

GRACIANO ENDERES, ET AL., PETITIONERS VS. THE HON. PRUDENCIO M. ENCOMIENDA, IN HIS CAPACITY AS JUDGE OF THE MUNICIPAL COURT OF QUEZON CITY AND THE PHILIPPINE SUGAR ESTATES DEVEL...

G.R. No. L-4506. March 17, 1952

Ponente: TUASON, J.

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TUASON, J.:

This is a petition to compel the Municipal Judge of Quezon City "to receive the evidence to be introduced by the herein petitioners to support their side in the aforesaid forcible entry and detainer cases." Decision In said cases had been handed down against the defendants , the present petitioners, and to stop the execution of that decision, which had been ordered by the trial Judge, this Court granted a writ of preliminary injunction upon the institution of these proceedings.

Briefly, the Philippine Sugar Estates Development Company, Ltd., alleging to be the owner of the tract of land situated in Quezon City and more particularly described in its complaints, filed 37 separate actions for forcible entry and detainer against the now petitioners, who are severally occupying portions of the aforesaid land. For answer the defendants set up general and specific denials of the allegations, asserted title to the property, and filed counterclaims for alleged damages suffered in consequence of the suits. The answers also contained a prayer to dismiss the complaints on the grounds that a suit over the ownership of the land in question was pending in the court of First Instance and that the municipal court lacked jurisdiction over the detainer cases.

The 37 cases having been consolidated for trial by agreement of the parties, and the plaintiff having introduced its evidence, counsel for the defendants asked for seven days to submit a formal motion for dismissal and the attorney for plaintiff asked for a like period to answer. There and then the Presiding Judge, now one of the respondents, dictated into the record the following order, which was on the same date transcribed, signed and promulgated:

"Terminada la presentacion de las pruebas del derr.and.ante, la representacion. de los demandados pidio un plazo de siete (7) dias para presentar una mocion escrita de sobreseimiento y la representaciondemandante, a su vez, pidio otros siete (7) dias para contestar dicha mocion. De spues de present ados ambos escritos, las partes soneten la causa para su decision.

"Asi se ordena.

"Noviembre 7, 1950."

And the parties in open court expressed their assent to that order.

On November 11 the defendants filed a five-page motion to dismiss, in which, after reciting the oral and documentary evidence for the plaintiff, they concluded that said evidence was insufficient. They also reiterated the contention that the court was without jurisdiction to decide those cases on the merits because of the pending action involving the ownership of the questioned property between the plaintiff's predecessor-in-interest and the defendants.

The plaintiff having filed its answer in due time, the court on November 18 handed down its decision, denying the motion to dismiss and ordering, among other things, the ejection of the defendants from the land in dispute.

On November 28 the defendants filed a "Motion To Set Aside Decision and To Allow The Defendants To Present Their Respective Evidence." It was the denial of this motion which in the present petition is assailed as arbitrary and a deprivation of the defendants' right to be heard.

The clear import of the defendants' action and the court's order was that the defendants would rest their cases on the sufficiency or insufficiency of the plaintiff's proof and on the theory that the court had no jurisdiction or at least that the litigation over the title to the property docketed in the Court of Instance abated the actions for detainer. Under these circumstances the respondent Judge did not, in our opinion, abuse his discretion in rejecting the defendants' request to be allowed to produce evidence.

The cases of Guido vs. Castelo, G.R. No. L-1613, May 24, 1948 and Cotaoco vs. Dinglasan, G.R. No. L-2004, May 24, 1949, cited by the petitioners have no analogy to the cases at hand. Among the important differences between the Guido and Cotaoco cases on the one hand and the cases at bar on the other are (1) that in each of the decisions relied upon, the motion by the defendant for an opportunity to adduce evidence was made before decision was rendered, and (2) that there was no intention on the part of the defendant to waive his right to call witnesses. It should be noted moreover that in the cited cases the motion was granted; and there was no insinuation in this Court's decisions that if the lower court's ruling had been adverse to the movant, this Court would have directed the trial court to proceed differently.

The parties having submitted the cases for decision, as has been stated, and decision having been entered, the defendants' motion to be allowed to present evidence was in reality one for-new trial. Regarded as a motion for new trial, the motion did not contain enough showing to deserve favorable action. At the very least the matter was within the sound discretion of the court, and the discretion was, in our opinion, well exercised.

The petition is therefore denied and the writ of preliminary injunction heretofore issued ordered dissolved, with costs.

Paras, C.J., Feria, Pablo, Bengzon, Padilla, Montemayor, Reyes, Jugo, and Bautista Angelo, JJ., concur.

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