

CANDIDO VALDEZ, ET AL., PETITIONERS, VS. CRISPIN PARAS, ET AL., RESPONDENTS.*G.R. No. 11474. May 13, 1959*

Ponente: CONCEPCION, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-11474/>**CONCEPCION, J.:**

This case was initiated by a petition dated February 27, 1956, which was amended on March 8, 1956, whereby the above-named petitioners asked the Court of Agrarian Relations to intervene for the settlement of their issue with respondent Crispin Paras, upon the ground that they re his tenants on several parcels of land situated in the municipality of Zaragoza, province of Nueva Ecija, and that he has refused to allow them to thresh their respective crops and is charging them certain expenses they had never agreed to defray. Respondent filed an answer admitting the formal allegations of the petition, denying its other allegations and setting up special defenses, as well as a "counterclaim". After the filing of petitioners' "answer to counterclaim," respondent moved for a "judgment on the pleadings", referring to those relative to his "counter-claim," upon the ground that the principal allegations thereof had not been denied by the petitioners. There-upon, the case was set for hearing on June 4, 1956, which, on motion of petitioners, was postponed to June 15, 1956, by an order dated June 5, 1956. The same, likewise, deferred the resolution of respondent's motion for a judgment on the pleadings. As neither the petitioners, nor their counsel, appeared on June 15, 1956, the petition was dismissed for "lack of interest on the part of petitioners to prosecute their petition", and respondent was allowed to introduce evidence on his "counterclaim". Subsequently, on June 21, 1956, a decision was rendered thereon, the dispositive part of which reads:

"IN VIEW OF THE FOREGOING, judgment should be as it is rendered in favor of respondent against petitioners herein. The Court hereby authorizes respondent Crispin Paras to eject petitioners from their respective landholdings belonging to him, said respondent, situated at Sta. Lucia, Zaragoza, Nueva Ecija, authorizing him also to contract with other tenants to cultivate said landholdings."

A motion for reconsideration and new trial of the petitioners having been denied by an order dated September 5, 1956, petitioners sought a reconsideration of said order, with the same result. Hence, the present petition for review by certiorari, filed by the petitioners, who maintain that the lower court erred: (1) in dismissing their petition; (2) in authorizing petitioners' ejectment from the land in question; (3) in granting respondent's motion for a judgment on the pleadings; and (4) in denying the aforementioned motions for reconsiderations and new trial of petitioners herein.

Petitioners allege that their failure to appear at the hearing held on June 15, 1956, was due to the fact that notice thereof was not served upon their counsel, Nicomedes Cristobal, until one day later, or on June 16, 1956. However, petitioners have not attached to the record before us the pertinent portion of the record in the lower court allegedly bearing out their aforementioned allegation, which is contested by the respondent, who asserts that petitioners "were informed in advance of the scheduled hearing set for June 15, 1956 * * *",

Moreover, petitioners' motions for reconsideration and new trial were not supported by any affidavit of merit.

Although they attached to their motion for reconsideration and new trial, dated June 26, 1956, the sworn statements of Nicomedes Cristobal and Juan de la Cruz, said statements referred merely to the question whether or not they had been notified of the hearing on June 15, 1956. Nothing was said, in those affidavits, regarding the merits of petitioners' claim against the respondent, or the evidence available thereon. In other words, the aforementioned sworn statements do not partake of the nature of affidavits of merits.

With respect to respondent's motion for a judgment on the pleadings pertinent to his "counterclaim", it should be noted that respondent's "counterclaim" consisted of six (6) paragraphs. The first referred to the residence of the petitioners. The second alleged:

"That after the termination of the planting season, all the Petitioners abandoned their landholdings and left the same to the care of nature and were it not for the farm guards and other tenants including the overseer, their respective landholdings would have been destroyed or "would have produced almost nothing." (Italics ours.)

The third averred that petitioners had not complied with their obligations as tenants, in that they failed to take care of their respective farmholdings and of the growing crops and other improvements entrusted to them with the diligence of a good father of family. The fourth stated that on February 14, 1956, petitioners took about 20 cavan of palay from the stocks still unthreshed in the land in question without the consent of, either respondent or his representative. In the fifth and sixth paragraphs, respondent asserted that petitioners had, moreover, violated their contracts of tenancy with him and failed to comply with their obligations under Republic Act No. 1199, and that they were "working damage to the interest of the respondent without any legal justification and * * * proved themselves * * * unworthy to be retained further as tenants * * * of the respondent". Premised upon these allegations, respondent prayed, among other things, that petitioners be ejected from the land in question, that their relationship as landholder and tenants be terminated and that a liquidation of accounts be ordered.

In their answer to this "counterclaim", petitioners admitted paragraphs 1 and 4 thereof and denied paragraphs 3, 5 and 6 of the same. Having failed to specifically deny the allegations in the above-quoted paragraph 2 of the "counterclaim", the lower court held that the truth thereof was deemed admitted by the petitioners and that a judgment on the pleadings was, therefore, proper. Petitioners assail this conclusion upon the ground that, under Rule 11, section 1, of the Rules of Court, if the plaintiff fails to make a "reply" in denial or in avoidance of any affirmative averment made in the defendant's "answer", all new matters alleged therein are deemed controverted, and that, consequently, the aforementioned allegation in paragraph 2 of respondent's "counterclaim" should be deemed denied.

Said provision of the Rules of Court refers, however, to new matters alleged or special defenses set up in the "answer" proper, in respect of which plaintiff or petitioner is entitled to "reply". It does not apply to the allegations in a "counterclaim", for the pleading that plaintiff or petitioner may file in response thereto is legally known as "answer", not "reply". The provision applicable to counterclaims is found in Rule 10, Section 7, of the Rules of Court, which is to the effect that—

"A counterclaim or cross-claim must be answered in accordance with Rule 9 within ten (10) days from service." (Italics ours.)

Hence, not having been specifically denied in petitioners'

"answer to counterclaim", the allegations in said paragraph 2 of respondent's counterclaim are deemed admitted by the petitioners, pursuant to Rule 9, section 8, of said Rules of Court, which provides that—

"Material averment in the complaint, other than those as to the amount of damage, shall be deemed admitted when not specifically denied. Allegations of usury are deemed admitted if not denied specifically and under oath." (Italics ours.)

At any rate, the decision appealed from was rendered after the introduction of evidence, which was found by the lower court to have established the truth of the allegations in the counterclaim. Hence, said decision is not in the nature of a judgment on the pleadings. It may not be amiss to note that petitioners do not question the accuracy of the aforementioned finding.

Wherefore, the decision appealed from is hereby affirmed, with costs against the petitioners. It is so ordered.

Paras, C. J., Bengzon, Padilla, Montemayor, Reyes, A., Bautista Angelo, Labrador, and Endencia, 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.