brief concern to weight given by the judge below to the evidence introduced by the parties at the trial. Even the citation of article 1280 of the Civil Code in the assignment of errors attached to the brief is made not for the purpose of discussing the validity or legal effect of the contract of loan upon which the action is based—and consequently this aspect of the case can not be dealt with in our decision— but for the sole and exclusive purpose of showing the insufficiency of the evidence to support a finding that such a loan was ever made.

In summing up his contentions the appellant says: “As the evidence¹ is not of sufficient weight to prove the fact upon which the evidence was offered, the conclusion of the court below that the evidence shows that the defendant is liable for an amount for which judgment was rendered against him is without legal foundation.”

No motion having been made for a new trial in the court below and the case not falling within any of the other exceptions expressly established in section 497 of the Code of Civil Procedure, it is useless to raise questions such as those presented by the appellant, for the law does not give us authority to review the evidence, and the findings of the court below are therefore final and irrevocable, even though they may have been erroneous or unjust.

The jurisdiction of this court in civil cases submitted to it for its decision by a bill of exceptions is, as a general rule, limited to deciding questions of law arising from the facts found by the court below and which are expressly presented by the bill of exceptions, it being assumed, for the purpose of the discussion, that the facts are as found. It is only as an exception, and this solely in the cases above mentioned, that the evidence can be reviewed by the appellate court. With the exception of these cases it is the exclusive province of the court below to weigh the evidence and make findings as to the facts established thereby. His judgment in this respect is absolute and final.

The court below in its decision finds as a fact that the plaintiff delivered 1,500 pesos to the defendant as a loan, and that the evidence shows that the defendant still owes the plaintiff the sum of 1,125 pesos demanded in the complaint.

Taking these facts for granted, the obligation of the defendant to pay the said sum to the plaintiff is self evident. (Civil Code, art. 1753.) The decision of the court below by which the judgment is ordered against the defendant for that amount is therefore without error.

For the reasons stated, the judgment appealed from is affirmed with the costs of this instance against the appellant. Judgment will be entered accordingly twenty days after the date of the filing of this decision and the case remanded to the trial court. So ordered.

Arellano, C. J., Torres, Cooper, Willard, McDonough, and Johnson, JJ., concur.
