

FELIPA PACHO, ET AL., PLAINTIFFS AND APPELLEES, VS. LUIS UY ICO, ET AL., DEFENDANTS. LUIS UY ICO, APPELLANT.

G.R. No. L-4624. April 18, 1952

Ponente: BENGZON, J.

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BENGZON, J.:

The Rules of Court, effective July 1940, abolished the general denial in answers, specific denials being the procedural requirement. Material averments in the complaint—except those regarding damages—are deemed admitted when not specifically denied.

Do the Rules affect answers filed in 1939? Such, is the question involved in this case.

In June 1939 the plaintiffs filed a complaint in the court of First Instance of Misamis Occidental alleging in substance that: (1) they were the heirs of Mariano Suan, who in life was the husband of plaintiff Felipa Pachó; (2) the spouses owned, as conjugal property, the two parcels of land described in the complaint; (3) Mariano Suan in October 1932 mortgaged the parcels to defendant Luis Uy Ico for two thousand five hundred pesos, (P2,500); but the document was executed in the form of deed of sale with the right to repurchase within one year; (4) about a month after the execution of the document Mariano Suan died; (5) in February 1933 defendant Procopio Jutba qualified as special administrator of Suan, with the other defendants as sureties; (6) said administrator in connivance with Uy Ico deliberately failed to repay the debt; (7) Uy Ico unlawfully consolidated ownership of the land and continued to hold possession thereof enjoying its fruits, notwithstanding several offers by plaintiffs to repay the amount of the indebtedness.

The complaint prayed that plaintiffs be declared owners; that the defendant Uy Ico be required to deliver the land to them; that defendants pay to plaintiffs, for the fruits thereof, eleven thousand pesos less the amount of the debt (P2,500), plus damages of P25,000.

On July 3, 1939 defendant Uy Ico interposed a general denial. And on July 10, 1939 the other defendants answered with another general denial.

The case was pending in that Court when on July 1, 1947 the plaintiffs filed a motion for judgment on the pleadings, invoking sections 6-8 Rule 9 of the Rules of Court. On September 1, 1947 the court sustained the motion and rendered judgment declaring that the real transaction between Mariano Suan and Luis Uy Ico in October 1932, was a mere loan and not a pacto de retro sale and that the plaintiffs as heirs of Mariano Suan are the owners of the property. It also ordered the defendant Luis Uy Ico to vacate the land in question and to deliver it to the plaintiffs upon payment to him by them of the amount of the loan, which is P2,500.00.

Defendant Uy Ico filed on time a motion for reconsideration alleging that the Rules of Court were not applicable to his answer, which had been filed before said Rules went into effect; that if permitted to file an amended answer he could interpose a meritorious defense; and that anyway he could present annex C which constitutes a "renuncia de derechos" made by the plaintiffs for valuable consideration.

After a hearing on the Annex C the court amended its decision declaring "that the true nature of the transaction between Mariano Suan and Luis Uy Ico on October 12, 1932, was a mere loan with security and not a Pacto de Retro Sale, that the herein plaintiffs are heirs of the late Mariano Suan; but inasmuch as Felipa Pacho, his widow and Primitiva Suan, one of his daughters have made a quitclaim or renunciation of their rights to the property in question, (Annex C) * * * the defendant Luis Uy Ico has become the absolute owner of the 1/4 portion of the said two lots, * * and that plaintiffs * * Aguinaldo, Paulina and Remedios, all surnamed Jutba (who are not bound by Annex C) are still the owners, pro indiviso of the 1/4 portion of the said two lots, and upon payment by the said minors or by their guardian ad litem of 1/4 * * of * * * the equivalent amount of P625, the defendant Luis Uy Ico is hereby ordered to deliver to said minor plaintiffs 1/4 of the two lots in question."

From the decision adjudicating to the minor plaintiffs one fourth (1/4) of the two lots Luis Uy Ico appealed in due time, insisting that it was error for the court to render judgment on the pleadings.

There is no question that if the answer had been filed after July 1940, the action of the court was fully justified under the Rules of Court. "When the answer contains merely a general denial, on motion of the plaintiff the court must render judgment upon the pleadings".[1]

But Uy Ico's answer was submitted in July 1939, when general denials were in use and did not have the disastrous effect provided by the Rules.

It is true, Rule 133 prescribes that said Rules shall govern "all further proceedings in cases pending" in July 1940, and that the motion for judgment on the pleadings was filed after July 1940. However all the undersigned are of the opinion that such Rule 133 could not and did not, operate to make improper or defective Uy Ico's answer which was acceptable at the time it was submitted.

Therefore the appealed decision is reversed. The records will be remanded to the Court below for further proceedings; but only in connection with the claim of the minor plaintiffs Aguinaldo Jutba, Paulina Jutba and Remedios Jutba against Luis Uy Ico.

To avoid all further questions, and in the interest of a better administration of justice, the defendant-appellant shall file within such time as the court below may fix, an amended answer to be governed by the present Rules of Court.

Costs against the appellees. So ordered.

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

[1] Moran Rules of Court 3d Ed. p. 165 citing Baetamo vs. Amador and Lichauco vs. Guash, 42 Off. Gaz., (No. 8) p. 1863.

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