JESUS TOMAS CABAÑGIS, RECURRENTE, CONTRA JUEZ NATIVIDAD ALMEDA LOPEZ, RECURRIDA.

G.R. No. 47685.. September 20, 1940

Ponente: IMPERIAL, J.

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IMPERIAL, J.:

En su solicitud de mandamus el recurrente pide que la recurrida, como Juez Municipal de la Ciudad de Manila, sea compelida a registrar, tramitar y decidir gratis la demanda civil que presento en el Juzgado Municipal contra Narcisa Diaz reclamando de esta la suma de P17.50 que dejo de pagarle.

El 20 de agosto de 1940 el recurrente, por medio de su abogado, presento una mocion en el Juzgado Municipal presidido por la recurrida y solicito que la reclamacion que adjuntaba por la suma de P17.50 contra Narcisa Diaz fuese admitida, registrada y tramitada libre de derechos, de conformidad con las disposiciones del articulo 17, Regla 4, de los Reglamentos de los Tribunales. La recurrida, en orden del 21 del mismo mes, denego la mocion y rehuso dar curso gratuitamente a la reclamacion o demanda por la razon de que el articulo 17 de la Regla 4 invocado por el recurrente se aplica solamente a los litigantes pobres que no cuentan con medios para pagar los derechos de registro que el articulo 6 (6), Regla 130, dispone que se cobre por el registro de cada demanda civil en el Juzgado Municipal de la Ciudad de Manila. En vista de este resultado, el recurrente entablo este recurso de mandamus.

La disposicion legal que invoca el recurrente se lee como sigue:

> "Sec. 17 (Rule 4). Procedure on minor matters.— Where a claim does not exceed twenty pesos, no written or formal pleadings need be filed, but the judge shall note the claim, and in such form as he may deem best and convenient under the circumstances shall summon the parties and hear them as well as their witnesses. If the defendant fails to appear at the first informal call, a formal summons with an information as to the claim against him may be issued. After the hearing, both parties shall be informed of the judgment, which may be oral, but shall be noted in the corresponding docket together with the claim, defense and all the proceedings had thereon. No fees shall be charged or costs allowed in such proceedings."

Las otras disposiciones que guardan relacion con el punto controvertido son las siguientes:

> "SEC. 22 (Rule 3). Pauper litigant—Any court may authorize a litigant to prosecute his action or defense as a pauper upon a proper showing that he has no means to that effect by affidavits, certificate of the corresponding provincial or municipal treasurer, or otherwise. Such authority once given shall include an exemption from payment of legal fees and from filing appeal bond, printed record and printed brief. The legal fees shall be a lien to any judgment rendered in the case favorably to the pauper, unless the court otherwise provides.
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> "SECTION 1 (Rule 130). Persons authorized to collect legal fees.—Except as otherwise provided in this rule, the officers and persons hereinafter mentioned, together with their assistants and deputies, may demand, receive, and take the several fees hereinafter mentioned and allowed for any business by them respectively done by virtue of their several offices, and no more."

> "SEC. 6 (Rule 130). Justice of the peace and municipal judges.— (a) For each criminal proceeding, including preliminary investigations, five pesos, to be paid by the respective municipality. In prosecution for infractions of municipal ordinances, however, the fee shall be one peso and fifty centavos."
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> "(b) For each civil action, three pesos."

Como se vera, los articulos 1 y 6 (6) de la Regla 130 proveen que el que ejercita una accion civil en el Juzgado Municipal de la Ciudad de Manila debe pagar como derechos de inscription de la demanda la suma de P3; esta regla reconoce como excepcion, en primer termino, la que se expresa en el articulo 22 de la Regla 3 cuando se trata de un litigante pobre y este cumple con las condiciones en el impuestas. Otra excepcidn de la regla es la que dispone el articulo 17 de la Regla 4 cuando se trata de una reclamacion cuya cuantia no excede de P20. Si esta ultima excepcidn es aplicable a todas las demandas que no pasen de P20, sin tener en cuenta el estado financiero del reclamante, es el punto controvertido que se resolvera mas adelante.

El recurrente sostiene que la fraseologia del articulo 17, Regla 4, es clara y terminante en el sentido de que incluye todas las demandas o reclamaciones cuya cuantia no excedan de P20 sin tener en cuenta la condicidn financiera del demandante o reclamante. No creemos que esto sea el caso porque si el articulo 17 se aplicara segun su letra indica, sin que sea necesario interpretar su precepto para conocer la intend on del mismo, entonces estaria en pugna con el articulo 22 de la Regla 3 que, como se ha dicho, dispone que solamente los pobres estan exentos de pagar los derechos de registro por la demanda que presenten sin tener en cuenta la naturaleza ni la cuantia de su reclamacion.

