

**IRENEO ABUAN AND RICARDO ORDOÑEZ, PETITIONERS, VS.
HONORABLE MIGUEL T. VALERA AND PABLO NONAN,
RESPONDENTS.***G.R. No. L-42452. August 10, 1976*

Ponente: FERNANDO, Acting C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c81a3000312a/>

FERNANDO, Acting C.J.:

An order of a Court of Agrarian Relations judge, respondent Miguel T. Valera, presumably based on a decision of this Court,[1] is assailed in this certiorari proceeding. It directed that petitioners vacate the disputed landholding, about 1 hectare, more or less, in favor of private respondent Pablo Nonan. There was a motion for reconsideration alleging that in its issuance there was a failure to observe procedural due process, no hearing being had, and that there was a misapprehension of the holding of this Tribunal in the case relied upon as it went no further than to determine that it is an agrarian court and not a court of first instance that was vested with jurisdiction. A careful study of the records discloses merit in the petition. We grant certiorari.

The challenged order reads as follows: "This refers to the motion, dated July 16, 1975, asking the Court to place the petitioner in possession of the landholding in question consisting of one (1) hectare, more or less, located at Aurora, Alicia, Isabela, presently tenanted by Ricardo Ordoñez. It appears that in the Order of this Court, dated July 14, 1975, CAR Case No. 3692 was dismissed and the above-entitled case revived by virtue of the decision of the Supreme Court in a certiorari in favor of the herein petitioner. That, in view of this reversal, it has become clear that the petitioner is the rightful tenant over the one (1) hectare, more or less. [Wherefore], considering the foregoing, it is hereby directed that respondents Ireneo Abuan reinstate the petitioner and directing further Ricardo Ordoñez to vacate the premises of more than one (1) hectare and to deliver the same to the petitioner. It is further directed that Ireneo Abuan and Ricardo Ordoñez should not, in any way, molest the petitioner in his peaceful possession and cultivation of the landholding in question. The Sheriff of this Court is hereby directed to implement this Order with the assistance of the Provincial Commander or his duly authorized representative and to render his report within ten (10) days upon implementation thereof." [2] There was a motion for the reconsi-deration of this order of July 20, 1975 on the grounds, among others, of lack of due process and of this Court's decision not being a sufficient basis for its issuance. As to the lack of due process, such motion contains the following: "The questioned order of July 17, 1975 speaks of a certain motion filed by petitioner dated July 16, 1975 asking the court to place him in possession of the landholding in question. The respondents were not served with a copy of said motion nor notified of its hearing so that they could have filed their opposition thereto and appeared at its hearing. The mere fact that petitioner's motion is dated July 16, 1975 and the questioned order is dated July 17, 1975 clearly speaks of the lack of notice to respondents and that the court rather acted hastily and arbitrarily, hence, a denial of the due process to respondents." [3] On the question of the lack of basis of such a decision, it was stated in that motion: "There is nowhere to be found in the decision which states that the petitioner is a tenant. It merely says that the Court of First Instance Judge 'could not by himself and with due observance of the restraints that cabin and confine his jurisdiction pass upon the question of tenancy.' Lack of jurisdiction of the CFI does not automatically mean that the petitioner is a tenant. The Court of Agrarian Relations

which has jurisdiction on the matter must first hear the evidence of the contending parties. In the above-entitled case, the evidence of both parties has not yet been terminated. If there must be a revival of this case, the parties must first be made to adduce their evidence before this Court can promulgate an order similar to the one of July 17, 1975—to all intents and purposes a decision of the case.”[4]

It is thus obvious that the challenged order of respondent Judge is vulnerable on both counts alleged, non-observance of procedural due process, and glaring misinterpretation of the decisions of this Court, purportedly relied upon. Certiorari, as pointed out, lies.

