

**VICTORIA AGUINALDO AND SIMEONA AGUINALDO,
PLAINTIFFS-APPELLEES, VS. SEGUNDO AGUINALDO (DECEASED),
PRIMO AGUINALDO AND RUFINA AGUINALDO, DEFENDANTS.
CECILIO AGUINALDO, ANASTACIA ...**

G.R. No. L-30362. November 26, 1970

Ponente: FERNANDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/0fdc48b7e832/>

FERNANDO, J.:

Any effort on the part of a litigant to delay, if not to defeat, the enforcement of a final judgment, executory in character, by raising an objection that at best hardly rises to the level of a technicality is not likely to elicit the sympathy of this Court or of any court for that matter. Yet, in effect, that is what the move taken by defendants in this case amounted to. The lower court as was but proper did not lend its approval. Still undeterred, they would appeal. They ought to have known better. There is no reason to refuse affirmance to the order of the lower court complained of, appointing appellants as legal representatives of the deceased defendant and substituted in his place pursuant to the Rules of Court in order that the execution that ought to have taken place long since could at long last be effected.

There is no dispute as to the antecedents. On January 14, 1965, the Court of First Instance of Bulacan, Branch II through its clerk issued a writ of execution reciting that as far back as March 31, 1958, it rendered a decision in favor of plaintiffs,[1] now appellees, requiring one of the defendants therein, Segundo Aguinaldo, to reconvey one-fourth (1/4) pro-indiviso of the property in litigation to appellees, and to pay the latter the amount of P300.00 yearly beginning with the year 1955. There was an appeal. The decision was affirmed by the Court of Appeals on May 23, 1965. It was further set forth therein that on January 5, 1965, a motion for its execution was granted. Hence the writ of execution. On February 13 of the same year, one Cecilio Aguinaldo filed an urgent ex parte manifestation and motion to quash such writ of execution based primarily on the allegation that defendant Segundo Aguinaldo died on August 7, 1959 during the pendency of such appeal. There was an opposition to such motion on February 25, 1965, inviting attention to Sec. 16, Rule 3 of the Rules of Court to the effect that in the event of the death of a party to a pending case, it is the duty of his attorney to give the name and residence of his executor, administrator, guardian, or their legal representative and alleging that there was a failure on the part of counsel to comply with the above provision. The prayer was for the denial of the motion of Cecilio Aguinaldo and for an order requiring counsel for the defendants to furnish the court the names as well as the residences of the heirs or legal representatives of the deceased in order that they could be substituted in his stead so as not to render nugatory a decision, final and executory in character. On March 4, 1965, the lower court, then presided by the Hon. Ricardo C. Puno, gave counsel of record up to March 22, 1965 within which to submit the name and residence of the executor, administrator, guardian or other legal representative of the deceased Segundo Aguinaldo. The aforesaid counsel in turn merely manifested on March 23, 1965 that he had ceased to be such as of May 31, 1956, and that such a pleading be considered sufficient compliance with the aforesaid order. Considering the turn of events, plaintiffs, in order that such a decision in their favor be not rendered nugatory by

the above technicality, had no choice but to ask the court in a motion of April 7, 1965 to have the heirs of the deceased Segundo Aguinaldo, defendants Cecilio, Anastacia, Simplicio and Domingo, all bearing the surname of Aguinaldo being the legitimate children, and one Felicitas Bagawisan, a granddaughter, substituted as defendants. On October 5, 1965, the lower court, this time presided by Judge Andres Sta. Maria, granted the aforesaid motion and substituted defendants in place of the deceased Segundo Aguinaldo.

Hence this appeal to the Court of Appeals, which in turn by resolution of February 17, 1969 certified the matter to this Court, the question involved being one of law. As noted at the outset, we find for appellees.

