

PATRICIO PEBEAUCO, PETITIONER-APPELLEE, VS. THE DIRECTOR OF LANDS, OPPOSITOR, PRUDENCIO AUSTRIA, ET AL., OPPOSITORS-APPELLANTS.

G.R. No. L-29469. December 09, 1982

Ponente: RELOVA, J.

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RELOVA, J.:

Patricio Pebeauro applied for the registration, under Act 496, as amended, of a parcel of land with an area of 229.4531 hectares, situated at Borac-Marcella, Coron, Palawan. Some of the oppositors were the Director of Lands, represented by the Provincial Fiscal, and herein sixty-one (61) appellants, Prudencio Austria, et al., who claimed that sometime in September 1959 they were told by then Governor Alfredo Abueg that the land sought to be registered in the name of herein petitioner is a public land; that because of the information given by the governor, they entered, occupied, cultivated and developed the portions they have been occupying since then continuously, openly and notoriously; and that they are destitute farmers and do not have land of their own except the ones applied for registration by applicant Pebeauro and which they are now actually occupying and have been paying taxes therefor.

Trial was held on January 18, 1966 when applicant Patricio Pebeauro presented his evidence until the following day when he rested his case.

On the date scheduled for the presentation of evidence for herein oppositors-appellants, they failed to appear because the M/V Basilan, which was and still is the only boat that plies between Coron and Puerto Princesa, Palawan where the hearing was held, had been suddenly suspended in operation for that week and there was no other means of transportation available. When appellants failed to appear, the Honorable Judge Tranquilino Tividad considered the case submitted for decision despite the motion for postponement made orally in open court by their counsel.

On May 30, 1966, Judge Tividad rendered the decision in the case declaring applicant Patricio Pebeauro as owner of the land. Appellants filed a motion for reconsideration but the same was denied in an order dated September 10, 1966.

Hence, this appeal.

The only issue here is whether the trial court erred in denying appellants' motion to postpone the hearing, thereby depriving them of their chance to present their case to the court.

The distance between Coron where appellants live and Puerto Princesa where trial was held is more than 200 kilometers, which distance could be travelled only by water. Failure then on the part of the appellants to go to Puerto Princesa on the date of trial was due to accident because their failure to travel from their place of residence to the place of trial was beyond their control and definitely the same was not intended for delay.

While it is true that motions for postponements are addressed to the sound discretion of the courts, the discretion

must be exercised wisely, considering the peculiar circumstances obtaining in each case and with a view of doing substantial justice (*People vs. Martinez*, 105 Phil. 200). It should always be predicated on the consideration that more than the convenience of the courts or of the parties of the case, the ends of justice and fairness would be served thereby (*Zubiri vs. Zubiri*, 18 SCRA 1157). Thus, in considering motions for postponement, two (2) things should be taken into consideration, namely: (1) the reasonableness of the postponement, and (2) the merits of the case of the movant.

In the case at bar, failure on the part of the appellants to come to trial was reasonable and something beyond their control. The trial judge rather adhered to the technical and rigid enforcement of the rules thereby defeating the purpose thereof which is to help and secure to the parties substantial justice.

ACCORDINGLY, the decision of the trial court dated May 30, 1966 is hereby SET ASIDE, and the case is remanded to the court a quo so that appellants can present their evidence.

SO ORDERED.

Teehankee, Acting C.J., Melencio-Herrera, Plana, Vasquez, and Gutierrez, Jr., JJ., concur.

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