

**NIC V. GARCES AND INES GARCIA-GARCES, SPOUSES, PETITIONERS,
VS. HON. VICENTE P. VALENZUELA, JUDGE, CFI, BRANCH III,
BACOLOD CITY, AND HERNAN, MAGLUPAY, RESPONDENTS.**

G.R. No. 55226. February 28, 1989

Ponente: NARVASA, J.

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NARVASA, J.:

It is entirely in the discretion of courts to allow or refuse adjournments and postponements, in the exercise of which all the attendant circumstances and the rights of all the parties should be taken into account; and the exercise of that discretion will not ordinarily be interfered with unless the trial court's action is clearly in abuse of that discretion or is otherwise clearly erroneous.[1] The firmly established policy is that postponements may be granted only upon meritorious grounds,[2] and no party has a right to assume that his motion therefor will be granted.[3] Delays in court proceedings must of course be avoided. Withal, the desideratum of an expeditious disposition of cases is obviously not an absolute proscription of postponements of hearings. The court's discretion on the matter "should always be predicated on the consideration that more than the convenience of the courts or the parties of the case, the ends of justice and fairness would be served thereby. When no substantial rights are affected and the intention to delay is not manifest, the corresponding motion to transfer the hearing having been filed accordingly, it is sound judicial discretion to allow the same" to the end that the marks of the case may be fully ventilated.[4]

In *Padua v. Ericta, et al.*, decided early last year,² this Court set aside a trial Judge's order denying the plaintiffs motion for postponement and declaring him non-suited for his and his counsel's failure to appear at the court of three (3) previously scheduled hearings. As against the circumstance that three (3) hearing dates had been previously scheduled by the parties' agreement, the Court appreciated in plaintiffs favor the fact that his counsels motion for postponement was the very first such application made by him and that the motion was not entirely unmeritorious, it appearing that the lawyer had another commitment to appear in a case before another court on the same date and time as the first hearing.

What transpired at the trial in *Padua v. Ericta* is also pretty much what happened in the case at bar. The Garces Spouses (herein petitioners) were and in the Court of First Instance of Bacolod by Hernan Maglupay (herein respondent). Maglupay claimed that he had been forcibly ejected from the land belonging to the Garces Spouses and his house illicitly demolished, in consequence of which the latter had become liable for the payment of damages. In their answer, the Garceses denied liability, and asserted that under their lease agreements with Maglupay and the other tenants in the premises the latter were obliged to vacate and surrender the same upon demand, said tenants had been notified well in advance of the owners' need of the premises and of the impending demolition of the structures thereon to give way to the construction of a cinema complex, but Maglupay had refused without cause whatever to surrender the area occupied by him.

Trial ensued on the issues thus joined. On June 20, 1980, the lawyer of the Garces Spouses commenced but was

unable to complete his cross-examination of plaintiff Maglupay's witness. Before adjournment, the parties agreed to resume the trial on three (3) dates: August 14, 22 and 28, 1980. However, on August 13, 1980, one day before the first of the three scheduled hearing dates, the Garces Spouses filed a motion for the postponement of the hearing scheduled on said first day, August 14, on the ground that their counsel had "a hearing at the sale *** Judge Coscolluela *** "[6] (where he was required to give expert testimony). The motion was denied by respondent Judge, when the case was called for continuation of trial on August 14, 1980. The Judge dictated the following order in open Court subsequently transcribed.[7]

The "Urgent Motion for Postponement" ** filed (by defendant Garces) ** is denied for lack of merit and for being manifestly dilatory. ** (His counsel's) cross-examination of (plaintiff's) witness is declared terminated and (plaintiff) is allowed to present further evidence ex parte.

Maglupay did thereafter present his evidence in the absence of the defendants after which he rested his case. Respondent Judge thereupon dictated another order reading as follows.⁵

As prayed for (by the plaintiff), the *** hearings of 22 and 28 August 1980 (previously agreed upon), *** (are) hereby cancelled.

Both these orders are assailed in the instant proceedings.

It will at once be perceived that the situation at bar is almost identical with that obtaining in *Padua v. Ericta* supra. Except for the fact that the party aggrieved in *Padua* was the plaintiff whereas in the instant case it is the defendants, the facts are exactly the same: an agreement by the parties for resumption of an adjourned trial on three (3) subsequent specified dates, and a motion afterwards submitted by counsel of one of the parties for cancellation of the hearing on the first of said three scheduled dates on the ground of an overlooked commitment before another court. The record discloses no circumstances reasonably justifying the Trial Judge's conclusion that the Garces Spouses' motion for postponement was "manifestly dilatory," and not occasioned by oversight, as claimed. In any case, even conceding that His Honor was correct in denying the application for cancellation of the first of the three (3) pre-arranged hearing dates, it was grave abuse of discretion for him to cancel the other two (2) dates of trial and thereby shut the door to the defendants' presentation of their proofs. It is, to be sure, of paramount importance that as much as possible each party to a case be accorded a free and full opportunity to ventilate his claims and defenses to the end that all the facts may be laid before the Court and the case decided completely on its merits, even if in the process some delay may take place. This is specially true where the delay will not work any substantial prejudice to the other party, as in this case, where there were still two other hearing dates left, and there was absolutely no reason to suppose that the defendants would not appear on said dates. The Court has been cited to no reason of cogency justifying a conclusion different from that reached in *Padua*.

WHEREFORE, the Orders of the respondent Judge both dated August 14, 1980 are annulled and set aside, and the case remanded to the Court a quo for resumption and completion of trial and rendition of judgment on the merits.

Cruz, Gancayco, Griño-Aquino, and Medialdea, JJ., concur.

[1] *Fabillo v. Tionko*, 43 Phil. 417; *Dimayuga v. Dimayuga*, 96 Phil. 859; *Linis v. Rovira*, 61 Phil. 137, 139; *Bautista v. Municipal Council of Mandaluyong, Rizal, et al.*, 52 O.G. 759, cited in *Feria, J., Civil Procedure Annotated*, 1969 ed., p. 393; See, also cases collated in *Moran, Comments on the Rules of Court*, 1979 ed., Vol. 1, p. 571

[2] See, e.g., Secs. 3, 4 and 5, Rule 22, Rules of Court, dealing inter alia with motions to postpone for absence of

evidence or for illness of party or counsel

[3] Cf, Phil. National Bank v. de la Cruz, 55 O.G. 7662, where it was ruled that when the transfer of a hearing is sought because the parties are trying to reach an amicable settlement, it behooves the court to grant the same; and in Republic v. Villarosa, 54 O.G. 6249, the motion for postponement on the same ground was denied, and the action dismissed, but without prejudice -- rulings to which attention is drawn in Feria, op. cit., p. 396

[4] Moran, op. cit., pp. 571-572, citing Panganiban v. Vda. de Sta. Maria, L- 25529, Feb. 29, 1968, 22 SCRA 708; Limon v. Candido, L-22418, April 28, 1969, 27 SCRA 1166--67

[5] G.R. No. L-38570, May 24, 1988

[6] Rollo, p. 8

[7] Id., p. 9: Annex B, Petition

[8] Id., p. 10, Annex C, Petition

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