

VICTORINO MARIBOJOC, PETITIONER, VS. HON. PASTOR L. DE GUZMAN, ETC., ET AL., RESPONDENTS.*G.R. No. 14724. October 26, 1960*

Ponente: BAUTISTA ANGELO, J.

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Dolores Kapungan as administratrix and part-owner of a parcel of land of 67 hectares situated in Labangon, Cebu. filed on May 9, 1958 a petition before the Court of Agrarian Relations of Cebu City praying that they be allowed to remove their tenant Victorino Maribojoc ordering him to pay the damages they had suffered since 1957 because of his failure to pay them their share in the crop.

Maribojoc was duly served with summons but failed to answer the petition and so he was declared in default upon motion of Dolores Kapungan. Thereupon, Kapun-gan presented her Evidence before Commissioner Eliseo C. Alinsung who in due time' submitted his report. On the strength of the evidence presented, the agrarian, court found that Maribojoc violated paragraphs (b) and (c), section 50 of Republic Act 1199 for having failed to give to his landlord her share of the crop of 1957 and, accordingly, rendered judgment allowing Kapungan to eject him and put another in his place as tenant. No damages were awarded because the evidence on this point presented by petitioner was found to be insufficient.

On July 16, 1958, Maribojoc filed a motion for reconsideration alleging (1) that the order declaring him in default was procured by petitioner thru fraud, deceit and misrepresentation; and (2) that, the decision rendered against him is null and void because he was not given his day in court. The motion was denied on October 1, 1958. Maribojoc gave notice of his desire to appeal on October 7, 1958. On October 20, 1958, he interposed the present petition for review.

The only issue for determination is whether the agrarian court has abused its discretion in denying the motion for reconsideration of petitioner praying that its order declaring him in default be set aside for the reasons set forth therein in order that he may be given his day in court.

The record shows that as soon as petitioner received copy of the decision of the agrarian court wherein because of his failure to put in an answer he was declared in default and so his landlord presented evidence against him on the strength of which judgment was rendered allowing his landlord to eject him, he immediately took steps to have the order of default set aside and the decision declared null and void. Thus, he filed a verified motion for reconsideration supported by an affidavit of merit wherein he stated that he is ignorant and paralytic and at the time he received the summons he was living more than a kilometer from thfe nearest highway which could only be reached by going over high hills and rugged dales; that despite such handicap, he went to the office of the clerk of court to ask for advice and was told to look for a lawyer; that being penniless, he went to the JAGO Tenancy Office to look for Lt. Caluna whom he knew but unfortunately he was not available; and that when he came upon Atty. Antonio Roque of the Land Tenancy Commission the latter told him that he should just wait for the trial because he would be duly notified thereof; so he went home but to his surprise the next paper he was served on

was a copy of the decision of the court.

In his affidavit he also stated the reasons for the desire of his landlord to eject him from the land. He said that sometime in July, 1956, or on July 5 to be exact, he was ordered by a daughter of Dolores Kapungan, who instituted the present case, to fetch water because she desired to take a bath. Inasmuch as it was getting dark, being already six o'clock in the evening, and the well was one kilometer away from the house, he asked to be excused. This enraged Dolores who told him that she would do everything in her power to eject him and his family from the land.

All these reasons fell in a deaf ear. The court merely denied his motion without stating any reason for its action. It is no wonder that he has now come asking for relief.

Considering the equities of this case, we are of the opinion that the agrarian court has acted quite harshly in dealing with petitioner and in denying him his day in court. While a motion for reconsideration is addressed to the discretion of the court, the same should be exercised judiciously having in mind the circumstances of each case. Here the circumstances furnish sufficient justification for a more liberal attitude considering the ignorance and lack of instruction of petitioner who, in spite of all odds, took reasonable steps to comply with the law but failed because of a faulty advice. Yet, respondent court curtly denied his motion for relief. We consider such attitude contrary to the spirit of the law which commands that the court shall always endeavor to effect an amicable settlement of every agrarian case and that in the hearing and determination thereof it should not be bound strictly by the technical rules of evidence. (Section 10, Republic Act 1267, as amended; Section 1, Rule 8, Court of Agrarian Relations.) And speaking of its own rules, the agrarian court postulates "that they shall be liberally construed in order to effect the settlement and disposition of disputes arising from the relationship of landlord and tenant with promptitude and dispatch and to enable the parties to obtain just, speedy and inexpensive determination of every action and proceeding.¹" (Section 2, Rule 1, Ibid.) We, therefore, find warranted petitioner's contention that he was not given his day in court.

The contention that the present petition was filed beyond the reglementary period is without merit. It appears that petitioner filed his motion for reconsideration on July 16, 1958. This was denied on October 1, 1958, copy of which was received by petitioner on October 6, 1958. On October 20, 1958 he filed the present petition for review. Verily, this petition was filed within the period of 15 days prescribed by law bearing in mind that the same is addressed not to the decision on the merits but to the order denying his motion for relief.

Wherefore, petition is granted. The order of respondent court dated October 1, 1958 is hereby set aside. It is ordered that this case be remanded to respondent court for trial on the merits after petitioner had been given time to file his answer. No costs.

Paras, C.J., Bengzon, Padilla, Labrador, Reyes, J.B.L., Barrera, Gutierrez David, and Paredes, JJ., concur.

Petition granted.

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