

RUFINO NAZARETH, DOMINGO NAZARETH, ROMANA ANIANA VDA. DE FERRERA AND CESAR FERRERA, PETITIONERS, VS. RENATO S. SANTOS, AND HON. COURT OF APPEALS, RESPONDENTS.

G.R. No. 51101. May 28, 1988

Ponente: MELENCIO-HERRERA, J.

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MELENCIO-HERRERA, J.:

The sole issue for resolution is whether or not respondent Appellate Court committed reversible error in affirming the Order of the Court of Agrarian Relations (CAR) in Civil Case No. 1304,[1] which denied petitioners-defendants' Motion for postponement and resetting of the hearing scheduled for that date, and considered the case submitted for decision on the basis of the evidence submitted by private respondent-plaintiff.

The background facts follow:

On 31 July 1977, private respondent, Renato Santos, filed before the CAR, Branch I, Pasig, Metro Manila, an Amended Complaint against the above-named petitioners for accounting

(Civil Case No. 1304).

After the Answer was filed and the issues joined, the parties were required to submit their respective Affidavits in support of their claims, the same to constitute the direct testimonies of the witnesses to be presented, pursuant to Section 16(4) of Presidential Decree No. 946.

On 28 May 1978, a hearing was held with private respondent-plaintiff adopting his sworn statement as his direct testimony. However, due to lack of time the hearing was postponed to 28 July 1978 by agreement of the parties.

On 28 July 1978, petitioners-defendants, except petitioner Romana Aniana Vda. de Ferrera, appeared before the Trial Court with a written Motion prepared by their counsel asking for a resetting of the hearing on the ground that counsel had been appointed counsel de oficio for a detention prisoner before the Court of First Instance of Manila, Branch XXXIX, in Criminal Case No. 36525, for Robbery, and as a witness in Civil Case No. 102236 of the same Court on the same date.

The trial Court denied the Motion in an Order of the following tenor:

"Wherefore, an order is hereby entered in the tenor and disposition hereinbelow provided:

- Denying defendant's 'Motion to Reset filed with this Court this morning;
- Granting plaintiff's motion to consider the cross-examination of plaintiff by counsel for defendants as terminated.
- Granting plaintiffs motion to consider his right to cross- examine defendants on their affidavit as having been waived;

- Admitting plaintiff's offer in evidence of Exhibits 'A' and 'A-l;' and
- Admitting defendant's affidavit marked Exh. T as direct testimony of said defendants.

Conformably with plaintiff's manifestation and pursuant to the dispositive part of this order, let this case be, as it is hereby, considered submitted for decision.

It is so ordered.

xxx xxx xxx

Petitioners-defendants moved for reconsideration praying that they be accorded the opportunity to adduce their own evidence, which the Trial Court denied.

On appeal, respondent Appellate Court[2] affirmed both Orders. Thus, this Petition for Review on Certiorari, which was reassigned to this Division on 15 January 1988.

The errors attributed to respondent Appellate Court read:

I

"Respondent Court of Appeals erred in not holding and declaring that the trial court committed a grave abuse of discretion in denying the motion for postponement filed by petitioners.

II

"Respondent Court of Appeals erred in not holding that the trial court committed a grave abuse of discretion in denying the motion of the petitioners that the latter be allowed to adduce evidence in support of their defense.

III

"Respondent Court of Appeals erred in not declaring that the trial court has no authority to consider the case submitted for decision."

We find no reversible error committed:

- Presidential Decree No. 946 entitled "Reorganizing the Courts of Agrarian Relations, Streamlining their Procedures, and for Other Purposes" reads in part:

"Sec. 17. Pleadings; Hearings; Limitation on Postponement. — xxx xxx Where no such agreement is effected, the Court shall proceed with the trial, which shall be continuous until terminated. The absence of counsel of any or both the parties shall not be a ground for postponement or continuance, provided they were duly notified, xxx"

Considering that the absence of counsel in agrarian cases is not a ground for postponement or continuance, the denial of the petition for postponement, therefore, was justified. Counsel was duly notified and, in fact, had agreed to the resetting in open Court, which he would not have done if he had other prior Court commitments. Moreover, the plea for postponement was made merely on the very day of hearing and counsel could not rely on the liberality of the Court nor on the generosity of the adverse party.

While it may be that liberality is permissible in resolving requests for postponement when reasonable and not capricious (*Gapoy vs. Adil*, L-46182, February 28, 1978, 81 SCRA 739), that consideration is inapplicable herein considering that, as found by the respondent Appellate Court, dilatory tactics were resorted to by petitioners-defendants.

"It is noteworthy too that prior to the scheduled hearing on July 28, 1978, defendants and their counsel have failed several times to appear at similarly scheduled hearings (CAR Record, pp. 21. 45. 59. 85). The trial court

was most liberal in granting them their requests for postponements to give them a chance to interpose and prove their defense. In two of its orders granting continuance (Ibid., pp. 54, 85), the lower court made it clear to the defendants that the postponements are intransferable in character with the warning that the hearing will proceed if they fail to appear. The apparent dilatory tactics of the defendants prompted the trial court to deny their motion for continuance dated July 28, '78 and to order the case submitted for decision on plaintiff's evidence. A plaintiff is as such entitled to speedy justice as the defendants themselves (People vs. Mendez, 28 SCRA 881, 889)."

- Denial of the requested postponement having been proper, it cannot be justifiably argued that the Trial Court committed grave abuse of discretion in rejecting petitioners-defendants' Motion to be allowed to adduce evidence in support of their defense. Petitioners-defendants gave no inkling whatsoever of the meritoriousness of their defense, neither in the Trial Court nor in the Appellate Court. Considering that the subject matter of the case was simply one for accounting, which basically called for documentary evidence, some indication before said Courts of the merits of their cause could have changed the tide in their favor.

- It is erroneous to allege that, in the absence of any specific authorization in the Agrarian Law, the Trial Court was bereft of authority to consider the case submitted for decision. Such a recourse is within the inherent power of the Court and no motion praying for the same need be presented.

Lastly, Section 17, paragraph 2 of P.D. 946 explicitly enjoins:

"Sec. 17. xxx

xxx xxx xxx

"No order of the Courts of Agrarian Relations any issue, question, matter or incident raised before them shall be contested in any action or proceeding before the appellate courts until the hearing shall have been terminated and the case decided on the merits."

It is obvious that counsel for petitioners-defendants had chosen to disregard the foregoing injunction thereby delaying the final resolution of this case unduly contrary to the spirit governing the adjudication of agrarian disputes.

WHEREFORE, the instant Petition is DENIED and this case is hereby REMANDED to the proper Regional Trial Court for resolution of the case on the merits.

SO ORDERED.

Yap, C.J., Paras, Padilla, and Sarmiento, JJ., concur.

[1] Judge Pastor P. Reyes, presiding.

[2] Penned by Justice Crisolito Pascual and concurred in by Justices Carlos. L. Sundiam and Benjamin K. Gorospc.

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