

PEDRO F. SIOCHI, PLAINTIFF AND APPELLEE, VS. JOSE T. TIRONA DEFENDANT AND APPELLANT.

G.R. No. L-8318. June 29, 1956

Ponente: PARAS, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/1408ccbbc909/>

PARAS, C.J.:

The plaintiff-appellee filed an action against the defendant-appellant in the Court of First Instance of Eizal for the collection of a sum of money. The trial was set for October 1, 1951, notice of which was served upon counsel for appellant on September 24, 1951. The next day Attys. Tirona and Navarro, counsel for appellant, filed an ex-parte urgent motion for postponement (signed by Atty. Navarro) based on the ground that counsel had a case in the Court of First Instance of Manila set for hearing for the same day. On October 1 neither the appellant nor his counsel appeared, whereupon the court denied the motion for postponement and proceeded to receive the evidence presented by the appellee, and accordingly to render a decision in appellee's favor. A motion (signed by Atty. Tirona) was filed to set aside said decision and for a new trial, and as the same was denied the present appeal was interposed by the appellant.

The latter, in assailing the action taken by the trial court, argues that early action should have been taken by it on the motion for postponement so that in case of denial, counsel for appellant could act accordingly; that at any rate no prejudice would be caused to any of the parties by its granting whereas its denial on the very day of the trial in effect deprived the appellant of his day in court.

We are of the opinion that appellant's position is well. taken. The motion for postponement, which was the first, was filed several days before the trial. While attorneys should not assume that a motion for postponement would be granted, they are none the less entitled to a timely notice of its denial, to know what to do to protect the interest of their client, it being the business or concern of the law office representing the party (and not for the court to assume) to determine whether one or the other of two or more partners can handle the trial. It is noteworthy, in this connection, that the answer sets up the defenses of partial payment and the fact that the appellant was a mere accomodation party which, if proven, would. naturally alter the appealed decision.

Wherefore, the appealed decision is hereby set aside and the case remanded to the lower court for a new trial and corresponding judgment

So ordered, without costs.

Bengzon, Montemayor, Reyes, A., Bautista Angelo, Concepcion, Reyes, J. B. L., and Endencia, JJ., concur.

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.