NICOLAS BOHAYANG, PETITIONER, VS. HON. CIRILIO C. MACEREN JUDGE OF COURT OF FIRST INSTANCE OF DAVAO, RUFINO TRAVENIO, LEON TRAVENIO, PRUDENCIO TRAVENIO, NARCISO MENDEZ, MAXIMO C...

G. R. No. L-7290. November 29, 1954

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/e3e1ff1df587/

PADILLA, J.:

An action for recovery of possession of a parcel of land known as lot No. 105 of Tagum Cadastre (accion publiciana or plenaria de posesion) and damages was filed in the Court of First Instance of Davao by the petitioner against the respondents excluding the respondent judge (civil case No. 454), predicated on prior entry upon, possession and cultivation of, the land since 1935 and application thereof homestead in 1939, such possession and cultivation having continued until the outbreak of the Pacific War, when the petitioner was compelled to abandon the land and seek refuge in another place for his survival and that of his family, but on his return in October 1946 he found the respondents squatting and in possession of parts of the land and profiting by the hills of hemp planted by him.

The hearing of the case was finally set for 8 July 1953. After learning from the first witness for the plaintiff, Chief, Survey Party of the Bureau of Lands, that there is a conflict of claims on lot No. 105 between the petitioner and the respondents, plaintiff and defendants in the court below, and that the conflict is pending investigation by the Director of Lands, the respondent court issued the following order:

> In view of the foregoing considerations, let this case be held in abeyance until the Director of Lands shall have finally determined and submitted his report on the conflict between the parties herein.

A motion for reconsideration praying for the setting aside of the order and for a setting of a date for the resumption of the trial of the case was denied. Thereupon, the plaintiff in the court below filed this petition to compel the respondent court to set aside the order complained of and to set a date for the resumption of the trial of the case.

If it were merely a matter of the respondent court's control of its calendar, this Court would not interfere with it. But the order complained of suspends the hearing of the case and makes the resumption thereof dependent upon action to be taken by the Director of Lands on the conflict of claims on the land between the petitioner and the respondents. Such postponement may be for a long stretch of time as it is made to depend upon the action to be taken by the Director of Lands. Such action would settle or determine who under the Public Land Act is entitled to the land as and for homestead. On the other hand, an action for recovery of possession is an urgent matter which must be decided promptly to forestall breaches of peace, bodily injury to person, mayhem, or perhaps loss of life. It is the duty of the Court to act swiftly and expiditiously in cases of that nature.

The writ prayed for is granted. The respondent Court is directed to set aside the order complained of and set a date

for the resumption of the hearing of the case, without pronouncement as to costs.

Paras, C.J., Pablo, Bengzon, Reyes, A., Jugo, Bautista Angelo, Labrador, Concepcion and Reyes, J.B.L., JJ., concur

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

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.