Leyendo el articulo 17 se observara que su objeto primordial es eximir a las partes de la presentacion de escritos de alegaciones formales, dispensar el emplazamiento formal y permitir que el Juez de Paz o Municipal promulgue oralmente la sentencia, cuando se trata de una reclamation que no exceda de 920. Incidentalmente y en su ultima parte el articulo provee que en tales asuntos no se cobraran derechos ni costas. No existe ninguna razon filosofica ni de orden moral que apoye la teoria de que el articulo 17 es aplicable a todos los reclamantes, sean ricos, pudientes o pobres. Si el principio general que informa los Reglamentos de los Tribunales es que los demandantes en asuntos civiles en los Juzgados de Paz o Municipales deben pagar derechos por el registro de la demanda (Art. 6 [6], Regla 130), que presentada la demanda debe expedirse emplazamiento (Art. 5. Regla 4), y que la sentencia debe dictarse por escrito (Art. 15, Regla 4), debe haber alguna razon para no aplicar dicho principio en los asuntos civiles cuya cuantia no exceda de P20 y esa razon no puede ser otra que la de que el demandante o reclamante sea pobre en el sentido en que la palabra se emplea por el articulo 22 de la Regla 3.

El articulo 17 de la Regla 4 reconoce como fuente de origen el precepto del Articulo 1 (21), Titulo III, de la Constitucion que dispone que "No se le negara a persona alguna, por razon de pobreza, el libre acceso a los tribunales." El articulo se ha adoptado para aquellos litigantes desheredados de la fortuna que no pueden pagar los derechos de registro ni las costas, en caso de que su accion fracasare. Dentro de este concepto pueden mencionarse a los pequenos empleados, domesticos y obreros que para cobrar sus reducidos salarios y jornales tuviesen que acudir a los tribunales y no contasen con recursos para sufragar los gastos de registro, los honorarios del abogado que tendria que preparar la demanda y los honorarios del Sheriff que sirva el emplazamiento. Seria irrisorio pensar que dentro del concepto del articulo 17 se hallan tambien comprendidos los ricos, pudientes, corporaciones y comerciantes que disponen de dinero para afrontar los razonables gastos previos al ejercicio de la accion. Para estos el articulo no hallaria justification si se interpretara que sus beneficios les alcanzan. Concluimos, por tanto, que la disposition del articulo 17 de la Regla 4 que exime del pago de derechos y costas se refiere unicamente a los reclamantes pobres que no cuentan con recursos para incurrir en dichos gastos.

Se ha insinuado que de interpretarse el articulo 17 en el sentido de referirse unicamente a los pobres, el mismo serfa anticonstitucional porque violaria el articulo 1 (1), Titulo III, de la Constitution que garantiza la igual

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proteccion de las leyes. Una ley que establece una clasificacion y depara igual proteccion a todas las personas que se encuentran dentro de la clase y en la misma situacion no es ilegal ni discriminatoria y no infringe el precepto constitucional de igual proteccion de las leyes (Rubi vs. Provincial Board of Mindoro, 39 Phil, 660; People v. Cayat, 38 Off. Gaz., No. 30, p. 710; Tinsley v. Anderson [Tex. 1898], 171 U. S. 106, 18 S. Ct. 805, 43 L. ed. 91; Williams v. Arkansas [Ark. 1910], 217 U. S. 79, 30 S. Ct. 493, 54 L. ed., 673, 18 Ann. Cas. 865; Field v. Barber Asphalt Pav. Co. [Mo. 1904], 194 U. S. 621, 24 S. Ct. 784, 48 L. ed. 1142; Atlantic Coast Line R. Co. v. Coachman [1910], 59 Fla. 130, 52 So. 377, 20 Ann. Cas. 1047; Owen County Burley Tobacco Soc. v. Brumback [1908], 128 Ky., 137, 107 S. W. 710; State v. Taylor [1909], 224 Mo. 393, 123 S. W. 892; State v. Standard Oil Co. [1909], 218 Mo. 1, 116 S. W. 902, 32 S. Ct. 406, 224 U. S. 270 56 L. ed. 700, Ann. Cas. 1913D, 936; State v. Texas, etc. R. Co. [Tex. Civ. App. 1912], 143 S. W. 223; Marshall v. Foote [Cal. App. 1927], 252 P. 7075; Proviso Tp. High School No. 209 Board of Education v. Oak Park and River Forest Tp. High School Dist. No. 200, Board of Education [1926], 153 N. E. 369, 322 111. 217; Stone v. City of Jefferson Mo. [1927], 293 S. W. 780; and Camden Fire Inc. Ass'n. v. Haston [1926], 284 S. W. 905, 153 Tenn. 675.)

