

DIONISIO CRUZ Y TRIAS, PETITIONER AND APPELLEE, VS. SILVINO LOPEZ ET AL., OPPONENTS AND APPELLANTS.

G.R. No. 6412. August 14, 1911

Ponente: CARSON, J.

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CARSON, J.:

The principal question involved in this appeal is one of fact, and on a review of the very conflicting evidence of record we are unable to make an affirmative finding that the trial court erred in its findings of fact, or that its judgment is not sustained by the weight of the evidence.

It appears from the record, that after the various parties had introduced their evidence and the case had been submitted to the trial court, the judge, apparently of his own motion, issued an order directing the various objectors to submit plans of the parcels of land to which each of them laid claim, and that thereafter, upon their failure to submit these plans within the time allowed by him for that purpose, he entered a formal order dismissing the opposition to the registry entered by these objectors. To this order of dismissal the objectors excepted. They also excepted to various orders declining to extend the time for the filing of the plans as directed in the original order, and to an order denying a new trial prayed for by them for the purpose of introducing into the record plans such as had been called for in the original order. The action of the trial court in denying these various motions and in dismissing the opposition to the registry entered by the opponents is here assigned as error.

It appears, however, that notwithstanding the formal order dismissing the opposition of appellants, the trial court when it came to render judgment, practically disregarded this order and treated it rather as an order closing the period, allowed at the trial for the production of evidence, and denying to the objectors any further opportunity to introduce additional evidence. In rendering judgment, the trial judge reviewed all the evidence submitted by the appellants, and gave judgment precisely as though no order of dismissal had been entered.

Under all the circumstances, we are of opinion that as far as the filing of dismissal order, and the order denying a new trial can be said to be error, it was error without prejudice and not such error as would justify a reversal.

Doubtless, the order dismissing the opposition entered by appellants would have been reversible error had the evidence already submitted been sufficient to sustain the opposition entered by appellants, and had the court below declined to examine this evidence and give it due weight in rendering final judgment.

The mere failure of an objector to the registry of land to produce evidence of a particular kind which may be called for by the trial judge is not a ground for dismissal of his opposition, and if there is other competent evidence in the record which sustains his contention it is the duty of the court to render judgment in accordance therewith. The party failing to produce the evidence called for does so at the risk that this evidence may be essential to his case; and further at the risk of punishment for his failure to obey the order of the court in a case where such punishment would be appropriately inflicted - but not at the risk that regardless, of the other evidence in the record, his case will be dismissed on the sole ground of his failure to produce the particular evidence called for.

In the case at bar however, the trial court practically disregarded the dismissal order and entered judgment substantially as though that order had never been entered, so that as a matter of fact, the appellants do not appear to have suffered any substantial injury as a result of its entry. Their brief in this case discusses the evidence of record and the case made by them in the court below, substantially as though no dismissing order had ever been entered, and indeed it seems to have been treated both in the court below and in the proceedings on this appeal, as though it were no more than a mere order closing the trial in the court below in due form.

As to the orders declining to extend the time in which the plans in question were ordered to be submitted, and declining to grant a new trial to give the objectors an opportunity to introduce such plans, it might, perhaps, be sufficient to say that such orders were peculiarly in the discretion of the trial court, and in the absence of proof of abuse of this discretion, they were not subject to exception. We may observe further, however, that the opposition had in fact rested its case and submitted its evidence some time before these plans were called for, so that it could hardly complain if no opportunity had ever been given to produce these plans. Still less is there a well-founded source of complaint merely because, as appellants allege, the time was not long enough; and in truth, it is very clear from the evidence regularly introduced at the trial, that the production of these plans could in no wise have affected the result. The precise location of the various tracts of land claimed by the appellants by relation one to another, could, in no aspect of the case, have any effect on the judgment rendered in favor of the applicant for the registry of the entire tract; and assuming that these plans were actually in the record, and before us on this appeal, it would still be incumbent on us to affirm the judgment of the court below on grounds wholly independent of the location within the principal tract of the various parcels of land claimed by the objectors. Clearly a final judgment should not be reversed merely to give parties an opportunity to introduce evidence which could in no wise affect the judgment already rendered.

The judgment of the court below should be and is affirmed, with the costs of this instance against the appellants.

Torres, Mapa, Johnson, and Moreland, JJ., concur.

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