1. The order complained of could aptly be characterized as having been issued with indecent haste. There was a motion for its immediate issuance on July 16, 1975 without notice even being served on the adverse parties, now petitioners. The very next day, its plea for possession was immediately granted. A clear violation of procedural due process is thus evident. As set forth in *Macabingkil v. Yatco*:^[5] "As far back as 1908, *U.S. v. Ling Su Fan*, this Court affixed the imprimatur of its approval on Webster's definition of procedural due process. Thus: 'By the law of the land is more clearly intended the general law, a law which hears before it condemns, which proceeds upon inquiry and renders judgment only after trial.' This Court in a 1924 decision, *Lopez v. Director of Lands*, after quoting the above, added that due process 'contemplates notice and opportunity to be heard before judgment is rendered, affecting one's person or property.'"^[6] The number of cases subsequent to *Macabingkil* reiterating the importance of what was referred to by Justice Laurel as the "cardinal concept of due process" is legion.^[7]

2. Nor could such an infirmity be deemed cured by a motion for reconsideration having been filed by petitioner.^[8] This is not one of those cases where it would have sufficed. The gravity of the abuse of the judicial discretion vested in respondent is quite manifest. By a mere stroke of the pen, without respecting the basic right of the other party to be heard, he would grant the plea and transfer possession. It would have been different, of course, where a peremptory decision of this Court calls for obedience. That certainly would put a different light on the matter. Respondent, as befits any occupant of the bench, would have no alternative. That is the explanation, but not the justification, for this radical departure from a settled norm. Unfortunately, respondent Judge did not take sufficient pains to study the opinion in *Nonan v. Honorable Andres B. Plan*.^[9] What is more, he failed to comprehend the tenor of its dispositive portion: "[Wherefore], the writ of certiorari is granted and the orders of January 15, 1973 and September 29, 1973 nullified and set aside. Respondent Judge is declared devoid of jurisdiction in Special Civil Action No. 120, pending in the Second Branch of the Court of First Instance of Isabela, First Judicial District. No costs."^[10] It is quite clear. It went no further than to declare that District Judge Plan was "devoid of jurisdiction." All that was decided was to affirm such competence as vested in herein Respondent as Judge of an Agrarian Court, an agrarian controversy being involved. By no stretch of the imagination could it be construed to signify that the right of petitioner Nonan, now private respondent, to the disputed landholding had been sustained.

WHEREFORE , the certiorari prayed for is granted, and the order of respondent Judge of July 17, 1975 is nullified and set aside. Respondent Judge is further ordered to proceed forthwith to hear the pending tenancy case involving the parties and to render judgment in conformity with law. No costs.

Barredo and Concepcion, Jr., JJ., concur.

Antonio and Aquino, JJ., in the result.

[1] *Nonan v. Honorable Andres B. Plan*, L-38206, March 25, 1975, 63 SCRA 261.

[2] Order of Respondent Judge, July 17, 1975.

[3] Motion for Reconsideration dated July 20, 1975, 1.

[4] Ibid, 3.

[5] L-23174, September 18, 1967, 21 SCRA 150.

[6] Ibid, 157. United States v. Ling Su Fan is reported in 10 Phil. 104 and Lopez v. Director of Lands in 47 Phil. 23. The other decisions cited are Pobre v. Blanco, 17 Phil. 156 (1910); Banco Español-Filipino v. Palanca, 37 Phil. 921 (1918); Omaña v. Gatulayao, 73 Phil. 66 (1941); Santiago v. Sheriff, 77 Phil. 740 (1946); Gozon v. De la Rosa, 77 Phil. 919 (1947); Tayzon v. Ycasiano, 83 Phil. 921 (1949); Galang v. Uytiepo, 92 Phil. 344 (1952); Sicat v. Reyes, 100 Phil. 505 (1956); Cruzcosa v. Concepcion, 101 Phil. 147 (1957); Vda. de Cuaycong v. Vda. de Sengbengco, 110 Phil. 113 (1960); Hamoy v. Batingolo, L-18119, Aug. 30, 1962, 5 SCRA 962.