Como el recurrente no ha demostrado a satisfaction de la recurrida y en la forma requerida por el articulo 22 de la Regla 3 que es pobre, procede denegar el recurso, como se deniega, con las costas al mencionado recurrente. Asi se ordena.

Avanceña, Pres., Diaz, y Horrilleno, MM., estan conformes.

(Fdo.) Carlos A. Imperial

CONCURRING
MORAN, J.,

I am in accord with the decision of the majority, but I wish to add the following observations:

Rules 2 and 3 contain general provisions on actions applicable in all courts, and Rule 3 contains section 22 regarding pauper litigants in general in any court. In that section the pauper litigant is given certain rights which he may claim in any case and in any court. Special provisions, however, may be found in other rules granting him further rights in connection with specific matters of procedure in particular courts. Thus, we have Rule 4, section 17, regarding procedure on minor matters in inferior courts and which we are now called upon to construe; Rule 41, section 16, concerning appeal by pauper from Courts of First Instance; and Rule 48, sections 12 and 13, regarding pauper's brief in the Court of Appeals.

On the matter of minor claims procedure, one who is aware of its history and philosophy will readily observe that such procedure exempting litigants from payment of fees and costs and providing for as informal and summary a trial as is consistent with justice, is and has always been intended for the poor. It is a sad experience of the pas that the attempts of the poor to obtain legal redress for claims meritorious but small in amount have long been discouraged by the attendant delay, expense and procedural technicalities. And it is for this reason that minor claims procedure or small claims courts have been devised in England and the United States. (Willoughby, Principles of Judicial Administration, p. 307.) Mr. Reginald Heber Smith, in his study "Justice and the Poor," said:

> "The inability to provide justice in small cases has always been one of the weakest points in our system of administering justice. From the days of ordeal by battle, the method provided by the common law for proving and reducing to judgment any type of small claims has been cumbersome, slow and expensive out of all proportion to the matter involved. Our legal system has taken too literally the ancient maxim de minimis non curat lex! A complicated procedure requires the attorney, but the expense for his services is more than the

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> traffic can bear. It was once asked at a meeting of the American Bar Association whether a lawyer in suing for seven dollars wages due his client, a blacksmith, was justified in charging a fee of half that amount. The question reveals the common dilemma—the services were worth the amount charged and yet, to the blacksmith, it would hardly be satisfactory to collect seven dollars at a cost of three dollars and a half. As Dean Pound puts it: 'For ordinary causes our contentious system has great merit as a means of getting the truth. But it is a denial of justice in small causes to drive litigants to employ lawyers and it is a shame to drive them to legal aid societies to get as charity what the state should give as a right.'
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> "Similarly, court costs constitute an expense prohibitory to small litigation. The man hired at fifteen dollars a week who is put off the first week and not paid the second has a valid claim for thirty dollars but often not a dollar in his pocket. In addition to an attorney's fee, he cannot pay court costs because he has not been paid, and yet because he has nqt been paid court action is imperative. It is indeed a vicious circle, but within that circle thousands of unpaid wage earners have been caught.
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> "Delay plays its part by permitting a debtor who has no real defense, to file an appearance and answer and interlocutory motions, to have the case continued once or twice, and then, when it is finally called for trial to default. This serves to hold the plaintiff off for months, to cause him lose of time in court attendance, and to rob the ultimate judgment of much of its worth.
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> "Small tradespeople today are forced to the practice either of wiping all small claims off their books or of selling them at a ridiculous discount to professional collection agencies. They have the possible relief of increasing the price of necessities they sell, thereby adding the waste of the judicial system to the cost of living. The wage-earner and the small lodging-house keeper, under conditions of modern compitition, have not that relief; they have been obliged to stand their losses.
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> "Claims of this sort are often contemptuously spoken of as 'petty litigation/ But it is in this very field that the courts have their greatest political effect. In every urban community these are the cases of the large majority of citizens. As they are treated well or ill, so they form their opinion of American judicial institutions."

