

**THELMA YNIGUEZ, ROTHIEL YNIGUEZ, RACHEL YNIGUEZ, AND  
ROMULO C. YNIGUEZ, PETITIONERS, VS. HON. COURT OF APPEALS,  
QUEENS SUPERMARKETS, INC. AND LOURDES CORTEZ,  
RESPONDENTS.**

*G.R. No. 79766. August 10, 1989*

Ponente: PADILLA, J.

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**PADILLA, J.:**

This is a petition for review on certiorari of the decision\* of the Court of Appeals in CA-G.R. No. CV-10124, entitled "Thelma Yniguez, et al., plaintiffs-appellees vs. Queens Supermarkets, Inc., et al., defendants-appellants" annulling the decision of the RTC, Branch 147, Makati, Metro Manila.\*\*

On 4 December 1978, petitioners Thelma, Rothel, Rachel and Romulo, all surnamed Yniguez, filed a complaint for damages before the Court of First Instance (now Regional Trial Court) of Pasay, docketed as Civil Case No. Pq-6831-PO, later re-docketed as Civil Case No. 3893 assigned to Branch 147, RTC, Makati, against respondents Queens Supermarkets, Inc. (hereafter, Queens) located at Harrison Plaza and Lourdes Cortez, its employee, for alleged disregard by the latter of petitioner Thelma's honor and dignity, by accusing her of shoplifting a packet of "vetsin", which accusation was later found to be false by the officials of Queens.

After joinder of issues, the case was set for pre-trial on 18 September 1979. Respondent Queens was declared as in default for failure of its counsel to appear on the scheduled date of pre-trial. Acting on a second motion for reconsideration filed by respondent, without opposition from petitioners, the default order was set aside and pre-trial re-set to 8 May 1980. On 29 December 1983, the case was dismissed for petitioners' failure to prosecute, but reinstated on 1 June 1984 upon motion by petitioners.

Finally, pre-trial was terminated on 12 September 1984. The case was set for hearing on the merits on 18 October 1984. For lack of material time, continuance was scheduled on 14 November 1984 at 8:30 a.m.

What follows are the crucial events leading to the present petition. On 13 November 1984, one day before the scheduled date for continuance, counsel for respondents filed an Urgent Motion for Postponement on the ground that he had to attend on 14 November 1984 at 8:30 a.m. the trial of a murder case[1] before the Military Tribunal at Camp Crame. When the case was called on 14 November 1984, the trial court issued the following order:

"In view of the objection of Atty. Gonzales to the motion for postponement of defendant, the same is denied.

"On motion of plaintiff, thru counsel, plaintiff is allowed to present evidence ex parte."[2]

Respondents' counsel claims to have received a copy of the above order only on 20 March 1985 when he made an inquiry with the court.[3]

In the afternoon of 14 November 1984, petitioners (plaintiffs below) presented evidence ex parte, on the basis of which, the court a quo rendered judgment on 11 March 1985, the dispositive portion thereof reading as follows:

"WHEREFORE, in view of the foregoing, the Court hereby renders judgment in favor of the plaintiffs and against the defendants, ordering the latter to pay the former, solidarily, the following:

- "1. The amount of P250,000.00 representing moral damages;
- "2. The amount of P50,000.00 representing exemplary damages;
- "3. The amount of P10,000.00 for and as attorney's fees;
- "4. The costs."[4]

A motion for reconsideration was denied. Before the Court of Appeals, respondents raised five (5) issues which may be summed up as grave abuse of discretion of the court a quo in hastily disposing of the case without properly notifying respondents of the denial of their motion for post-ponement, then, awarding excessive and scandalous damages, in violation of procedural due process.

The Court of Appeals held:

"WHEREFORE, for being infirmed by lack of procedural due process, the judgment appealed from is hereby annulled and set aside. Conform-ably, the case is hereby remanded for continuation of trial and further proceedings. The court a quo is hereby ordered to give defendants-appellants ample opportunity to cross-examine witness Thelma Yniguez, whose testimony should remain; and thereafter, to present their own (defendants') evidence, without prejudice to the right of plaintiffs to adduce additional and/or rebuttal proofs. Only after both parties shall have completed the adducement of their evidence and been afforded the amplest [sic] chance to litigate, shall the case be decided by the trial court. Cost against the appellees.

"SO ORDERED."

This is the decision now questioned before this Court.

Cases of this genre are quite unfortunate, for the time and effort they extract from the appellate courts. While the RTC Judge may have been correct in denying the respondents' motion for postponement, for being violative of the three (3) day notice rule, and in disallowing cross-examination of petitioners' witness on 14 November 1984, as counsel for private respondents was absent and could not just take for granted that his motion for postponement would be acted upon favorably, yet, we fail to see any rhyme or reason why respondents' right to cross examine petitioners' witness was disregarded altogether.

For such omission of the trial judge, compounded by the failure of his staff to properly and timely notify respondents' counsel of the denial of his Motion for Postponement, wittingly or unwittingly, respondents were denied due process. In this connection, it is worth repeating that -

"The Court has consistently maintained that although a speedy determination of an action implies a speedy trial, speed is not the chief objective of a trial. Careful and deliberate consideration for the administration of justice, a genuine respect for the rights of all parties and the requirements of procedural due process and an adherence to the Court's standing admonition that the discretion granted judges in the granting or denial of motions for postponement and the setting aside of denial orders previously issued 'should always be predicated on the consideration that more than the mere convenience of the courts or of the parties in the case, the ends of justice and fairness would be served thereby' are more important than a race to end the trial."[5]

WHEREFORE, the petition is DENIED. The decision of the Court of Appeals in CA-G.R. No. CV-10124 is AFFIRMED. Let this case be remanded to the trial court for further proceedings. Private respondents shall have the right to cross examine petitioners' witnesses, and to present their own evidence. RTC Judge Guadiz and his staff are admonished to be more punctilious in the performance of their duties so that the proceedings in cases

before the court can be terminated at the soonest possible time, but consistent always with the right of the parties to procedural due process. Costs against the petitioners.

**SO ORDERED.**

Melencio-Herrera, (Chairman), Paras, Sarmiento, and Regalado, JJ., concur.

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\* Fourteenth Division, Justice Fidel P. Purisima, ponente, Justices Emeterio C. Cui and Jesus M. Elbinias, concurring.

\*\* Judge Teofilo Guadiz presiding.

[1] People v. Federico Feliciano

[2] Rollo, p. 84

[3] Rollo, p. 137

[4] Rollo, p. 84

[5] Amberti v. Court of Appeals, G.R. No. L-41808, March 30, 1979, 89 SCRA 240.

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