[7] Cf. Ibardoloza v. Macalalag, L-22367, April 25, 1968, 23 SCRA 169; Santiago v. Alikpala, L-25133, Sept. 28, 1968, 25 SCRA 356; Development Bank of the Philippines v. Bautista, L-21362, Nov. 29, 1968, 26 SCRA 366; Deluao v. Casteel, L-21906, Dec. 24, 1968, 26 SCRA 475; People v. San Diego, L-29676, Dec. 24, 1968, 26 SCRA 522; Apurillo v. Garciano, L-23683, July 30, 1969, 28 SCRA 1054; University of the Philippines v. Auditor General, L-19617, Oct. 31, 1969, 30 SCRA 5; Catura v. Court of Industrial Relations, L-27392, Jan. 30, 1971, 37 SCRA 303; Citizens' Surety and Insurance Co. v. Melencio-Herrera, L-32170, March 31, 1971, 38 SCRA 369; Medenilla v. Kayanan, L-28448, July 30, 1971, 40 SCRA 154; Serino v. Zosa, L-33116, Aug. 31, 1971, 40 SCRA 433; Shell Company Ltd. v. Enage, L-30111, Feb. 27, 1973, 49 SCRA 416; Aducayen v. Flores, L-30370, May 25, 1973, 51 SCRA 78; Minlay v. Sandoval, L-28901, Sept. 4, 1973, 53 SCRA 1; Carandang v. Cabatuando, L-25384, Oct. 26, 1973, 53 SCRA 383; Vda. de Bacaling v. Laguna, L-26694, Dec. 18, 1973, 54 SCRA 243; A.D. Santos v. Gomintong, L-35526, Jan. 29, 1974, 55 SCRA 368; Vinzons v. Ardales, L-35738, March 29, 1974, 56 SCRA 492; Cornejo v. Secretary of Justice, L-32818, June 28, 1974, 57 SCRA 663; Demaronsing v. Tandayag, L-27057, Aug. 21, 1974, 58 SCRA 484; Auyong Hian v. Court of Tax Appeals, L-28782, Sept. 12, 1974, 59 SCRA 110; Philippine Maritime Industrial Union v. Court of Industrial Relations, L-37003, Oct. 23, 1974, 60 SCRA 287; Firestone Filipinas Employees Asso. v. Firestone Tire and Rubber Co., L-37952, Dec. 10, 1974, 61 SCRA 339; Savory Luncheonette v. Lakas ng Manggagawang Pilipino, L-38964, Jan. 31, 1975, 62 SCRA 258; Salandanan v. Tizon, L-30290, Feb. 24, 1975, 62 SCRA 388; Espeleta v. Avelino, L-39276, Feb. 24, 1975, 62 SCRA 395; Maglasang v. Ople, L-38813, April 29, 1975, 63 SCRA 508; Aquino, Jr. v. Military Commission, L-37364, May 9, 1975, 63 SCRA 546; San Miguel Corporation v. Secretary of Labor, L-39195, May 16, 1975, 64 SCRA 56; Director of Lands v. Abanzado, L-21814, July 15, 1975, 65 SCRA 5; Loquias v. Rodriguez, L-38388, July 31, 1975, 65 SCRA 659; Reyes v. Subido, L-27916, Aug. 21, 1975, 66 SCRA 203; Panaligan v. Adolfo, L-24100, Sept. 30, 1975, 67 SCRA 176; Scott v. Inciong, L-38868, Dec. 29, 1975, 68 SCRA 473.

[8] Cf. Borja v. Flores, 62 Phil. 106 (1935); De Borja v. Tan, 93 Phil. 167 (1953); Flash Taxicab Co., Inc. v. Cruz, L-15464, March 30, 1963, 7 SCRA 518; Caltex (Phil.), Inc. v. Castillo, L-24657, Nov. 27, 1967, 21 SCRA 1071; Demaronsing v. Tandayag, L-27057, Aug. 21, 1974, 58 SCRA 484; Maglasang v. Ople, L-38813, April 29, 1975, 63 SCRA 508; Nation Multi Service Labor Union v. Agcaoili, L-39741, May 30, 1975, 64 SCRA 274.

[9] L-38206, March 25, 1975, 63 SCRA 261.

[10] Ibid, 263-264.

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.