

ENRIQUE BAUTISTA, PLAINTIFF AND APPELLEE VS. LEONCIA REYES, DEFENDANT AND APPELLANT.*G.R. No. L-4373. May 29, 1952*

Ponente: LABRADOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/136ffebbb414/>**LABRADOR, J.:**

The above-entitled case was brought to recover the rentals for certain properties alleged to have been purchased by plaintiff from the defendant under a deed of sale with pacto de retro, and which defendant failed to repurchase within the time stipulated. The defendant alleged, in answer, that the supposed deed of sale was fictitious, and that in reality the agreement between the parties was a loan at usurious interest, and that the properties described in the deed were conveyed merely as security for the loan. The court found that the deed of sale with pacto de retro was merely a mortgage and dismissed the action. (Record on Appeal, pp. 1-17.) The plaintiff appealed from the decision, but the appeal was dismissed because it was not perfected in time. (Ibid., p. 18.) When the record of the case was returned to the Court of First Instance from which it originated, defendant, through counsel, filed a petition asking that the expenses incurred by her, mostly professional fees paid her lawyers, amounting to P1,159.56 (see schedule attached to motion, Record on Appeal, pp. 23-24), be taxed as costs against the plaintiff, in accordance with Section 4 of Rule 131 of the Rules of Court. The petition is based on the claim that the allegations made in plaintiff's complaint, i.e., that the properties had been sold with pacto de retro, to him, were found to be false by the trial court in its decision. The plaintiff alleges in opposition to the petition that the complaint does not contain false and untrue allegations, because said allegations are supported by a public document, a deed of sale with pacto de retro, and that the fact that the court found the deed to be an equitable mortgage does not make the allegations (of the complaint) untrue. Opposition was also interposed against the lawyers' fees inserted in the claim on the ground that these can be taxed as costs only under a special provision. The trial court dismissed defendant's petition, holding that defendant should have proved at the trial that certain averments in plaintiff's pleadings were made without a reasonable cause and were false, by reason of which she incurred expenses, the amount of which should also have been proved at the trial. It further held that the matter can not be raised by a motion filed after the rendition of judgment. Against this judgment this appeal has been prosecuted by defendant.

The appeal involves the interpretation of Section 4 of Rule 131 of the Rules of Court, which is as follows:

SEC. 4. False allegations.—An averment in a pleading made without reasonable cause and found untrue shall subject the offending party to the payment of such reasonable expenses as may have been necessarily incurred by the other party by reason of such untrue pleading. The amount of expenses so payable shall be fixed by the judge in the trial and taxed as costs.

It is first contended that the grounds upon which the trial court denied the petition are merely procedural, and since the same have not been raised by the plaintiff, he waived said objections. We hold that the right to have expenses taxed as costs, under Section 4 of Rule 131 of the Rules of Court, requires as an essential element a finding by the trial court in the main action that the allegations of a pleading are not true, and that by reason of

such untruthfulness the adverse party had incurred expenses, the amount of which must also be proved in the trial court. The above requirements are not mere defenses which the adverse party may or may not take advantage of; they are essential elements constituting or giving rise to the right to have said expenses taxed as costs. We, therefore, find no error in the ruling appealed from.

It is next contended that defendant did prove at the trial that the allegations of plaintiff's complaint were false. We find this claim to be unfounded. It does not appear that the defendant ever made such a claim, nor did the trial court make a finding to that effect in its decision. If there were such an allegation, a counterclaim should have been presented to bring up the matter in issue. No such counterclaim, however, appears to have been presented. As there was no such counterclaim, neither could there have been a finding thereon in the judgment of the trial court.

It is finally contended that costs are ordinarily assessed after judgment becomes final, and that the provisions of the rule requiring that they be proved in the trial is "merely directory, non-compliance with which does not warrant denial of defendant's rights." We do not agree with appellant's contention. Costs under the above-quoted rule are of a special nature requiring judicial investigation and determination, and the clerk has no authority to act except as ordered by the court. (20 C. J. S. 505, footnote.) The requirement that the expenses be determined at the trial is a necessary corollary to that principle underlying our procedural system which allows only one trial and one appeal, and makes it imperative that all issues be passed upon by the trial court before a case is elevated on appeal. Were we to adopt appellant's interpretation of the rule, we would have to allow a second trial only to determine defendant's right to the special costs and the amount thereof, which is the immediate effect of the petition, and also a second appeal in case any party desires a review of the judgment thereon. This fundamental system of only one trial is adopted for most proceedings, such as damages caused in cases of injunction (Section 9, Rule 60), receivers (Section 9, Rule 61), manual delivery of personal property (Section 10, Rule 62) and attachment (Section 20, Rule 59), in which cases damages must be claimed and proved at the trial, otherwise they are barred. If in these cases, where more important rights are involved, the procedural requirement, if not complied with, is a bar, it must perforce apply to a less fundamental right as that for costs.

Wherefore, the appeal is hereby dismissed, with costs against the appellant.

Paras, C.J., Feria, Pablo, Bengzon, Tuason, Montemayor, and Bautista Angelo, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.