

DONATO MATA, PETITIONER, VS. HON. DELFIN B. FLORES, JUDGE OF THE COURT OF FIRST INSTANCE OF ILOCOS NORTE, PETRA CORPUZ DE MARIANO, AND JULIAN MARIANO, RESPONDENTS.

G.R. No. L-26047. October 30, 1968

Ponente: CONCEPCION, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/e7eeda490609/>

CONCEPCION, C.J.:

Original action for mandamus to compel respondent, Hon. Delfin B. Flores, as Judge of First Instance of Ilocos Norte, to issue a writ of execution of his decision in Civil Case No. 4117 of said court, entitled "Donato Mata vs. Petra Corpuz de Mariano and Julian Mariano."

In said case, Mata sought to establish his alleged title to five (5) parcels of land, located in barrio No. 32, Caluguan, Batac, Ilocos Norte, and more particularly described in the complaint therein, which were allegedly held by the Marianos to guarantee a debt of P350, and to recover the possession of said land, upon payment of the aforementioned sum to them, as well as to secure an accounting of the products of said property, in addition to attorney's fees and the costs.

Although summoned in that case, on October 27, 1965, the Marianos did not mail their answer therein - which was re-ceived by the Clerk of Court and filed on November 15, 1965 - until November 12, 1965, or one day after the expiration of the reglementary period therefor.[1] On motion of Mata, the Marianos were, accordingly, declared in default, on November 18, 1965. Thereupon, Mata introduced his evidence before a deputy clerk of Court, and, on January 22, 1966, the Court of First Instance of Ilocos Norte, presided over by respondent Judge, Hon. Delfin B. Flores, rendered a decision ordering the Marianos to return the land in question to Mata, upon payment of P350 to them. Copy of this decision was, on January 27, 1966, served upon the Marianos, who, eight (8) days later, or on February 4, 1966, moved for a reconsideration. Mata filed, on February 19, 1966, an opposition to said motion for reconsideration. On February 22, 1966, the court issued an order, copy of which was received by the Marianos, on February 25, 1966, reading: "The motion for reconsideration is hereby denied." On March 24, 1966, Mata filed an ex-parte motion for the issuance of a writ of execution, upon the ground that said decision had become final and executory. Instead of granting the motion, Judge Flores issued, on the same date, an order of the following tenor:

"To make the records straight, it is the 'opposition to the defendants' motion for reconsideration' which was not considered by the court or denied by the court. x x x "[2]

The order further stated that Mata's counsel, "Atty. Santos must answer the motion for reconsideration within ten (10) days from to-day, otherwise the answer of the defendants, filed on November 15, 1965, will be admitted by the court. " Instead of filing said answer, on March 29, 1966, Mata reiterated his petition for a writ of execution, which respondent Judge denied, on March 30, 1966. Hence, on May 12, 1966, Mata commenced the present action for mandamus, against respondent Judge and the Marianos.

This case hinges on whether or not the decision in said Civil Case No. 4117 is already final and executory. It is

not con-tested that notice of said decision was, on January 27, 1966, served on the Marianos; that their motion for reconsideration was filed eight (8) days later, or on February 4, 1966, so that, only twenty-two (22) of the reglementary period of thirty (30) days[3] to interpose an appeal were left; that notice of the order of February 22, 1966, ostensibly denying said motion for reconsideration, was re-ceived by the Marianos on February 25, 1966; and that beginning from February 26, 1966, said period of twenty-two (22) days ex-pired on March 19, 1966. In short, the aforementioned decision would have been final since March 20, 1966, and it would be the ministerial duty of respondent Judge to grant Mata's motion for execution of March 24, 1966, if the motion for reconsideration of the Marianos had really been denied by the order of February 22, 1966.

The order of March 24, 1966 indicates, however, that what respondent Judge intended to deny, with his previous order, of February 22, 1966, was not said motion for reconsideration of the Marianos, but the opposition thereto, filed by Mata on February 19, 1966. Hence, instead of acting upon Mata's "ex parte motion for the issuance of a writ of execution," dated March 24, 1966, respondent Judge deemed it fit to set "the records straight" and require Mata's counsel to answer said motion for reconsideration within ten (10) days, with the admonition that "otherwise the answer of the defendants x x x will be admitted by the Court."

