

**THE MUNICIPALITY OF DINGRAS, PLAINTIFF AND APPELLANT, VS.
CORNELIO BONOAN, SOTERO SAMBRANO, FILEMON SACRO,
PASCUALA BONOAN, AND JOSE BONOAN, DEFENDANTS AND
APPELEES.**

G.R. No. L-2592. January 31, 1950

Ponente: REYES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/226c0dc7ec81/>

REYES, J.:

This is a condemnation proceeding instituted in 1939 in the Court of First Instance of Ilocos Norte for the acquirement of a tract of land needed for the enlargement of a school site. Defendants stated in their answer that they would have no objection to the expropriation of their land so long as the..irrigation ditches passing through it were not closed or obstructed; and plaintiff municipality, on its part, made it of record that it was agreeable to this condition.

After making the deposit required in such cases, plaintiff, with defendants' conformity, was, on September 29, 1939, authorized to take possession, and the provincial fiscal informs us in his brief that plaintiff has since then been occupying the land and has even made improvements thereon. It also appears that the commissioners appointed to appraise the land have already submitted their report but that no action has as yet been taken thereon because when the case was called for hearing on November 27, 1947, the fiscal asked for time to amend his complaint and the court, without objection on defendants' part, granted a continuance "hasta nuevo señalamiento." The proceeding was at this stage when the court, on June 25, 1948, of its own accord and without previous notice or hearing, ordered the case dismissed for want of prosecution because of the failure of the fiscal to file the amended complaint which he had announced. The fiscal asked for reconsideration, explaining his inaction as being due to his inability to confer with his witnesses because of their prolonged absence from the locality, and at the same time informing the court that, after a careful study of the case, he no longer deemed it necessary to amend his complaint. But the motion was denied and so the fiscal appealed to this Court.

We can see no justification for the rather drastic action taken by the trial court. As a rule, the dismissal of a case for want of prosecution is a matter addressed to the sound discretion of the court. But that discretion must not be abused. Trial courts have, after all, the duty to dispose of controversies after trial and on merits whenever possible (27 C.J.S, 251), and it is deemed an abuse of discretion for them, on their own motion, "to enter a dismissal which is not warranted by the circumstances of the case." (27 C.J.S. 260.) It appears in the present case that the condemnation proceeding was already far advanced when the court ordered it dismissed *motu proprio*. Plaintiff had already made improvements on the land being expropriated and the commissioners on appraisal had already fixed its value and submitted their report. Apparently, nothing essential remained to be done except to pass upon said report. Dismissal of the proceeding at that stage is not only wasteful but also uncalled for. A rule to speed the cause would have sufficed to end the delay and would have been the more proper measure under the circumstances.

Considering further that the proceeding is for a public purpose and that the order of dismissal has the effect of res judicata or an adjudication upon the merits since nothing to the contrary is therein provided (Section 3, Rule 30), we think the trial court did not exercise a sound discretion in refusing to have the said order reconsidered.

The order appealed from is therefore revokes the case ordered reinstated. Without costs.

Moran, C.J., Ozaeta, Paras, Pablo, Bengzon, Padilla, Tuason, Montemayor, and Torres, JJ., concur.

Feria, J., no part.

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.