

**REPUBLIC OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
SEGUNDA L. GARCIA, IN HER CAPACITY AS EXECUTRIX AND SOLE
HEIR OF THE TESTACY OF WILLIAM C. HART, AND HORACIO DAVID
LUCIA...**

G. R. No. L-3526. August 15, 1951

Ponente: TUASON, J.

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TUASON, J.:

Before briefs were filed on this appeal, a motion for new trial was registered by the defendant on the ground that after her case was submitted on March 7, 1949, she "discovered evidence which could not, with reasonable diligence, have been discovered and produced at the trial." The new evidence consisted, among others of a negotiated sale by the intestate of one Patrick McCrann on April 9, 1949, of a tract of land adjoining the defendant's land and for which the plaintiff had paid P5,000 per hectare as against P1,000 determined by the trial court as the value of the land here in question. By appropriate resolution that motion was held in abeyance until the case came up for decision on the merits. After the filing of the briefs, an amended motion was presented, in which were added new grounds, to wit: "That after the presentation of the original motion for new trial and the rendition of the decision of the lower court finding the agricultural land of the Morales and Madlambayan in Civil Cases Nos. 148 and 151, to be worth P3,000 per Ha., and P2,500 per Ha. for some parcels, the lower court rendered another decision in the other expropriation cases, in Civil Cases No. 161, on lands located in the same district for agricultural land to be worth P2,500 per Ha., and P2.50 per square meter for the residential portion. That the Valdes decision in paid Civil Case No. 161, was rendered on March 2, 1950."

The decisions in Civil Cases Nos. 148 and 151 were not appended to the new motion but the decision in Civil Case No. 161 was. Also appended to the new motion was a compromise agreement entered into after the decision in case No. 161 was handed down, whereby the United States Government, through the Solicitor General, paid for the Valdez lands, which had a combined area of 80 hectares, P2,500 a hectare irrespective of class. The above decision had sentenced the plaintiff to pay Valdez P151,786.50 for the residential portion, measuring six hectares, or at the rate of P2.50 per square meter, and P186,026.00 for the agricultural portion, or at the rate of P2,500 per hectare.

Pertinent to the application for new trial are these extracts, among others, from the decision:

"After examinng carefully the evidence adduced before the Commissioners on Appraisal; considering that the residential portion in question adjoins an asphalt road; it is located near the old Stotsenburg military camp; it adjoins three occupied residential lands of Messrs. Hart, McCrann and Emiliano Valdez; and thus it has the potential value as community site which induced the owners to have it subdivided into residential lots for sale; and taking into account the other reasons given by the majority of the Commissioners in their amended report, this Court is of the opinion, and so holds, that TWO PESOS AND FIFTY CENTAVOS (P2.50) per square meter for said residential portion is a fair market value."

"As to the similarity in character between the properties conveyed under the aforesaid exhibits and the Valdez properties, the records disclose the following facts: After a laboratory analysis of the soil of the aforementioned properties, it was found that they are of the same fertility, more or less, and that they belong to one type of soil known as the 'Angeles Fine Sand' which is capable of producing 80 piculs of sugar per hectare if properly cultivated and managed." (The land involved in the instant proceeding was found to be of the 'Angeles Fine Sand' type.)

"Witness Mr. Hizon, for the plaintiff, admitted that the property in question and those of the Siopongcos and the Tiglaos and all the properties which the Government is acquiring for the Clark Field expansion lie in the best sugar cane district of Pampanga."

Of possible interest also is a letter, attached to the amended motion, of the commissioner who had been nominated by the plaintiff. Said letter in part reads:

"The Hart land is as good as the Valdez Land * * * I base the foregoing opinion on my observations as Commissioner in both the Valdez and Hart expropriation proceedings."

The application has not been opposed.

It does not appear that the deal on McCrann's land could have been discovered with due diligence during the progress of the trial, and there is no question that the decisions in Cases Nos. 148, 151 and 161 were promulgated and the compromise was effected after the present case had been decided.

If the Valdez, the Morales and McCrann lands were similar to the Hart property as to location and value, the sales and decisions which the defendant wants to establish in a new trial may be so material and of such importance and force as to make a different result reasonably probable. But those decisions and sales not being in the record of the main case, we are precluded from reckoning with them, as the appellee points out with good reason.

In view of these considerations, specially in view of wide difference and prices noted, the net effect of which reaches a very substantial amount, this court will not be stepping beyond the bounds of law and equity if reopening of the case for the introduction in evidence of the documents mentioned, is authorized. That error may have been committed, relief from which is unobtainable by any means other than a new trial, and that the commissioners and the court may change their findings in the light of the later developments, is a distinct possibility. On the other hand, there is no ground for regarding the application for new trial as a move for delay; and as to their existence and nature, the new proofs are matters of official record and available for presentation at any time. After all, the plaintiff, which does not object to the motion, is in full possession of the land and is using it for the purpose for which it has been condemned.

The purchase of the McCrann property came to defendant's notice before this case was brought here on appeal, and no explanation has been adduced as to why the court below was not requested to reopen the case and consider this transaction in evidence. However, a new trial before appeal was taken would not have enabled the plaintiff to offer the decisions and the compromise in the other condemnation cases as none of them were yet in existence. So a motion for new trial on the basis of the payment for McCrann's land by the plaintiff would not have placed before the commissioners and the court the more important of the new evidence now sought to be introduced.

On the whole, the above-noted noncompliance with the technical requirements, affecting as it does only part of the new evidence, may be overlooked to the end that, should the commissioners and the court believe the new evidence important, the interest of justice and truth may be served, while causing no detriment to the rights of the plaintiff by reason of the consequent delay. Upon the facts and circumstances of the case, allowance of the motion is neither capricious nor arbitrary and clearly falls within the inherent power of the court to make notwithstanding any wholly technical objections.

Wherefore, with the advertence that this resolution should not be construed as reflecting any opinion on the value and force to be accorded the new evidence, the case is remanded to the court of origin for a new trial before the commissioners along the line hereinbefore indicated, after which the commissioners shall make a new report and the court, after proper hearing on that report, shall make a new decision, reaffirming, modifying or reversing the existing report and decision according as the new evidence in their judgment warrants.

Paras, C. J., Pablo, Padilla, Tuason, Feria, Bengzon and Jugo, JJ., concur.

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