

RANAVALONA VINZONS, APPLICANT AND APPELLEE VS. GERARDO ARDALES, OPPOSITOR AND APPELLANT.*G.R. NO. L-35738. March 29, 1974*

Ponente: FERNANDO, J.

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The lower court, presided by Judge Gabriel V. Valero, is taken to task in this appeal of Gerardo Ardales, an oppositor to the application in a land registration proceeding[1] filed by Ranavalona Vinzans, now appellee. The failing imputed to Judge Valero was his refusal to admit the opposition of appellant for being presented out of time. The record discloses that on March 23, 1966, there was an application for registration on the part of appellee.[2] Then came on October 28 of that year an order of general default except as to certain oppositors, one of whom was appellant Ardales. All of them were given a period of thirty days counted from that date "to file their respective formal oppositions." [3] There was a hearing scheduled for December 12, 1968,[4] but evidently it did not take place, for on April 22, 1970 came an order setting it again for May 20, 1970,[5] only to be postponed anew this time to July 7, 1970.[6] On that very day, appellant Ardales submitted a motion for the admission of his written opposition explaining the delay as due to the inadvertence of his former lawyer and the mistaken belief all the while of his new counsel, Attorney Pedro E. Bacorro, that there had been previously filed a pleading of such character.[7] In the written opposition that accompanied such motion, it was alleged by appellant Ardales that the property applied for by appellee Vinzons included ten hectares, owned by him, planted to coconuts and other crops, the title thereto being acquired by actual occupation since "the last Pacific War" in "peaceful, open, actual and uninterrupted possession thereof, in the concept of absolute owner, exclusive of all other rights and adverse to all other claims including those of applicant" as well as her alleged predecessors.[8] It was likewise stressed therein: "That through the efforts of the herein oppositor and that of his wife and family, the above-described property was cleared and converted from a forested area, and the same is now fully cultivated, improved and planted to coconuts and other valuable improvements; * * *"[9]

On August 20, 1970, the order denying admission to such written opposition was handed down. It is worded thus: "It appearing that the opposition of Gerardo Ardales was filed only on July 9, 1970, when he was given 30 days from October 28, 1966 within which to file the same per order of this Court, it cannot be said that there was a reasonable delay for the failure of the said oppositor to file his opposition and, therefore, the same is hereby denied." [10] Hence this appeal, originally taken to the Court of Appeals, which, however, in a resolution of July 11, 1972 certified the case to us. On October 24, 1972, we had the case docketed.

We find merit in the appeal. Technicality, which, in the oft-quoted language of Justice Moreland, "deserves but scant consideration from courts" [11] appeared to have carried the day, at the cost of the parties being denied the full and unimpeded opportunity of proving their respective claims. The cardinal precept of due process will be satisfied with nothing less. We reverse.

1. Appellant's brief laid stress on our holding in *Ermita-Manila Hotel and Motel Operators Association vs. City Mayor*, [12] a 1967 decision, that "to satisfy due process, official action must be responsive to the supremacy of

reason and the dictates of justice." [13] It likewise quoted this portion of the opinion: " 'Due process is thus hostile to any official action marred by lack of reasonableness. Correctly has it been identified as freedom from arbitrariness. It is the 'embodiment of the sporting idea of fair play.' " [14] Indeed, appellant could have gone much further back and could have referred to a decision of even greater applicability, *Grey Alba vs. De la Cruz*, [15] promulgated in 1910. Precisely because of the, conclusiveness and indefeasibility of a land registration decree, subject to Section 38 of Act No. 496, [16] it is of the essence that prior to adjudication, every one asserting ownership or other real right over a parcel sought to be registered must have his day in court. *Audi alteram partem*. That is why *Grey Alba* has always been cited with approval. [17]

The latest case to do so is *Minlay vs. Sandoval*, [18] decided barely six months ago. There is this illuminating excerpt from the opinion: "The right to a hearing 'embraced in the due process guarantee calls for the utmost respect — especially so in this case. If it were not thus, and the order of dismissal were not set aside, it could happen that the Torrens system would lend itself as an instrument for fraud. So many of the decisions of this Court stand as a warning against such a deplorable consequence. The latest one is. *Philippine Commercial and Industrial Bank vs. Villalva*, where it was explicitly affirmed: 'Deceit is not to be countenanced; duplicity is not to be rewarded.' As early as 1919, in the leading case of *Cabanos vs. Register of Deeds*, Justice Torres did categorically state: 'The registration of land cannot serve as a protecting mantle to cover and shelter bad faith * * *.' There is not any aspect from which this case can then be viewed which does not inescapably yield the conclusion that the lower court ought to have granted the opportunity to petitioner to prove his claim in accordance with the due process clause. [19] "In *Minlay*, a lower court order dismissing a petition for relief from judgment that would allow the registration of land notwithstanding the allegation that it was obtained through fraud and did preclude the ventilation of such issue, was set aside.

