

**GERONIMO CAGUIAT, RUFINA CAGUIAT, FELICIDAD CAGUIAT,
FABIAN CAGUIAT, AND APOLONIA CAGUIAT,
PETITIONERS-APPELLANTS, VS. THE HONORABLE GUILLERMO E.
TORRES AND FRANCISCO CAGUIAT, R...**

G.R. No. L-25481. October 31, 1969

Ponente: BARREDO, J.

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BARREDO, J.:

Appeal by certiorari from the decision of the Court of Appeals in CA-G.R. No. 35429-R, Geronimo Caguiat et al., Petitioners, vs. Hon. Guillermo E. Torres and Francisco Caguiat, Respondents, which "denied and dismissed" the petition for certiorari filed by herein petitioners-appellants for the purpose of annulling and setting aside the order of above-mentioned judge of the Court of First Instance of Rizal in Civil Case No. 8050 of said court between said appellants and private appellee - respondent herein, Francisco Caguiat granting the latter's motion to enjoin the taking of said appellee's deposition, by way of discovery, after issues had already been joined by the filing of said appellee's answer as defendant in said civil case.

The controlling facts as found by the Court of Appeals are as follows:

"Petitioners are plaintiffs in Civil Case No. 8050 of the Court of First Instance of Rizal, Branch VIII, presided over by respondent Judge, while respondent Francisco Caguiat is the defendant therein.

On August 18, 1964, after defendant had filed his answer with counterclaim, and the plaintiffs, their reply to defendant's answer (See Annexes A, B, C, D), the herein petitioners served on respondent Caguiat a notice to take his deposition (Annex E). On August 26, 1964 respondent Caguiat filed with the lower court an urgent motion to prevent the taking of the deposition or to restrict its scope (Annex F), which urgent motion the petitioners opposed (Annex G). On the 29th of the same month the respondent Judge issued an order (Annex F) to hold in abeyance the resolution of his co-respondent's urgent motion until after the pre-trial set for September 3, 1963 which was, however, reset for October 2, 1964 to give the parties time to consider an amicable settlement. The parties however failed to arrive at an amicable settlement.

On October 3, 1964 herein petitioners again served on respondent Caguiat a second notice for the taking of his deposition upon oral examination (Annexes K and L), to prevent which, the latter filed an urgent motion on the 14th of the same month (Annex M). Petitioners opposed respondent Caguiat's urgent motion (Annex N). Resolving the urgent motion and the opposition thereto, the respondent Judge, on the 17th, granted his co-respondent's urgent motion and ordered the petitioners to refrain from taking the contemplated deposition (Annex O). Petitioner's motion for reconsideration (Annex P) was denied after its hearing on December 12, 1964 (Annex S).

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The petitioners' avowed purpose in securing the deposition of respondent Caguiat is to get the latter to lay his cards on the table and/or to simplify or abbreviate the proceedings. Respondent Caguiat, on the other hand,

affirms that he has already revealed practically his entire defense, even to the extent of naming his witnesses, during the pre-trial, so that the necessity of a deposition has been obviated. In fact, according to respondent Caguiat, he had expressed willingness to enter into a stipulation of facts, but apparently the petitioners did not want to. We note that the petitioners have not denied respondent Caguiat's assertion that he had already disclosed all his evidence during the pre-trial, neither have they belied that personal animosities between them and the same respondent which went unfettered during the pre-trial, might endanger the peaceful and objective conduct of the deposition upon oral examination.

It is significant that the respondent Judge deferred the resolution of his co-respondent's first motion to prevent the taking of his deposition or to restrict its scope, until after the pre-trial (See Annex H). Likewise, the second urgent motion of the same tenor (Annex M) and the petitioners' opposition thereto (Annex N) were resolved only after the completion of the pre-trial and in fact after the parties' joint petition for hearing on the merits had been granted (Annex J). The fact that the controverted orders were issued only after the pre-trial supports respondent Caguiat's affirmation that he had revealed his defense during the trial, and that the respondent judge had satisfied himself that after such revelation there was no more need to take the former's deposition upon oral examination. Indubitably this view must have been shared by the petitioners, otherwise they would not have filed a joint motion for hearing on the merits even before the orders in question were issued." (Decision of Court of Appeals, pp. 1-2 & 4-5)

Appellants assign the following alleged errors of the Court of Appeals:

"I

"THE COURT OF APPEALS ERRED IN MAKING ITS DECISION DEPEND ON THE UNSUPPORTED CONCLUSION THAT 'SINCE THE RESPONDENT FRANCISCO CAGUIAT HAD PRACTICALLY DISCLOSED ALL HIS EVIDENCE DURING THE PRE-TRIAL CONFERENCE' THE NECESSITY OF A DEPOSITION THROUGH ORAL EXAMINATION BY THE PETITIONERS WAS OBTIATED.

