

## **ZAMBALES CHROMITE MINING COMPANY, PLAINTIFF AND APPELLEE, VS. JOSE ROBLES, DEFENDANT AND APPELLANT.**

*G.R. No. 16182. August 29, 1961*

Ponente: LABRADOR, J.

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### **LABRADOR, J.:**

Appeal for an order of the Court of First Instance of Zambales, Honorable Lucas Lacson, presiding, dismissing the counterclaims presented in defendant's answer to the complaint in above-entitled Civil Case No. 2113, appealed to it from the Justice of the Peace Court of Sta. Cruz, Zambales.

On November 2, 1956 the Zambales Chromite Mining Company filed a complaint against Jose Robles asking for an order against the defendant to vacate immediately certain mines and mineral claims in the Municipality of Sta. Cruz, Zambales, belonging to plaintiff and for the payment by the defendant of the sum of P425,573.75 as rentals for said claims, P12,000.00 as monthly royalties, and attorney's fees. The defendant did not file any written answer in the justice of the peace court; he only made a verbal denial of the allegations of the complaint. Judgment having been rendered in favor of the plaintiff, the case was appealed by the defendant to the Court of First Instance.

In said court, the complaint of plaintiff with the prayers above indicated having been reproduced, defendant filed his answer containing denials of the material allegations of the complaint and the following counterclaims; for P19,832.69, representing sums overpaid by defendant to plaintiff in royalties; for P5,000.00, representing the cash bond put up by defendant in favor of plaintiff, which amount is reimbursable to the defendant; for P150,000.00, as damages caused by the strike of defendant's laborers instigated by the plaintiff; for P1,250,000 as profits defendant would have obtained from Japanese contracts cancelled due to misrepresentations of plaintiff among the Japanese buyers; for P500,000.00 representing amount of profits defendant would have obtained from the exportation of 30,000 tons of chromite ore to Japan under the barter permit; for P250,000.00 as moral damages and P25,000.00 as attorney's fees. The plaintiff moved to dismiss the counterclaims on the ground that the issues raised in the counterclaims were not raised in the defendant's answer in the Justice of the peace court. This motion to dismiss was granted by the court below. Against this dismissal the defendant has prosecuted this appeal.

In this Court, the attorney for the defendant argues that inasmuch as no injury has been caused to the substantial rights of the plaintiff's appeal, and neither has the counterclaims prejudiced the cause of justice and equity, defendant should not be precluded from interposing them in the court of first instance. The Rules expressly provide that upon appeal from the judgment of a justice of the peace court to the court of first instance the case shall stand for trial de novo (Section 9, Rule 40). This provision has been interpreted to mean that parties are prevented from raising issues in the court of first instance which were not raised in the justice of the peace court.

"From the foregoing, the inevitable conclusion is that under the provisions of the law on the subject, upon appeal to the Court of First Instance, the parties cannot file any pleading which raises questions essentially distinct from those lawfully and duly raised in the Court of origin." (Yu Lay vs. Galmes, 40 Phil., 651)

"As to defendant's counterclaim, it is true that the same could not have been entertained in the Court of First Instance on appeal, if it clearly appears that it was not presented in the justice of the Peace Court." (Sarreal vs. Tan, 49 Off. Gaz. 499)

Counsel for the appellant argues that the law should not countenance a mere technicality preventing litigants from settling their disputes and claims against each other in as expeditious and thorough a manner as possible. In answer to this argument, we must call attention to the fact that the rules, which have the force of law, provide the manner and occasion when issues are to be raised for adjudication. If the rules were to be ignored and we permit litigants to raise issues without order and regulation, confusion would arise. This would certainly happen were we to allow the issues the defendant has raised in his answer in the court of first instance. The defendant-appellant is not precluded from raising his counterclaims in a separate action if he decides to do so. But in view of the fact that the trial in the court of first instance in an appeal is merely a trial de novo, we are constrained to dismiss the counterclaims in pursuance of the dictates and mandate of the rules.

Finding absolutely no merit to the appeal, we hereby affirm the order of dismissal appealed from with costs against the appellant.

Bengzon, C. J., Padilla, Concepcion, Reyes, J. B. L., Paredes, Dizon, De Leon, and Natividad, JJ., concur.

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