

PEDRO S. RAVELO AND CARMEN TAN RAVELO, PETITIONERS, VS. COURT OF APPEALS AND RURAL BANK OF SALINAS, INC., RESPONDENTS.

G.R. No. L-40111. October 27, 1983

Ponente: AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/8bd6e05e5e3a/>

AQUINO, J.:

The Rural Bank of Salinas, Inc. on February 17, 1969 filed an action to foreclose a mortgage on two lots with an area of 1,923 square meters located at San Fernando, Pampanga which the spouses Pedro S. Ravelo and Carmen Tan executed on February 9, 1967 as security for a loan of P16,000 maturing after 270 days.

The Ravelo spouses pleaded that the suit was premature because they had made representations to the bank that they be allowed to sell the lots in order to pay the mortgage debt.

The Ravelos and their counsel did not appear at the "initial hearing" scheduled on September 19, 1969. Instead, they caused to be filed on that date a motion for postponement on the ground of illness which the lower court denied (p. 43, Record on Appeal). A copy of the denial order was allegedly received by Ravelo on October 27, 1969. The bank presented its evidence ex parte. In its decision dated October 24, 1969 the lower court ordered the Ravelo spouses to pay the bank within ninety days from the finality of the decision P16,000 with 12% interest per annum from December 12, 1967, plus P500 as attorney's fees, and, if no payment was made, then the mortgaged lots should be sold to pay the amount of the debt. A copy of the decision was received on November 4, 1969 by the Ravelos' lawyer.

The lower court in its order of January 19, 1970 denied the Ravelos' motion to set aside the judgment "by default" and granted the bank's motion for reconsideration by increasing the attorney's fees to P1,600 in accordance with the stipulation in the mortgage contract. The judgment became final and executory.

The sheriff sold the mortgaged properties on August 21, 1970 to the bank for P6,000. (The bank in its appellee's brief offered to allow the Ravelos to redeem the mortgaged lots by paying P16,000 plus interest and bank charges within sixty days from the receipt of the brief.)

The bank filed a motion for confirmation of the sheriff's sale. It was opposed by the mortgagors. It was confirmed in the lower court's order of March 22, 1971. The Ravelos appealed that order to the Court of Appeals which affirmed the lower court's order on December 16, 1974. The Ravelos appealed to this Court.

Their three assignments of error have no relevance to the said confirmation order. They assail the proceedings leading to the rendition of the judgment from which they did not appeal. They contend that the trial court erred in omitting the mandatory pre-trial and that the Court of Appeals erred in holding that the Ravelos had waived it by not raising that omission in the trial court.

The fact is that the bank filed a motion to set the case for pre-trial, a pleading act included in the Ravelos' record on appeal. Acting on that motion, the trial court set the case for "initial hearing on September 19, 1969" (p. 14,

Record on Appeal; pp. 9-10, Bank's Brief).

As correctly contended by the bank that "initial hearing" was intended as a pre-trial but the Ravelos moved for postponement and did not appear at that initial hearing. It has been held that the omission of the court to specify in a notice of hearing that it was a notice of pre-trial is not an irregularity (*Trocio vs. Labayo*, L-35701, September 19, 1973, 53 SCRA 97).

If the defendant does not appear at the pre-trial, the plaintiff may be allowed to present his evidence (*Province of Pangasinan and Soriano vs. Palisoc*, 116 Phil. 609).

Since the Ravelos did not appeal from the judgment, they cannot now complain that the trial court erred in allowing the bank to present its evidence ex parte. The lower court acted properly in denying the Ravelos' motion for postponement. They had no valid defense to the action. The instant appeal is manifestly frivolous and dilatory.

WHEREFORE, the judgment of the Court of Appeals is affirmed with costs against the Ravelos.

SO ORDERED.

Makasiar, (Chairman), Concepcion, Jr., Guerrero, Abad Santos, and Escolin, JJ., concur.
De Castro, J., on sick leave.

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.