

LAUREANO ARZADON, PLAINTIFF AND APPELLANT, VS. CLOTILDE ARZADON, DEFENDANT AND APPELLEE.*G.R. No. 5095. January 24, 1910*

Ponente: ARELLANO, C.J.

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Laureano Arzadon, as administrator of the estate of Lorenza Angco, demands the surrender of several rural properties which he states are held by the following persons: By Clotilde Arzadon, those described in the complaint and indicated by the letters (a), (b), (c), (d), (e), (f), (g), W, (i), (j), (k), and (l); and by Maria Luna, Basilia Corpus, and Ponciano Tacmo those likewise described in the complaint and marked with the letters (m), (n), and (n). He states that the first-named parcels were taken possession of by Clotilde Arzadon immediately after the death of Lorenza Angco, and that she still retains them against the will of the heirs of the latter; and that the last three are also unlawfully held by Maria Luna, Basilia Corpus, and Ponciano Tacmo who took them from the possession of Clotilde Arzadon.

The evidence was presented in the manner contained in the following recorded statement:

"At the trial of this case on the same day, the attorneys, to expedite the matter, agreed to file their allegations in writing in order that the trial court might render judgment at the hearing thereof, and the parties thereupon submitted their written allegations in the form of statements of their respective witnesses."

These so-called proofs are nothing more than certain papers signed by the counsel of the contending parties, and containing averments seemingly made by various witnesses. At the bottom of that of the plaintiff, which is signed by Attorney A. M. Jimenez, there appears the following:

"The undersigned attorney rejects all and each one of the immaterial proofs that the defendant may offer to the court, denies under oath the presentation of documents lacking legal validity, the declarations that may be in conflict with those made by the witnesses of the defendant, excepting therefrom in case of admission by the court, and, lastly, presents two documentary proofs, Exhibits A and B of the complaint."

That of the defendant, signed by Attorney Lucas Paredes, contains the following:

"The defendants object to the documents which the plaintiff has offered as evidence, for the reason that they are immaterial, and in the event their objection is overruled they take exception thereto. As documentary proof they offer Exhibits 1, 2 and 3 of the defendants, and with this they rest their case."

On such proceedings the Court of First Instance of Ilocos Norte rendered the following judgment:

"Inasmuch as the whole of the allegations of the complaint have not been proven as required by law, the court dismisses the same with respect to the parcels of land marked with the letters (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), and (n), with the costs against the plaintiff. The latter may dispose as he wishes of the parcels indicated with the letters (f), (g), (h), (i), and (j), inasmuch as no one is opposed thereto, without prejudice to attaching to the record hereof a copy of the plaintiff's petition concerning the appointment of an administrator contained in the heading of civil case No. 569."

From the above decision the plaintiff has appealed, and assigned the following errors to the court below:

1. In having admitted the agreement presented by counsel in order to dispense with the trial of the case. 2. In having dismissed the complaint instead of holding it to be proven. 3. In overruling the motion for a new trial.

Among the irregularities contained in the case herein, the most remarkable is that which is alleged as the first error committed in the judgment, the attorney who alleges it being the same one who contributed thereto, and who also suffered therefrom by exposing his complaint to be dismissed on account of lack of legal proof. This lawyer, together with the counsel for the adverse party, moved that his proof be admitted in the form in which it was made, in order, as he now shows, to dispense with the hearing of the case. Such form of procedure can not constitute a trial. It is an open and manifest violation among others, of sections 132, 273, 274, and 381 of the Code of Civil Procedure, Act No. 190 of the Philippine Commission; of section 132, in so far as it establishes the order of the trial which in this cause has been entirely done away with; of section 273, which governs the manner in which the evidence shall be considered as regards "all the facts and circumstances of the case, the witnesses' manner of testifying, their intelligence, their means and opportunity of knowing the facts to which they are testifying, the nature of the facts to which they testify, the probability or improbability of their testimony, their interest or want of interest, and also their personal credibility so far as the same may legitimately appear upon the trial;" of section 274, in so far as it provides that the rules of evidence shall be the same in all courts of the Islands, and upon every trial, unless otherwise expressly provided by statute; and of section 381, which prescribes that the testimony of all witnesses, except such as has been taken in writing in the form of depositions as otherwise provided by law, shall be given on oath in open court orally. It is also a singular circumstance that the appellant should claim to have proven his complaint by evidence which he now rejects and says was improperly admitted.

This Supreme Court, before which the case is submitted for a review of the proofs thus presented, can not even admit them; they do not constitute legal proof of any kind. It is erroneous to say that it was the duty of the court below to accept the agreements of the parties, not with respect to the facts, but as to the manner of offering their respective proofs. The order of trials is not a personal matter between the parties, one that they may ignore or renounce as if it only concerned them privately. The form of a trial is a matter of public order and interest.

A legal trial of the case must be held, and the judgment appealed from and all the proceedings, with the exception of the written allegations, are hereby set aside; a new trial is hereby ordered, to proceed from the time of the filing of the answer to the complaint, without any special ruling as to costs in this instance. So ordered.

Torres, Johnson, Carson, Moreland, and Elliott, JJ., concur.

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