

**SPOUSES CRISANTO MOLINO AND LORETO MOLINO, PETITIONERS,
VS. HON. COURT OF APPEALS, HON. ERNESTO M. MENDOZA,
DISTRICT JUDGE CAR FIFTEENTH REGIONAL DISTRICT BRANCH II,
SURIGAO CIT...**

G.R. No. 59283. July 30, 1982

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

This concerns a petition to review a decision of the Court of Appeals which affirmed a judgment of the Court of Agrarian Relations, Branch II at Surigao City.

The petition lacks merit and could have been denied in a minute resolution but for the fact that the petitioners raised an important legal question before the CAR when they moved for the reconsideration of its judgment but which that court did not discuss adequately and the Court of Appeals ignored it entirely so that We feel that the ends of justice will best be served by a signed resolution.

CAR Case No. 32 was filed by the private respondents against the petitioners for "Recovery of Possession of Leased Agricultural Land With Damages." In its Judgment dated July 29, 1980, the court rendered judgment in favor of the plaintiffs. The judgment contains the following statements:

"During the hearing, the defendants, their counsel and witnesses, did not appear despite due notice of the said hearing as borne out by the signatures of both counsels on the notice of hearing and receipt thereof dated May 14, 1980, (page 86 of the records). Despite due notice, the defendants, through counsel, filed telegraphic motion to reset the hearing to August 18, 19 and 20, 1980; said motion of the counsel for the defendants was denied for lack of merit.

"Pursuant to Section 17, P.D. 946, the absence of the defendants' counsel can not be a ground for postponement of the scheduled hearing for they were duly notified of the dates of the hearing. Consequently, trial, ex- parte, was conducted and the Court received the plaintiffs' evidence."

The defendants filed a Motion for Reconsideration invoking, inter alia, the following grounds:

"I. Section 17, of PD 946 does not confer upon the Honorable Presiding Judge the power to render judgment without giving the parties their day in Court;

"II. The judgment of the Honorable Court dated July 29, 1980 is an obvious violation of due process."

In its Order denying the Motion for Reconsideration, the lower court said:

"A telegraphic motion, especially of the kind sent by counsel for defendants, is not deserving and does not deserve consideration of the Courts of Agrarian Relations. Parties and counsels should not rely on the liberality of the Court that their motion, like a telegraphic motion, will be granted. It is likewise noteworthy to state that defendants' counsel telegraphic motion does not even mention that a medical certificate will follow for the

Court to believe that it is not interposed for delay. Up to the time this case was decided on July 29, 1980 and even up to this time (October 11, 1980), no such medical certificate was submitted by defendants. Section 17, Presidential Decree No. 946, provides that the absence of counsel of any or both the parties shall not be a ground for postponement or continuance, provided they were duly notified.

"As stated in their motion for reconsideration, the main thrust of defendants' arguments is that they were allegedly not afforded due process. They lost sight of the fact that under Section 1, Rule 18 of the Uniform Rules of Procedures of the Courts of Agrarian Relations, motions for reconsideration shall be based on only two (2) grounds, to wit:

1. That the findings of facts in the said decision or order are not supported by substantial evidence; and
2. That the conclusions stated therein are against the law and jurisprudence.

"The motion for reconsideration failed to point out, to the satisfaction of this Court, valid and convincing arguments that the decision of this Court is not supported by substantial evidence and that it is against the law and jurisprudence."

The claim that there was a denial of due process was made in relation to the ex- parte trial and not on the Motion for Reconsideration and for this reason the trial court was off-tangent in answering the claim.

Appeal was then made by the defendants to the Court of Appeals which affirmed the judgment on the ground that it is supported by substantial evidence. The parties were required to submit their respective memoranda but only the plaintiffs who are now the private respondents elected to do so.

The two grounds quoted above from the Motion for Reconsideration may be reduced to this single legal question: Was the ex- parte trial legal?

We have to answer in the affirmative.

One of the important reasons for the promulgation of P.D. No. 946 is expressed in the following preambular words: "x x x to streamline their [Courts of Agrarian Relations] procedures to achieve a just, expeditious and inexpensive disposition of agrarian cases."

It can thus be seen that speedy disposition of cases is the key phrase. For this purpose, the decree contains the following provisions, among others, in order to hasten the disposition of cases and avoid frustrating interminable delays:

- (a) "x x x 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. No motion to dismiss shall be entertained at any stage of the proceedings." (Sec. 17, par. 1.)
- (b) "No order of the Courts of Agrarian Relations on 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." (Sec. 17, par. 2.)
- (c) "Only one motion for reconsideration [of an order or decision] shall be allowed a party." (Sec. 18, par. 2.)
- (d) "The Court of Agrarian Relations shall forward to the Court of Appeals the complete records of the case within a non-extendible period of fifteen (15) days from receipt of a notice of appeal." (Sec. 18, par. 4.) This does away with the time-consuming procedure for submitting a record on appeal.
- (e) "Appeal shall not stay the decision or order except where the ejectment of a tenant-farmer, agricultural lessee or tiller, settler, or amortizing owner-cultivator is directed." (Sec. 18, par. 5.)

(f) "Upon receipt of the records of the case from the Court of Agrarian Relations, the Court of Appeals may, if it deems necessary, require the parties to file simultaneous memoranda within a non-extendible period of fifteen (15) days from notice; the appellate court shall decide the case within thirty (30) days from receipt of said records or memoranda." (Sec. 18, par. 6.)

(g) "No motion for rehearing or reconsideration shall be allowed in the Court of Appeals." (Sec. 18, par. 7.)

(h) "Upon the effectivity of this Decree, the Court of Appeals shall designate at least two (2) of its Divisions to which all appealed agrarian cases shall be assigned, and those cases shall have priority over other cases." (Sec. 18, par. 9.)

(i) "The decisions or orders of the Court of Appeals may be appealed to the Supreme Court by petition for review on certiorari only on questions of law, within a non-extendible period of thirty (30) days from receipt by the appellant of a copy of the decision or order." (Sec. 18, par. 10.)

The aforestated purpose of the statute is desirable and the means provided to accomplish it are reasonable. In particular the provision which authorizes ex- parte hearing provided both counsel and parties have been duly notified has a constitutional counterpart and, therefore, cannot be deemed repugnant to due process. Thus the Constitution states: "x x x after arraignment, trial may proceed notwithstanding the absence of the accused provided that he has been duly notified and his failure to appear is unjustified." (Art. IV, Sec. 19.)

WHEREFORE, the petition is hereby denied for lack of merit.

SO ORDERED.

Barredo, (Chairman), Aquino, Concepcion, Jr., Guerrero, De Castro, and Escolin, JJ.,concur.

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