1. It would be the height of unreason to impute error to the lower court precisely for embodying in the order complained of what is set forth in the Rules of Court. Thus: "Whenever a party to a pending case dies, becomes incapacitated or incompetent, it shall be the duty of his attorney to inform the court promptly of such death, incapacity or incompetency, and to give the name and residence of his executor, administrator, guardian or other legal representative." [2] Had the defendant, thereafter deceased, seen to it that a new counsel was appointed, then upon his death there could be compliance with the above provision. To cause plaintiffs to suffer for such neglect of duty is to cast an undeserved reflection on the law. It is equally vital to remember that the judgment had become final and the stage of execution reached. Defendants cannot be heard to allege that it is much too late now to apply the above rule. That would be to set at naught the principle consistently adhered to by this Court.

It was succinctly put in *Amor v. Jugo* [3] in these words: "And with more compelling reason the respondent court cannot refuse to issue such writ, or quash it or order its stay, when the judgment had been reviewed and affirmed by an appellate court, for it cannot review or interfere with any matter decided on appeal, or give other or further relief, or assume supervisory jurisdiction to interpret or reverse the judgment of the higher court." [4] What was said by us in *Li Kim Tho v. Sanchez* [5] is worth recalling: "Litigation must end and terminate sometime and somewhere, and it is essential to an effective and efficient administration of justice that, once a judgment has become final, the winning party be not, through a mere subterfuge, deprived of the fruits of the verdict. Courts must therefore guard against any scheme calculated to bring about that result. Constituted as they are to put an end to controversies, courts should frown upon any attempt to prolong them." [6] An excerpt from *Villaflor v. Reyes* [7] is equally relevant: "There should be a greater awareness on the part of litigants that the time of the judiciary, much more so of this Court, is too valuable to be wasted or frittered away by efforts, far from commendable, to evade the operation of a decision final and executory, especially so, where, as shown in this case, the clear and manifest absence of any right calling for vindication, is quite obvious and indisputable." [8]

2. This appeal, moreover, should fail, predicated as it is on an insubstantial objection bereft of any persuasive force. Defendants had to display ingenuity to conjure a technicality. From *Alonso v. Villamor*, [9] a 1910 decision, we have left no doubt as to our disapproval of such a practice. The aim of a lawsuit is to render justice to the parties according to law. Procedural rules are precisely designed to accomplish such a worthy objective. Necessarily, therefore, any attempt to pervert the ends for which they are intended deserves condemnation. We have done so before. We do so again.

WHEREFORE, the order of October 5, 1965 is affirmed. This decision is immediately executory. Treble costs against defendants.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Zaldivar, Ruiz Castro, Teehankee, Barredo, and Villamor, JJ., concur.

Dizon and Makasiar, JJ., on official leave.

[1] Plaintiffs are Victoria Aguinaldo and Simeona Aguinaldo.

[2] Sec. 16, Rule 3, Rules of Court.

[3] 77 Phil. 703 (1946). Cf. *Shioji v. Harvey*, 43 Phil. 333 (1922); *Cabigao v. Del Rosario*, 44 Phil. 182 (1922); *Philippine Trust Co. v. Santamaria*, 53 Phil. 463 (1929).

[4] *Ibid*, p. 707.

[5] 82 Phil. 776 (1949).

[6] *Ibid*, p. 778.

[7] L-23702, January 30, 1968, 22 SCRA 385.

[8] *Ibid*, p. 394.

[9] 16 Phil. 315. Cf. *Blanco v. Bernabe*, 63 Phil. 124 (1936); *Register of Deeds v. Phil. Nat. Bank*, 84 Phil. 600 (1949); *Potenciano v. Court of Appeals*, 104 Phil. 156 (1958); *McEntee v. Manotok*, L-14968, Oct. 27, 1961, 3 SCRA 272; *Urbayan v. Caltex (Phil.)*, L-15379, Aug. 31, 1962, 5 SCRA 1016; *Udan v. Amon*, L-24288, May 28, 1968, 23 SCRA 837; *Palma v. Oreta*, L-27807, Aug. 31, 1970.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.