"II

"ASSUMING ARGUENDO THAT THERE WAS A DISCLOSURE OF EVIDENCE BY THE RESPONDENT CAGUIAT DURING THE PRE-TRIAL CONFERENCE AND THAT THE PERSONAL ANIMOSITIES BETWEEN THE PARTIES MIGHT BE HEIGHTENED, THE COURT OF APPEALS ERRED IN MAKING SAID 'FINDINGS' AS GROUNDS TO COMPLETELY PREVENT AND BAR DISCOVERY THROUGH DEPOSITION ON EXAMINATION.

"III

"THE COURT OF APPEALS ERRED IN LIMITING PETITIONERS' MODE OF DISCOVERY TO OTHER MEANS THAN ORAL EXAMINATION IGNORING THEREBY THE SPIRIT BEHIND THE RULES OF DISCOVERY. (Appellants' brief)"

Anent the first alleged error, it is readily to be noted that the conclusions of fact of the Court of Appeals being assailed are binding upon the parties and this Court. Indeed, the finding of that appellate court to the effect that appellee has already disclosed all his evidence during the pre-trial and that personal animosities between the parties "might endanger the peaceful and objective conduct of the deposition upon oral examination" proposed appears well substantiated in the records before Us. As aptly stated in the appealed decision:

"It is significant that the respondent Judge deferred the resolution of his co-respondent's first motion to prevent the taking of his deposition or to restrict its scope, until after the pre-trial (see Annex H). Likewise, the second urgent motion of the same tenor (Annex M) and the petitioners' opposition thereto (Annex N) were resolved

only after the completion of the pre-trial and in fact after the parties' joint petition for hearing on the merits had been granted (An-nex J). The fact that the controverted orders were issued only after the pre-trial supports respondent Caguiat's affirmation that he had revealed his defense during the trial, and that the respondent Judge had satisfied him-self that after such revelation there was no more need to take the former's deposition upon oral examination. Indubitably this view must have been shared by the petitioners, otherwise they would not have filed a joint motion for hearing on the merits even before the orders in question were issued." (P. 5, CA's decision)

In their second assignment of error, appellants contend that the disclosure by appellee of practically all his evidence at the pre-trial and the danger of heightening the animosities between the parties during the proposed taking of the deposition of appellee are not enough to warrant the trial court's order preventing completely the taking of said deposition. Such contention is untenable.

There can be no question that the trial court has jurisdiction to direct, in its discretion, that a deposition shall not be taken, if there are valid reasons for so ruling. (*Cojuangco v. Caluag*, L-7952, July 30, 1955, unreported) That the right of a party to take depositions as means of discovery is not exactly absolute is implicit in the provisions of the Rules of Court cited by appellants themselves, sections 16 and 18 of Rule 24, which are precisely designed to protect parties and their witnesses, whenever in the opinion of the trial court, the move to take their depositions under the guise of discovery is actually intended to only annoy, embarrass or oppress them. In such instances, these provisions expressly authorize the court to either prevent the taking of a deposition or stop one that is already being taken.

In the case at bar, aside from having practically disclosed all his evidence at the pre-trial, appellee expressed willingness to enter into a stipulation of facts, which offer, appellants rejected. Moreover, according to Court of Appeals, the parties herein filed a joint motion for hearing on the merits even before the orders in question were issued. Under these circumstances, it is inevitable to conclude that there was indeed no further need for the deposition desired by appellants. It could have served no useful purpose, for there was nothing anymore to discover. Appellants have not shown any real concrete reason for such deposition.

Appellants' inference in their third assignment of error that the Court of Appeals has limited their modes of discovery only to other means than a deposition is entirely baseless. All that has been done here is to hold, and rightly, that appellants have failed to show that the trial court gravely abused its discretion in holding that, under the circumstances proven in the records, there existed good reasons to prevent them from taking the deposition of appellee.

It is Our conclusion that this appeal is absolutely without merit. Instead of availing themselves of the modes of discovery provided in the Rules in the manner that would accomplish one of the basic purposes for which they have been designed, namely, to cut down trivial discussion about issues of fact which are better agreed upon rather than formally tried, appellants have chosen to unduly delay this case by taking the simple incident herein involved to the Court of Appeals and later to this Court.

The judgment of the Court of Appeals is affirmed. Treble costs against appellants in this instance.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Sanchez, Castro, Fernando, and Teehankee, JJ., concur.

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