In England the necessity was early recognized and provision for poor men's causes was made by the king, represented by his itinerant justices, the chancellor and the Court of Requests. (Maguire, The Lance of Justice, pp. 5, 6.) Adequate relief came with the creation by statute of a small debt court in London in 1606, of local Courts of Request in the 18th century and, finally of the new county courts in 1846. (I Holdsworth, History of English Law, pp. 188, 190, 191). In the United States, Massachusetts was the first to pass a state-wide act providing for a procedure on minor claims because it was there found that "the poor man with a small case in many instances, found the courts practically closed to him, because the fees for entry and service of process were more than he could afford and because of the expense of employing counsel to pilot his little case through the intricacies of pleadings, evidence, and trial procedure." (Report of Committee on Small Claims and Conciliation Procedure, A. B. A. J., Vol. X, p. 828.) Othei states have followed suit under the same spirit, such as the States of California, Connecticut, Idaho, Iowa, Minnesota Nevada, New Jersey, Oregon, South Dakota, Utah, Ver mont, Washington, and Kansas, and the Cities of Chicago Cleveland, and Philadelphia, and others. (See Columbu Law Review, Vol. 34, p. 932; Willoughby, Principles of Judicial Administration, pp. 307-319.) Because litigants cannot afford to avail themselves of the services of attorneys, the procedure in such cases requires generally no formal pleadings but a mere statement of the claim to the clerk of the court, and the hearing is conducted in such manner and form and with such methods of proof as the court deems best suited to discover the facts and to determine the justice of the case. But, of course, the justice of the case is determined not as the arbitrary ruling of an untrameled despot and not as the merciful dispensation of a Haroun-elRaschid, but according to law. Usually the judge conducts the hearing by direct conversation with the parties and their witnesses, where there are any. The judge keeps the evidence within the bounds of relevancy, but he does not faint if hearsay creeps into the testimony of a man trying to tell his story in his own words. (A. B. A. J., Vol. X, p. 829.) The purpose of such kind of procedure is evidently

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to afford a poor plaintiff a prompt redress and to prevent a powerful defendant from holding the plaintiff "off for months, to cause him loss of time in court attendance, and to rob the ultimate judgment of much of its worth." (Per Heber Smith, Justice and the Poor.) After the Massachusetts courts have acquired, some practical experience on minor claims procedure, the Committee on Law and Procedure of the Association of District Court Judges in that state made the following recommendation:

> "The objects of the Small Claims Act in cases involving up to $35 are to avoid the delays incident to formal court procedure, the expenses of service, the expense of an attorney and to aid the poor creditor. To accomplish this, your committee suggests that the justice investigate the case in as informal a manner as possible; he, rather than counsel or parties, is in active charge of the case; do not allow cross examination, nor postpone hearings on account of engagement of counsel; after the court has ascertained the facts, if a party or counsel desires to make any suggestion as to fact or law that can be of assistance, of course you will hear them, but in as pleasant and tactful a manner as possible avoid the appearance of the trial of a lawsuit."

Payment of fees in minor claims procedure is generally eliminated, although in England and some states, of the American Union a nominal fee is still required. But there is a general tendency to make litigation on minor claims absolutely free (Vance in his "A Proposed Court of Conciliation") because "the great advantage claimed for the small claims system is that it affords legal redress to the poor without making them 'members of an invidious class' " (Harley, Conciliation Procedure in Small Cases).

It may thus be seen that the general purpose underlying the minor claims procedure is that the poor should be afforded an opportunity to avail themselves of the services of the courts of justice even on matters that concern their smallest needs, and this is one of the greatest policies of our Constitution, in advocating for an adequate procedure concerning petty litigation, "to provide for disposing quickly, inexpensively, and justly of the litigation of the poor," Mr. Roscoe Pound said that "there is a strong social interest in the moral and social life of the individual," because "if the will of the individual is subjected arbitrarily to the will of others because the means of protection are too cumbrous and expensive to be available for one of his means against an aggressive opponent who has the means or the inclination to resist, there is an injury to society at large. The most real grievance of the mass of the people against American law is not with respect to the rules of substantive law, but rather with respect to the enforcing machinery, which too often makes the best of rules nugatory in action." (Harvard Law Review, Vol. 26, pp. 302, 315.)

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