

**\*\*Title:\*\*** Department of Education vs. Nixon Q. Dela Torre et al.

**\*\*Facts:\*\***

On December 8, 1979, Maria Pencerga executed a Deed of Donation granting a four-hectare portion of land to the Poblacion Cabanglasan Elementary School. Two decades later, on February 23, 2001, Nixon Q. Dela Torre, along with Benhur Q. Dela Torre and Quintin Dela Torre (represented by his family due to his death), filed a civil case to recover possession of the land, asserting their co-ownership of a 100,024 square meter lot that Maria had sold to Nixon on January 5, 1988. During the initial representation of Cabanglasan Elementary School, Atty. Conrado Barroso served as a legal consultant; however, his agreement expired, and the Office of the Solicitor General (OSG) subsequently took over, deputizing the City Prosecutor of Malaybalay City.

Despite multiple resets, the City Prosecutor consistently failed to present evidence. After several warnings and a prolonged period of non-compliance, the RTC declared on January 24, 2008, that the elementary school waived its right to present evidence and submitted the case for decision. On December 9, 2009, the RTC ruled in favor of Nixon Dela Torre, ordering the school to vacate the premises.

Cabanglasan Elementary School appealed to the Court of Appeals (CA), which affirmed the RTC decision on January 22, 2014. A motion for reconsideration was also denied. Consequently, the Department of Education filed a Petition for Review on Certiorari to the Supreme Court.

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

1. Whether the Court of Appeals erred in declaring that the Department of Education waived its right to present evidence despite improper representation.
2. Whether the Court of Appeals erred in ruling that the respondents have a better right to possess the subject property.
3. Whether the Court of Appeals erred in not declaring that respondents were guilty of laches.

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

The Supreme Court denied the petition, ruling issue by issue as follows:

1. **\*\*Waiver of Right to Present Evidence:\*\***

- The Court held that the OSG, despite being the principal counsel, was sufficiently aware of the numerous rescheduling and the persistent failure of the City Prosecutor to present

evidence. The OSG had multiple opportunities and warnings to pursue the case actively. Given the long duration granted by the trial court (over seven years), the elementary school's waiver to present evidence had attained finality due to non-action, and the proceedings were deemed fair.

2. **Better Right to Possess the Property:**

- The CA's decision affirming the RTC's judgment that Nixon Dela Torre had a better right to possess the property was upheld. The elementary school's inability to present evidence solidified the ruling in favor of Dela Torre.

3. **Laches:**

- The Supreme Court aligned with the CA and RTC decisions in observing that there was no merit to the argument of laches against the respondents. The elementary school had ample time to present its case but failed to act.

**Doctrine:**

1. Representation and Waiver - When a party is represented by a counsel of record, it is imperative that notices and court orders be served on such counsel. Failing to provide notices to the official counsel, particularly the OSG, does not bind the party until notices are received by the counsel.

2. Due Diligence in Litigation - Parties must actively pursue their cases. Failure to present evidence after multiple opportunities and warnings can lead to a waiver of rights.

3. Finality of Waiver - Waivers by inaction or neglect can result in dismissal or unfavorable judgments, upholding principles of finality and judicial efficiency.

**Class Notes:**

- **Representation:** Service of notices must be to the counsel of record (Rep. of the Phils v. CA, 781 Phil. 15).

- **Waiver:** Inaction leading to waiver (Section 34, Rule 132, Rules of Court).

- **Due Process:** Right to present evidence and duty to pursue actively.

- **Laches:** Importance of timely action in asserting legal rights.

**Historical Background:**

This case reflects a prolonged dispute over land possession where procedural diligence and proper representation were central to the outcome. It underscores the consistent application of procedural rules and the importance of active legal pursuit in litigation. Notably, it provides insight into the legal dynamics and administrative intricacies within

government litigation, emphasizing the responsibilities vested in the Office of the Solicitor General as the primary legal counsel for state institutions.