

**Title:** Lazara R. Bien vs. Pedro Beraquit, 94 Phil. 798 (1954)

**Facts:**

1. **Background and Residency Allegations:**

Lazara R. Bien filed a petition for quo warranto against Pedro Beraquit, challenging his eligibility for the office of mayor of Malilipot, Albay, alleging that Beraquit was a resident of Baras, Catanduanes, and had not resided in Malilipot for the required six months prior to the elections of November 13, 1951.

2. **Procedural Posture and Initial Petition:**

- **Filing and Immediate Summons:** The Court of First Instance of Albay received the petition on November 19, 1951, and ordered an immediate summons to Beraquit, setting a hearing for December 4, 1951.

- **Service Attempts:** The summons was directed to both Beraquit's Baras and Malilipot residences. Neither summons was successfully served due to Beraquit's absence or refusal by those present.

- **Substituted Service:** Substituted service was conducted by leaving a copy of the summons at his residence.

3. **First Hearing and Continuance:**

- **Non-Appearance:** Beraquit and his counsel did not appear, nor did they file an answer.

- **Adjournment:** The court rescheduled the hearing to December 7, 1951, again attempting service, which failed under similar circumstances.

4. **Evidence Presentation and Initial Decision:**

- **Ex-Parte Evidence Submission:** With Beraquit absent again, the court allowed Bien to present evidence. The court then declared Beraquit ineligible and rendered a decision.

5. **Motion for Reconsideration and Subsequent Hearings:**

- **Motion Filed:** Beraquit received the decision on December 15, 1951, and promptly filed a motion to set aside the decision and request a new hearing, which the court granted.

- **Evidentiary Presentation:** Hearings were conducted on February 22, 23, and 25, 1952, with Bien presenting multiple witnesses and documentary evidence.

- **Objection to Defense Evidence:** During Beraquit's turn to present evidence, Bien's counsel objected due to Beraquit's failure to file an answer.

- **Temporary Suspension and Final Decision:** The court allowed presentation of evidence without ruling on the objection, but ultimately, it required memoranda to decide whether

Beraquit could continue. The court then denied Beraquit's request and again declared him ineligible.

**\*\*Issues:\*\***

1. Whether the lower court erred in denying Beraquit the right to file an answer after voluntarily appearing in court and subsequently barring him from presenting any defense evidence.
2. Whether the court properly exercised its discretion in denying Beraquit's request despite previously setting aside its initial judgment to allow him an opportunity to defend himself.

**\*\*Court's Decision:\*\***

1. **\*\*Non-Filing of Answer:\*\***

- The court affirmed the lower court's decision, stating Beraquit exhibited gross and inexcusable negligence in not filing an answer despite numerous opportunities and clear judicial instructions.

2. **\*\*Discretionary Denial:\*\***

- The Supreme Court held that the lower court exercised its discretion appropriately. The granting of a motion to file an answer beyond the prescribed period is discretionary, and under the circumstances, the lower court's actions were justifiable and aligned with procedural rules.

- The court noted the substantive lack of any compelling or exculpatory evidence that Beraquit had to present, further justifying the affirmation of the decision.

**\*\*Doctrine:\*\***

- **\*\*Strict Compliance to Procedural Rules:\*\*** The case reiterates the importance of complying with procedural requirements, such as timely filing of answers and the implications of voluntary appearance equating to proper service.

- **\*\*Court's Discretion:\*\*** The decision underscores the broad discretion courts possess regarding procedural matters, especially concerning defaults and late filings.

- **\*\*Summary Judgment in Absence of Answer:\*\*** If no answer is filed, the material allegations of the complaint (except damages) are deemed admitted, and courts can render summary judgment accordingly.

**\*\*Class Notes:\*\***

1. **\*\*Quo Warranto:\*\*** Legal action to challenge the eligibility of an elected official based on residency requirements.

2. **Jurisdiction by Voluntary Appearance:** Voluntary appearance by a respondent can equate to service of summons, initiating the obligation to file an answer.
3. **Substituted Service:** When direct service fails, substituted service (leaving the summons at residence) is permissible.
4. **Rule 9, Rules of Court:**
  - **Section 8:** Material averments in a complaint are deemed admitted if not denied in an answer.
  - **Section 10:** Waives defenses not pleaded.

**Historical Background:**

- This case is set against the backdrop of post-WWII Philippine local politics, where residency qualifications for electoral candidates were strictly monitored. It showcased the procedural rigor the courts demanded to ensure that only qualified individuals could hold public office. The decision contributed to sustaining the integrity of electoral processes and reinforcing the contemporaneous judicial ethos of strict adherence to procedural norms.