

**JUAN R. ALCASID, PETITIONER, VS. BENJAMIN LACSAMANA AND
HON. DEMETRIO B. ENCARNACION, JUDGES OF THE COURT OF
FIRST INSTANCE OF MANILA, RESPONDENTS.**

G.R. No. L-5540. October 31, 1952

Ponente: BAUTISTA ANGELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a4a5946f453f/>

BAUTISTA ANGELO, J.:

This is a petition for certiorari with preliminary injunction seeking to set aside the decision rendered by respondent Judge on November 27, 1951 civil case No. 13101 of the Court of First Instance of Manila, ordering the plaintiff, now petitioner, to pay to the defendant, one of the respondents herein, the sum of P1,780 with legal interest from the filing of defendant's answer, and the sum of P200 as attorney's fees. The preliminary injunction requested was granted.

This case stems from an action filed by petitioner in the municipal court of Manila against respondent Benjamin Lacsamana to recover the sum of P2,000 as balance of the purchase price of a house sold by petitioner to respondent. The case was decided in favor of petitioner and respondent appealed in due time to the Court of First Instance.

The appeal having been given due course, respondent filed an answer with a counterclaim as required by the rules. Because of the failure of petitioner to file his reply to the counterclaim within the reglementary period, upon petition of respondent, on May 30, 1951, the court declared petitioner in default, and allowed respondent to present his evidence. Respondent accordingly presented his evidence, and on November 27, 1951, the court decided the case, not only on the counterclaim, but on the main case, in the terms set forth in the early part of this decision.

Petitioner received copy of this decision on December 3, 1951, and nine days thereafter, or on December 12, 1951, he filed a petition for relief under section 3, rule 38 of the Rules, seeking the nullification of the decision on the strength of the reasons alleged in the affidavits of merits which were attached to the petition and setting forth therein the facts constituting the defense he has in opposition to the counterclaim; but, notwithstanding the lack of opposition on the part of respondent, the court denied the petition, and, furthermore, ordered the Immediate execution of the decision rendered on November 27, 1951. Having no other plain and adequate remedy to obtain relief, petitioner filed the present petition for certiorari.

In the amended complaint filed by plaintiff against defendant in civil case No. 13101 of the Court of First Instance of Manila, it is averred that the former sold to the latter a house of strong materials for the sum of P5,200, of which P3,200 were paid upon the execution of the sale, and the balance of P2,000 to be paid on April 5, 1950. According to plaintiff, this balance of P2,000 was not paid on its date of maturity. On the other hand, defendant claims In his answer that he has already paid said balance of P2,000, and by way of counterclaim avers that "over and above the full settlement of the price of the house in question" plaintiff obtained from the defendant a loan of P1,540. It is apparent that the counterclaim set up by the defendant is directly interwoven with the claim of the

plaintiff in the sense that the one cannot be decided without the other. Nevertheless, the respondent court received evidence on the counterclaim, and without waiting for the evidence of the plaintiff on the main case, rendered decision on the merits. Naturally, as plaintiff was not given an opportunity to present his evidence, the decision was in favor of the defendant. Considering the petition for relief in relation to the facts alleged in the affidavits of merits attached to said petition, which show that plaintiff has a good and meritorious defense, and it appearing that said petition for relief was filed within the reglementary period (section 3, Rule 38), we are of the opinion that the respondent court erred in not reopening the case, if for no other purpose, to give an opportunity to the plaintiff to present his evidence on the main case.

Considering the circumstances of this case, we hold that the same should be remanded to the court of origin with the purpose of allowing the plaintiff to present his evidence on the main case, which evidence should be considered by the court in deciding both the main case and the counterclaim. The court may then render Judgment accordingly.

The petition is granted. The Court hereby sets aside the order of respondent court dated November 27, 1951, and remands the case to the lower court for further proceedings in line with this decision, with costs against respondent Benjamin Lacsamana.

The writ of injunction issued by this Court is hereby declared final.

Paras, Pablo, Bengzon, Padilla, and Montemayor, JJ., concur.

Labrador, J., concur in the result.

Feria, Tuason, and Reyes, JJ., did not take part.

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.