

**CONSUELO ARRANZ, ET AL., PETITIONERS AND APPELLEES, VS.
VENERACION BARBERS ARRANZ, OPPOSITOR AND APPELLANT.
ABELARDO ARRANZ, PETITIONER AND APPELLEE.**

G.R. No. L-14904. August 29, 1960

Ponente: REYES, J.B.L., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/1c398b218a07/>

REYES, J.B.L., J.:

Appeal from the order of the Court of First Instance of Cagayan dated March 20, 1956, in Land Reg. Case No. 57, G. L. R. O. Rec. No. 18217, denying oppositor-appellant's Petition for Relief.

The antecedents are as follows: Upon petition of Consuelo Arranz, Abelardo Arranz, Estela Arranz Tabora, Melecio Arranz, Jr. and Josefina Arranz, the Court of First Instance of Cagayan issued an order, dated June 6, 1955, the dispositive part of which reads:

"Por tanto, el Juzgado ordena al Registrador de Titulos de Cagayan, que anote, en el certificado de transferencia de titulo No. 1339 estos hechos: Que Josefina Arranz es ya mayor de edad y que Melecio Arranz, Jr. esta casado actualmente con Soledad Guidote; y que anote a modo de memorandum en dicho certificado de tranferencia de titulo No. 1339, que la participacion de Consuelo Arranz, Abelardo Arranz, Estela Arranz Tabora, Melecio Arranz, Jr. y Josefina Arranz es de la propiedad exclusiva, individual o parafernial de cada uno de los mismos."

On July 29, 1955, Veneracion Barbers Arranz, the wife of petitioner Abelardo Arranz, as oppositor, filed a motion for new trial praying among other things that the Court set aside its order of June 6, 1955; that petitioners be required to furnish her a copy of the petition; and that she be allowed to present evidence to show that the share claimed by Abelardo Arranz in the land embraced by T. C. T. 1339 is her exclusive paraphernal property. After the opposition thereto filed by Abelardo Arranz, the Court granted said motion, setting aside its order of June 6, 1955 so far as relates to the portion of the land claimed by Abelardo Arranz, at the same time ordering the reopening of the hearing of the petition of March 23, 1955, regarding said participation of Abelardo Arranz.

The case was first set for hearing on November 22, 1955, but was postponed upon petition of oppositor-appellant Veneracion Barbers Arranz, with an admonition from the Court that no further postponement will be granted. The next scheduled hearing for January 12, 1956, upon petition of the same party, was again postponed, also with an admonition from the Court that no further postponement will be entertained. The case was then set for February 25, 1956, at 8:30 a.m., but when the case was called as scheduled, neither oppositor-appellant nor her counsel was present; wherefore, the Court, on February 27, 1956, issued an order reviving its order of June 6, 1955.

The next day, or on February 28, 1956, Veneracion Barbers Arranz, filed a petition for relief praying that the lower court—

- Set aside the proceedings taken on February 25, 1956, and any order issued in connection therewith;
- Order the reopening of the above-entitled case in order to allow the presentation of evidence for and in behalf of

the oppositor; and

- Grant this petition for relief and such other relief as it may deem proper and convenient.

After the opposition filed by Abelardo Arranz, the Court denied the petition by its order dated March 20, 1956, subject of this present appeal, stating,

"Los hechos, en que se apoya la 'Petition for Relief' no son, en opinion del Juzgado, suficientes para que el Juzgado deje sin efecto el auto de fecha 27 de Febrero, 1956."

Under its lone assignment of error, oppositor-appellant alleges that although Messrs. Alcantara and Paz were the attorneys on record for the case, it was only in the afternoon of February 24, 1956 that Atty. Paz was informed that he was to handle the trial the next morning; that it being dangerous to travel at night, Atty. Paz waited until the next morning to proceed to Tuguegarao, Cagayan, where the Court holds its session, from Alcala, Cagayan, where he resides; that he was waiting for transportation from 6:00 a.m. of February 25, 1956 but all busses that passed his way were packed to capacity and that he was able to get one only at about 10:00 a.m.; that fearing that he would not reach the Court on time, he sent a telegram requesting postponement of the case at 11:00 a.m.; that upon arriving in Court at about 11:00 a.m., he was informed that the case had already been submitted for decision.

Granting these allegations to be true, this Court believes that they do not warrant the granting of the "Petition for Relief". No adequate excuse is given why the conduct of the case should be transferred from one lawyer to another only the day before the hearing. Also, diligence expected of counsel called for his proceeding for Tuguegarao, Cagayan, on the same day that he was informed of the scheduled hearing the next morning, particularly because the hearing had been repeatedly postponed at his instance and the Court had twice warned him not to expect further continuances. If he thought that travel at night was unsafe, still, he could have sent in ample time his telegram asking that the hearing be deferred instead of waiting till the eleventh hour to remedy a situation which he brought about by not guarding against foreseeable risks, with the result that neither he, nor his telegram, arrived on time.

All in all, oppositor-appellant has failed to show that the trial court committed abuse of discretion in issuing the order appealed from, and in cases of this nature, this is essential (*Mapua vs. Mendoza*, 45 Phil., 424; *Felicisimo vs. Gloria*, 47 Phil., 967; cited in *Moran*, Vol. I, p. 783, Comments on the Rules of Court). At any rate it does not appear that oppositor-appellant is without other remedies of law.

Wherefore, the order appealed from is affirmed, without prejudice to appellant's taking whatever other remedies she has under the law. Cost against oppositor-appellant.

Paras, C. J., Bengzon, Padilla, Bautista Angelo, Labrador, Concepcion, Barrera, and Gutierrez David, 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.