On the very same day it was promulgated, September 4, 1973, in *Monticines vs. Court of Appeals*, [20] a resolution dismissing an appeal for failure to file the brief on time was nullified. This Court accepted as satisfactory the explanation that the delay was due to the series of typhoons giving rise to floods in the months of July and August, 1972, with counsel moreover suffering from a heart condition as a consequence of his having to go to the flooded places in the provinces of Laguna and Quezon where his deceased father left some property. As was set forth in the opinion: "It would appear, therefore, that justice in this instance would have been served had no such dismissal of the appeal been ordered, especially so as the brief had been submitted to respondent Court as far back as October 16, 1972." [21] Here, it must be noted, the opposition accompanied the motion for admission. Moreover, no hearing had as yet been held. No prejudice would therefore be caused applicant. In this litigation, the lower court would not have been under any inconvenience then had it decided otherwise. The motion for admission accompanied by the opposition ought not to have been summarily brushed aside as a worthless scrap of paper. Moreover, as correctly observed by appellant, he was specifically excluded from the general default order. Even if it were not so, again this Court had displayed the utmost liberality in according to inferior courts the widest latitude of discretion in setting aside default orders, such a stand being buttressed by the cardinal principle of the right to due process. [22]

2. The conclusion reached by us moreover finds support in the soundest policy considerations. The litigation is over a piece of land, appellant stoutly maintaining that appellee is laying claim to an area to which she is not entitled by including it in the parcel to which she seeks title. The result would be, if success would crown her efforts, that he would be deprived of something over which he and his family had labored so long and so diligently under claim of ownership. At least that was what he did assert, and all he did ask was the opportunity to prove it. The lower court would not even accede to such a plea. Appellant had reason then to be resentful. For the circumstance disclosed would reveal that here was made manifest an instance of acquisition of property in the truly Lockean sense of being based on one's toil and effort. It was a matter then that elicited the utmost concern

and aroused the deepest feeling. The chances of a lawsuit being what they are, it would be unreasonable for appellant to assume that he would emerge victorious. Certainly though, he as well as any other individual in a similar situation, would consider it the height of unreason if he would not even have his day in court. That is what this appeal is all about. That is the extent of our holding. There is here no intimation as to which party should triumph. It goes no further than to see to it that neither is declared the loser even before the actual hostilities start. That is to serve the interest of public peace and public order as well as of public morality. To such ends, the administration of justice is ever committed.

WHEREFORE, the order of August 20, 1970 denying appellant's motion for the admission of his opposition is hereby reversed and set aside and his opposition included in such motion is hereby deemed admitted. Judge Gabriel V. Valero, or anyone acting in his place in the Court of First Instance of Camarines Norte, Branch I, Tenth Judicial District, is hereby ordered to set for hearing within the shortest period of time Land Registration Case No. N-362, Ranavalona Vinzons, Applicant.

Zaldivar, (Chairman), Fernandez, and Aquino, JJ., concur.
Antonio, J., concurs in the result.
Barredo, J., took no part.

[1] Land Registration Case No. N-362, Court of First Instance of Camarines Norte.

[2] Record on Appeal, 1-5.

[3] Ibid, 6.

[4] Ibid, 9.

[5] Ibid, 10.

[6] Ibid, 11.

[7] Ibid, 12-14.

[8] Ibid, 15-18.

[9] Ibid, 17.

[10] Ibid, 21.

[11] Cf. *Alonso vs. Villamor*, 16 Phil. 315 (1910).

[12] L-24693, July 31, 1967, 20 SCRA 849.

[13] Appellant's Brief, 12-13.

[14] Ibid, 13.

[15] 17 Phil. 49.

[16] The Land Registration Act was enacted in 1902.

[17] Cf. *Roxas vs. Enriquez*, 29 Phil. 31 (1914); *Legarda vs. Saleeby*, 31 Phil. 590 (1915); *Roman Catholic Archbishop vs. Ruiz*, 36 Phil. 279 (1917); *De los Reyes vs. Razon*, 38 Phil. 480 (1918); *Aquino vs. Director of Lands*, 39 Phil. 850 (1919); *Government of the Philippine Islands vs. Alveral*, 39 Phil. 996 (1919); *Sepagan vs. Dimino*, 63 Phil. 412 (1936); *Sorongon vs. Makalintal*, 80 Phil. 259 (1948); *Sandejas vs. Robles*, 81 Phil. 421

(1948); *Ang Lam vs. Rosillosa*, 86 Phil. 447 (1950); *Alcantara vs. Tuazon*, 92 Phil. 796 (1953).

[18] L-28901, September 4, 1973, 53 SCRA 1.

[19] *Ibid*, 11-12. The Philippine Commercial and Industrial Bank decision is reported in 48 SCRA 31 (1972) and that of Cabanos in 40 Phil. 620.

[20] L-35913, 53 SCRA 14.

[21] *Ibid*, 19. Justice Barredo had a qualified concurrence.

[22] *Coombs vs. Santos*, 24 Phil. 446 (1913); *Daipan vs. Sigabu*, 25 Phil. 184 (1913); *Mapua vs. Mendoza*, 45 Phil. 424 (1923); *Felismino vs. Gloria*, 47 Phil. 967 (1924); *Philippine Manufacturing Co. vs. Cabangis*, 49 Phil. 107(1926); *Camus vs. Paulino*, 59 Phil. 411 (1934); *Provincial Government of Sorsogon vs. Stamatelaky*, 65 Phil. 206 (1937); *De Castro vs. Cebu Portland Cement, Co.*, 71 Phil. 479 (1941); *Pena de Luz vs. Court of First Instance*, 77 Phil. 679(1946); *Lupisan vs. Alfonso*, 78 Phil. 842 (1947); *Quirino vs. Philippine National Bank*, 101 Phil. 705 (1957); *Jaime vs. Maniego*, 101 Phil. 828 (1957); *Dizon vs. Yatco*, 103 Phil. 530 (1958); *Macaraig vs. Dy Sun*, 105 Phil. 332 (1959); *Prudential Bank and Trust Co. vs. Macadaeg*, 105 Phil. 791 (1959); *Villanueva vs. Court of Agrarian Relations*, 107 Phil. 373 (1960).

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