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SECOND DIVISION

[G.R. No. L-24392. February 28, 1979]

ANACLETO ONDAP, *plaintiff-appellee*, *vs.* **BONIFACIO ABUGAA, CRISTINA JANOLINO, and NICOLAS LABARES**, *defendants-appellants*.

SYLLABUS

1. **REMEDIAL LAW; CIVIL PROCEDURES; JUDGMENT ON THE PLEADINGS; WHEN APPROPRIATE.** — Where the answer failed to deny specifically the material allegations of the complaint, the failure, in law, amounted to an admission. Nothing is better settled than that under the admitted facts, a judgment on the pleadings is appropriate. A general denial does not become specific by merely calling it so, any more than stone can become broad by applying the latter nomenclature to it.

2. **ID.; ID.; APPEAL; SHALL BE DISMISSED FOR FAILURE TO FILE A BRIEF WITHIN THE REGLEMENTARY PERIOD.** — Defendants-appellants failed to make out a case that would call for a different decision, where their brief merely mentioned that they had "a good and valid defense against plaintiff-appellee's action" and no effort was made to explain the matter further and justify why in the interest of justice their marked deviation from authoritative doctrines should not be held against them, and considering that the case had been pending for such a long time, their brief having been filed more than ten years ago, although the case was not immediately submitted for decision and the resolution of the Court of Appeals came later, it cannot be justly said that defendants-appellants are still entitled to the relief prayed for.

APPEARANCES OF COUNSEL

Nemesio G. Beltran for appellants.
Buenaventura H. Enghog for appellee.

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DECISION

FERNANDO, *J.*:

The appeal in this case was, by a Resolution of the First Division of the Court of Appeals, endorsed to this Court pursuant to the Judiciary Act, as only questions of law were raised. Defendants-appellants assailed the validity of an order of the Court of First Instance of Bukidnon that reads as follows: "Wherefore, finding the judgment of the inferior court to have been issued properly and in accordance with Rules, the appeal filed by the defendants is dismissed, and the records of this case are hereby returned to the Justice of the Peace Court of Kibawe for further disposition, without special pronouncement as to costs."[1] It is the contention of defendants-appellants that the lower court ought to have tried the case on the merits instead of merely affirming the decision of the Justice of the Peace Court of Kibawe, Bukidnon, which ordered defendants in an ejectment case to vacate the premises and to pay plaintiff the sum of ₱711.00, with costs.

It was a judgment on the pleadings, as defendants, who did not even bother to file a written answer, merely denied at the trial paragraphs 2 to 8 of the complaint filed with the Justice of the Peace Court. Clearly then, they failed to deny specifically the material allegations, a failure which in law amounted to an admission. Nothing is better settled than that under the admitted facts, a judgment on the pleadings was appropriate. So it was held in *El Hogar Filipino v. Santos*,[2] quoted extensively in the opinion of *Justice Ozaeta in Baetamo v. Hon. Amado P. Amador*.[3] Thus: "Upon the first question, respondents contend that their answers were not a general denial because, as counsel emphasized in his oral argument, he was careful not to use the word 'generally' but used the word 'specifically' in denying "each and every allegation contained in each and every paragraph

[1] Order of July 16, 1963.

[2] 74 Phil. 79 (1943).

[3] 74 Phil. 735 (1944).

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of the complaint." That is naive if not puerile argument. A general denial does not become specific by merely calling it so, any more than stone can become bread by applying the latter nomenclature to it."[4]

Baetamo v. Amador was subsequently cited in the following cases: *Trias v. Court of First Instance*,[5] *Dacanay v. Lucero*,[6] *Pacho v. Uy Ico*,[7] *Constantino v. Court of Appeals*,[8] and *National Marketing Corporation v. De Castro*.[9] Even more recent cases adhered to the above well-settled doctrine.[10]

An attempt was made by counsel for respondents to extricate his clients from the untenable position in which they found themselves. The attempt, however, was not successful. As was pointed out in the appealed decision, what was sought by them would amount to a charge of theory on appeal. So it was pointed out in an order of the Court of First Instance: "For the reason stated in the motion to strike out dated December 12, 1961, filed by counsel for the plaintiff, the allegations in the answer of the defendants of October 24, 1961, insofar as they are at variance with their original answer before the justice of the peace court of origin, are hereby stricken out from the records."[11] In dismissing the appeal, the court *a quo* pointed out that "defendants filed a written answer * * * incorporating new

[4] *Ibid.*, 738.

[5] 75 Phil. 757 (1946).

[6] 76 Phil. 139 (1946).

[7] 91 Phil. 123 (1952).

[8] 103 Phil. 153 (1958).

[9] 106 Phil. 803 (1959).

[10] Cf. *Taleon v. Secretary of Public Works*, L-24281, May 16, 1967, 20 SCRA 69; *Raagas v. Traya*, L-20081, Feb. 27, 1968, 22 SCRA 839; *Arabay Inc. v. Aquino*, L-29033, July 3, 1970, 34 SCRA 159; *Manufacturers Bank and Trust v. Woodworks, Inc.*, L-29453, Dec. 28, 1970, 36 SCRA 562; *Philippine Reconstruction Corp. v. Aparente*, L-26630, May 30, 1972, 45 SCRA 217; *Phil. Advertising Counselors v. Revilla*, L-31869, Aug. 8, 1973, 52 SCRA 246; *Lorenzo v. Estenzo*, L-43306, Oct. 29, 1976, 73 SCRA 630.

[11] Appendix A of Brief for Appellants.

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matters therein."[12] That cannot be done. A host of cases starting from *Tan Machan v. Trinidad*,[13] decided as far back as 1904, attests to this. In the recent case of *Arangco v. Baloso*,[14] twenty-two decisions were cited, where the same principle was reiterated, the latest one being *Zambales Chromite Mining Co. v. Robles*.[15] *Arangco v. Baloso*, it should be noted, was followed in four subsequent decisions. *Gonzaga v. Court of Appeals*,[16] *Escay v. Court of Appeals*,[17] *Philippine Rabbit Bus Lines v. Phil-American Forwarders*,[18] and *Lianga Lumber Co. v. North Zambales Lumber Co.*[19]

Even from the equitable standpoint, defendants-appellants failed to make out a case that would call for a different decision. The brief merely mentioned that they had "a good and valid defense against plaintiff appellee's action."[20] No effort was made to explain the matter further and justify why in the interest of justice their marked deviation from authoritative doctrines should not be held against them. Under the circumstances and considering that the case had been pending for such a long time, their brief having been filed more than ten years ago, although the case was not immediately submitted for decision and the resolution of the Court of Appeals came later, it cannot be justly said that defendants-appellants are still entitled to the relief prayed for.

WHEREFORE, the appealed decision is affirmed. No costs.

Barredo, Antonio, Aquino, Concepcion Jr., Santos, and *Abad Santos, JJ.*, concur.

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[12] *Ibid.*, Appendix B. 2.

[13] 3 Phil. 684.

[14] L-28617, January 31, 1973, 49 SCRA 296.

[15] L-16182, August 29, 1961, 2 SCRA 1051.

[16] L-27455, June 28, 1973, 51 SCRA 381.

[17] L-37504, December 18, 1974, 61 SCRA 369.

[18] L-25142, March 25, 1975, 63 SCRA 231.

[19] L-38685, March 31, 1977, 76 SCRA 197.

[20] Brief for Defendants-Appellants, 10.