In connection with said order of March 24, 1966, two (2) questions must be met, namely: (1) whether full faith and credence shall be given to said order; and (2) if the answer to this question is in the affirmative, whether the order may be given full force and effect, despite the fact that it was issued over twenty-two (22) days after service to the Marianos of notice of the order of February 22, 1966, ostensibly denying their motion for reconsideration.

Upon a careful review of the record, we have no doubt that the first question must be resolved in the affirmative, for: (1) the answer of the Marianos was filed only one (1) day late; and (2) said answer and their motion for reconsideration satisfactorily show, not only that the late filing of said answer was due to excusable negligence, but, also, that the decision would probably be other than that rendered on January 22, 1966, if the order of default were lifted and they had an opportunity to prove the allegations of said answer, and that, in all likelihood, a grave injustice would, other-wise, be committed.

With respect to the first ground, it should be noted that the order of default was predicated upon Mata's allegation to the effect that the Marianos had been summoned on October 26, 1965, and that their answer, mailed on November 12, 1965, was, therefore, two (2) days late. In fact, however, the summons took place on October 27, 1966, so that the answer was late for one (1) day only. This late filing for one (1) day was, moreover, due to the circumstance that the Marianos had overlooked the fact that the month of October consists, not of 30 days, but of 31 days.

As regards the second ground, it appears that the complaint herein is mainly for the recovery of five (5) lots al-legendly belonging to Mata and said to have been mortgaged by him "before the Second World War," for the sum of P350, to Joventino Corpuz, father of defendant Petra Corpuz Mariano; that Joventino Corpuz died sometime after said War; that "some-time in the year 1945, before the arrival of the American Forces of liberation," Mata expressed to Joventino Corpuz his (Mata's) intention to redeem the land; that Corpuz refused to allow the re-demption upon the ground that he wanted to be paid in Philippine Money, which Mata did not have; that in 1950, after the death of Joventino Corpuz, Mata sought to redeem the land from the Marianos, who were then in possession thereof; that the Marianos asked Mata to defer the redemption, to which Mata agreed; and that, when Mata tried to redeem the property in 1958, the Marianos contested his right to do so, alleging that they are the owners there-of.

In their answer to the complaint, the Marianos, in turn, alleged that they do not know and are not in possession of the se-cond parcel of land described in the complaint; that the other four (4) parcels therein described were,

however, sold by Mata, way back in 1923, to Joventino Corpuz, pursuant to a deed of absolute sale now in the possession of the Marianos; that, upon the death of Joventino Corpuz, said four (4) parcels of land were left with his only daughter, Petra Corpuz de Mariano, who became the absolute owner thereof by succession; and that Mata had never tried to redeem said land, which has been in actual possession of Joventino Corpuz and the Marianos, as owners thereof, continuously, for 41 years since 1923.

The decision of the lower court, based upon the evidence introduced ex parte by Mata, before the deputy Clerk of Court, on November 26, 1965, states that the transaction between Mata and Joventino Corpuz had not been incorporated into a written contract. Attached to the motion for reconsideration of the Marianos is, however, an affidavit of Petra Corpuz Mariano which states in part:

"x x x that the truth is that sometime on June 29, 1923, the plaintiff, Donato Mata, executed a Deed of Sale covering these parcels of lands in favor of my late father, Joventino Corpuz, which document was drawn before the late Justice of the Peace Felix R. Verzosa of Batac, Ilocos Norte, and entered in his Notarial Register as Reg. No. No. 40; Pag. 96, S. of 1923; and that this document was Registered in the office of the Register of Deeds of Ilocos Norte, under Inscription No. 5237; Page 215; Vol. XIV; File No. 5237, Laoag, I. N., March 30, 1948 (this doc. will be presented to the Court during the hearing);"[4]

