

[G.R. No. L-6317. October 25, 1954]

**RUFO SALVADOR, PLAINTIFF AND APPELLANT, VS. ISIDRO ROMERO, ET AL.,
DEFENDANTS AND APPELLEES.**

D E C I S I O N

JUGO, J.:

The Court of First Instance of Laguna issued an order on December 14, 1950, which reads as follows:

“ORDER

“Upon

motion to set for trial of plaintiff, dated November 9, 1950, the above case was set for December 14, 1950 as shown from the notice of hearing of November 22, 1950 and on the date set, Atty. Concordia for the defendant filed a motion for postponement to which Atty. Raya gave his conformity; alleging among other things that he failed to receive a copy of the notice. When this case was called for hearing today, both attorneys, and parties failed to appear, and the Court finding that said petition to postpone to be without merit, the same is hereby denied, The Court also discovered that the property involved in the present case had already been the object of final decision of the Court of Appeals in Civil Cases Nos. 9079 and 9080 of this same Court where the parties in said cases are the same parties in the above case as well as the cause of action, and for which this Court has no valid reason for a further postponement except an outright dismissal on the merits. The above case is therefore dismissed without special pronouncement as to

“So Ordered.

“Biñan, Laguna, December 14, 1950

(Sgd.) NICASIO YATCO

Judge“

The plaintiff filed a motion for reconsideration of said order which was denied. He appealed to the Court of Appeals, but the case was transmitted to this Court on the ground that no question of facts are raised.

The plaintiff-appellant should not have assumed that his motion for postponement would be necessarily granted by the court even though the defendant-appellees had given their conformity to the postponement.

Hence, there was no excuse for his non-appearance at the trial on the date set. It is not for the parties to postpone the trial of cases for it is the policy of the courts to expedite the disposal of cases to prevent delay. The trial of cases should not be delayed, if possible, by motions for postponements even with the conformity of the adverse party. Attorneys cooperate with the courts in the prompt trial of cases by refraining: from the filing of motions for continuance unless there are sufficient and strong reasons for them.

The appellant lays stress on the fact that the court in its dismissal of the case mentioned certain cases of the Court of Appeals which constituted *res adjudicata* of the case then pending.

The trial court did not err in doing so because it was the purpose of the court to see that, after all, no prejudice was caused to the plaintiff by the dismissal, as the case had already been finally decided and there was no substantial merit on the part of the plaintiff. The trial court could take judicial notice of the decisions of the Court of Appeals which affected the case then pending.

In view of the foregoing, the order appealed from is affirmed with costs against the appellant. So ordered.

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Paras, C. J., Pablo, Bengzon, Padilla, Montemayor, Reyes, A., Bautista Angelo, Concepcion, and Reyes, J. B. L., JJ., concur.

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