

TEOFILO TALAVEBA, PLAINTIFF AND APPELLEE VS. VICTOR MAÑGOBA, ET AL., DEFENDANTS. VICTOR MAÑGOBA, DEFENDANT AND APPELLANT.

G.R. No. L-18373. August 31, 1963

Ponente: PAREDES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f4ef3023673c/>

PAREDES, J.:

Instant case had been certified by the Court of Appeals, finding that the issue involved is purely legal in nature.

On December 2, 1957, plaintiff instituted before the CFI of Nueva Ecija, Civil Case No. 2693, for recovery of sum of money against Victor Mañgoba and his counsel Nieves Safiru, allegedly representing the costs of E-Meg Poultry Feeds, which defendants received from plaintiff. Defendants presented separate Answers, wherein they admitted some and denied other allegations in the complaint. Both also interposed separate counterclaims of P1 ,000.00 each.

In the hearing scheduled on March 10, 1958, neither defendants or their counsel appeared, so that the trial court received plaintiff's evidence in their absence. On March 18, 1958, a decision was rendered, the dispositive portion of which reads:

"The plaintiff declared that the agreement was made between him on the one hand and the defendant Victor Mañgoba and Mrs. Safiru. Nieves Safiru denied in her answer having entered into such an agreement with the plaintiff. And it will be noted that not one of the 16 invoices had been signed by Nieves Safiru. They were all signed either by the defendant Victor Mañgoba or his wife C. B. Mañgoba. It needs more than the uncorroborative testimony of the plaintiff to hold the defendant Nieves Safiru liable on the supposed contract of agency. If it is true that Nieves Safiru had entered into this contract of agency with the plaintiff, at least one invoice would have been signed by her.

Wherefore, judgment is rendered in favor of the plaintiff and against the defendant Victor Mañgoba for P2,425.73 with interest at the legal rate from the time of the filing of the complaint and one-half of the costs. The complaint is dismissed as against the defendant Nieves Safiru with ½ of the costs against the plaintiff herein."

Appellant claims that the above decision was received by him on March 25, 1958 and the next day (March 26), a Motion for New Trial was presented, wherein it was stated that the failure to appear at the hearing was due to accident or excusable negligence, counsel having been ill of influenza from March 9 to 12. A medical certificate, duly sworn to, was attached to the Motion (Annex A). Appellant further claimed that he had evidence, mostly documentary, to counteract plaintiff's claim. Counsel for appellant asked the Court to hear the motion for new trial on April 2, 1958. On April 1, 1958, however, one day ahead of the date, the trial court denied said motion, even before the presentation of an opposition thereto, which was only filed on April 7, 1958.

In the appeal brief, appellant contends that in denying the motion for new trial, the court a quo deprived him of his day in court.

Generally, courts are given the discretion to grant or not, motions for new trial and appellate courts will not delve into the reasons for the exercise of such discretion. In this particular case, however, it was shown that the absence of counsel was explained and immediately upon receipt of the decision, motion for new trial, accompanied by an affidavit of merit, and a medical certificate, were presented. Said motion for new trial could well be considered as motion to set aside judgment or one for relief, since it contained allegations purporting to show the presence of good defenses. The ends of justice could have been served more appropriately had the lower court given appellant the chance to present his evidence at least. Furthermore, it appears that payments had been made by appellant to appellee, which were duly received and receipted for. This particular circumstance merits consideration. After all, court litigations are primarily for the search of truth, and in this present case, to find out the correct liability of defendant-appellant to appellee. A trial, by which both parties are given the chance to adduce proofs, is the best way to find out such truth. A denial of this chance, would be too technical. The dispensation of justice and the vindication of legitimate grievances, should not be barred by technicalities (*Ronquillo vs. Marasigan*, L-11621, May 21, 1962; *Santiago, et al., vs. Joaquin*, L-15237, May 31, 1963). Had not the trial court resolved the motion for new trial, one day before the date set for its hearing, the defendant-appellant could have presented the documents (receipts of payments), itemized in his brief, to counteract appellant's claim.

In view of all the foregoing, the decision appealed from is hereby set aside and another entered, REMANDING the case to the court of origin, for the reception of appellant's evidence and for the rendition of the corresponding decision. No pronouncement as to costs.

Bengzon, C. J. Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L, Dizon, Regala and Makalintal, JJ., concur.

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.