

NICEFORO S. AGATON, PETITIONER-APPELLANT, VS. HON. PATRICIO PEREZ, CARLOS S. MARTINEZ, AND FELIZA B. MARTINEZ, RESPONDENTS-APPELLEES.*G.R. No. 19548. December 22, 1966*

Ponente: MAKALINTAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-19548/>**MAKALINTAL, J.:**

On June 15, 1960 respondent Feliza B. Martinez and her husband, co-respondent Carlos S. Martinez, entered into a contract of lease with petitioner Niceforo S. Agaton, covering the second floor of respondents' house at Camp 8, Kennon Road, Baguio City. The term of the lease was up to June 15, 1961, at a monthly rental of P100.00. On May 8, 1961 respondents filed a complaint in the municipal court of Baguio for the collection of (1) rents unpaid since December 18, 1960; (2) the value of certain city services which petitioner was supposed to pay but did not, thus compelling respondents to pay them; and (3) another indebtedness in the sum of P200, together with attorney's fees of P150.

Petitioner filed a written answer to the complaint, containing denials as well as a number of allegations under the headings of "first special affirmative defense and/or counterclaim" and "second special affirmative defense and/or counterclaim." The first consists of a long narration of evidentiary facts and conclusions which, reduced to their essence, merely tend to support petitioner's allegation that respondents had misled him into renting their house by making him believe that there was regular transportation which he could avail of in going to and from the city proper when actually there was none. The second affirmative defense and/or counterclaim also consists of a detailed narration of how respondent Feliza Martinez, on March 14, 1961, went to see petitioner's employer, the Superintendent of the Baguio Military Institute where he was teaching, to inquire whether he was getting his salary on time—an act which, petitioner alleged, was done maliciously and with the obvious intention to "embarrass, humiliate, degrade, belittle and vex the defendant and thus undermine (his) position of dignity and authority." Compensatory damages (for taxi fares spent by petitioner) were the subject of the first counterclaim; moral damages were the subject of the second.

When the case was called for hearing respondents were furnished copy of petitioner's answer to the complaint, whereupon they manifested to the court that they "are denying specifically each and every allegation of all the counterclaims, the truth being that this claim was filed in good faith." The trial then proceeded as to respondents' case, after which petitioner made a verbal motion for judgment on the pleadings with respect to his counterclaims, alleging that respondents' verbal answer thereto constituted a mere general denial and therefore tendered no triable issue. The motion was denied, as was also a subsequent motion for reconsideration. Petitioner thereupon filed a petition for certiorari with the Court of First Instance of Baguio, alleging grave abuse of discretion. That court, In its decision of January 10, 1962, ruled that there was no such abuse and hence dismissed the petition, with costs.

Petitioner interposed the present appeal and now insists that since respondents' answer to his counterclaim was a mere general denial and therefore tendered no issue, it was mandatory for the court a quo to render judgment on.

the pleadings. There is no merit in the argument. In the first place, petitioner's answer, particularly in those portions thereof denominated by him as special affirmative defenses and/or counterclaims, contains so many unnecessary allegations of evidentiary matters that a specific denial of each and every one of them was not only uncalled for but even impractical, especially considering that the old Rules of Court did not require an answer (in this case to the counterclaims) in the municipal court to be in writing (Rule 4, Sec. 6). In the second place, the allegations in both the special affirmative defenses and in the counterclaims are so inseparable and indeed have been lumped by petitioner himself under common headings that, following the rule as to new matters affirmed in the answer (Rule 11, Section 1, old Rules of Court), they may be deemed controverted even if not specifically challenged by respondents in a reply. Finally, the basic allegations which make up the counterclaims, namely, misrepresentation and malice attributed to respondents, were specifically traversed by them by their allegation of good faith in the verbal answer interposed by them to the said counterclaims.

Far from committing a grave abuse of discretion, the court a quo acted correctly and with proper judicial circumspection in denying petitioner's motion for judgment on the pleadings. The decision appealed from is affirmed, with costs against petitioner-appellant.

Concepcion, C.J., Reyes, J.B.L., Dizon, Regala, Bengzon, J.P., Zaldivar, Sanchez and Ruiz Castro, 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.