The details given in this affidavit are such as to cause upon the reader the impression, if not the conviction, that the allegations in the answer and the motion for reconsideration of the Marianos are probably true and that a serious danger of committing a grave injustice would exist if they were denied an opportunity, at least, to introduce evidence on their behalf. Indeed, if the claim of Mata were true, he would still win eventually, with the particularity that such damages as he may suffer in consequence of the resulting delay could be somewhat compensated with the obligation for which the land in question is allegedly mortgaged. Upon the other hand, if Mata had really executed, in favor of Joventino Corpuz, a deed of absolute sale of said land, way back on June 29, 1923, or over 42 years prior to the institution of Civil Case No. 4117 on October 16, 1965, the possession of Corpuz and the Marianos for that period of time - which possession was, seemingly open, public and continuous - must have been adverse to the whole world, so that they would have acquired title to the land in question by sale as well as by prescription, and a grave injustice would thus be caused to them, if said reconsideration were denied.

It was only logical and natural for respondent Judge to conclude, upon reading said motion for reconsideration, and particularly the aforementioned affidavit of Petra Corpuz, as well as the answer, dated November 12, 1965, that the court had no other course open thereto except to give the Marianos a chance to prove their contention.

In other words, the only plausible explanation for the order of February 22, 1966 - consistently with the ordinary course of events - is that given in the order of March 24, 1966, namely: that said order of February 22 was meant to deny, not said motion for reconsideration, but Mata's opposition thereto.

The next question for determination is: considering that, from February 25, 1966, when the Marianos were notified of the erroneous order of February 22, 1966, the twenty-two (22) days that they had to appeal from the decision expired on March 19, 1966, did respondent Judge have, on March 24, 1966, the power to rectify said order of February 22, 1966, in order to set "the records straight"?

It is our considered view that he did have such power. Indeed, pursuant to Rule 135, Section 5, of the Rules of Court:

"Every court shall have power:

x x x x x

(g) To amend and control its process and orders so as to make them conformable to law and justice;

(h) To x x restore, and supply deficiencies in its records and proceedings."

The lapse of more than twenty-two (22) days since February 25, 1966, would have barred the authority of respondent Judge to avail of the foregoing inherent power, if the motion for reconsideration of the Marianos had really been denied. But, such is not a fact, for the denial of the motion in said order was apparently the product of a misunderstanding by the stenographer who typed or transcribed the order of respondent Judge, who, pressed by the volume of his work, must have signed the order, either without reading it, assuming that his instructions had been carried out, or in the belief that it referred to another case.

At any rate, "when a judgment or order is entered x x against a party in a Court of First Instance through fraud, accident, mistake, or excusable negligence" of such party, he may file a petition to set aside said judgment or order, "within sixty (60) days after the petitioner learns of the judgment, order, or other proceeding to be set aside, and not more than six (6) months after such judgment or order was entered x x x accompanied with affidavits showing the fraud, accident, mistake, or excusable negligence relied upon, and the facts constituting the petitioner's good and substantial x x x defense." [5]

In the case at bar, an affidavit showing such facts has been filed. The action taken by respondent Judge took place within said periods of sixty (60) days and six (6) months. If a relief against the mistake or excusable negligence of a party may be granted by a Judge, it is obvious that he has, not only the authority, but, also, the duty to afford such relief, when the mistake or excusable negligence are his own.

WHEREFORE, the petition herein should be as it is hereby dismissed, and the writ prayed for denied, with costs against the petitioner.

IT IS SO ORDERED.

Reyes, J.B.L., Dizon, Makalintal, Sanchez, Castro, Angeles, Fernando, and Capistrano, JJ., concur.
Zaldivar, J., on official leave, did not take part.

[1] Section 1, Rule 11, Rules of Court.

[2] Underscoring ours.

[3] Rule 41, Section 3, Rules of Court.

[4] Underscoring ours.

[5] Rule 38, Sections 2 and 3, Rules of Court. See, also *Magbanua v. Barrios*, 73 Phil. 318; *Garcia v. Muñoz*, L-11617, April 30, 1968.

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.