

ANGELES CASON VDA. DE CARRETERO, PETITIONER, VS. GREGORIO TARCA, RODULFO TARCA CASTRO AND THE COURT OF APPEALS, RESPONDENTS.

G. R. No. L-3576. December 05, 1950

Ponente: PARAS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/1a70dc610355/>

PARAS, J.:

In two cases jointly appealed to the Court of Appeals (CA-G. R. Nos. 2699-R and 2700-R), Angeles Cason Vda. De Carretero was the appellee, and Gregorio Tarca and Rodulfo Tarca Castro were the appellants. On September 15, 1949, the Court of Appeals rendered a decision favorable to Angeles Cason. Notice of the decision was sent by registered mail to Fernandez, Unson and Patajo, of Lingayen, Pangasinan, attorneys of record of Gregorio Tarca and Rodulfo Tarca Castro, and according to the return card and the record of the post office, said notice was received on September 21, 1949, by Atty. Ramon Fernandez. As no motion for reconsideration was filed within the reglementary period, final judgment was entered in the Court of Appeals on October 7, 1949, and the records were remanded to the court of origin on October 19, 1949. On October 25, 1949, the decision was executed by the provincial sheriff of Pangasinan and Angeles Cason was accordingly placed in possession of the land in question. Under date of October 29, 1949, Gregorio Tarca and Rodulfo Tarca Castro filed in the Court of Appeals, thru another attorney, a petition to set aside the entry of final judgment and to allow the filing of a motion of reconsideration, on the ground that their former attorneys never received copy of the decision, having learned thereof only when Atty. Crispin A. Fernandez, senior member of the law firm of Fernandez, Unson and Patajo, was shown by Gregorio Tarca on October 29, 1949, a copy of the decision, and that the signature "Fernandez" on the registry return card was falsified. Over the opposition of counsel for Angeles Gason, the Court of Appeals, on November 25, 1949, promulgated a resolution setting aside the entry of final judgment and permitting the filing of a motion for reconsideration within ten days. Upon denial of the motion for reconsideration filed by counsel for Angeles Cason, the present petition for certiorari and prohibition was filed by Angeles Cason Vda. de Carretero against Gregorio Tarca and Rodulfo Tarca Castro, jointly with the Court of Appeals, to the end that the resolution of the Court of Appeals setting aside its entry of final judgment and permitting the filing of a motion for reconsideration by the Tarcas, be declared null and void.

There is no dispute that Fernandez, Unson and Patajo were the attorneys of record of respondents Gregorio Tarca and Rodulfo Tarca Castro when the two cases were decided by the Court of Appeals on September 15, 1949; that the law firm of Fernandez, Unson and Patajo was dissolved in June, 1949; that thereafter the law firm of Fernandez, Unson, Angeles and Fernandez was formed, being composed of Attys. Crispin A. Fernandez and Jose Aldeguer Unson (members of the former law firm of Fernandez, Unson and Patajo) and Romulo Angeles and Ramon Fernandez (new members); that in September, 1949, Attys. Ramon Fernandez and Romulo Angeles received from the post office of Lingayen all registered mails addressed to Fernandez, Unson, Angeles and Fernandez; that Atty. Hamon Fernandez received the notice of the decision of the Court of Appeals on September 21, 1949.

It is contended, however, for the respondents that, after the dissolution of the law firm of Fernandez, Unson and Patajo, Atty. Crispin A. Fernandez continued to handle the two cases in the Court of Appeals personally, although it is admitted that, at the hearing, his law associate, Atty. Jose Aldeguer Unson, appeared. As a corollary, it is also contended that the notice received by Atty. Ramon Fernandez, who was not a member of Fernandez, Unson and Patajo, could not serve as notice to the latter. In answer, it may be stated that Atty. Crispin A. Fernandez, individually, had not entered his appearance in the Court of Appeals, and it was not logically to be expected that the notice would be sent to him in his individual name. Upon the other hand, when Atty. Ramon Fernandez received the notice containing copy of the decision on September 21, 1949, he was already a member of Fernandez, Unson, Angeles and Fernandez, and it is quite fair to assume that he was authorized to receive registered mails from the post office addressed not only to said law firm but also to the former law firm of Fernandez, Unson and Patajo, because, in both, Attys. Crispin A. Fernandez and Jose Aldeguer Unson were the principal and senior members, and more especially because it is not pretended that Atty. Lino Patajo personally handled the two cases in the Court of Appeals or that he was the principal member in the former law firm of Fernandez, Unson and Patajo.

If a messenger of Atty. Crispin A. Fernandez (even granting that the two cases were his personal cases) received the notice from the post office, it cannot undoubtedly be contended that the receipt was unauthorized. The petitioner's position in the case at bar is better, because the notice was received by no less than a law partner of Atty. Crispin A. Fernandez. To adopt respondents' theory and its implication—that Atty. Ramon Fernandez did not deliver the notice to Atty. Crispin A. Fernandez,—is to impute irresponsibility to Atty. Ramon Fernandez; and the respondents certainly never intended to win a point at the expense of the prestige of Atty. Ramon Fernandez. Indeed, the finding of the Court of Appeals in its resolution denying petitioner's motion for reconsideration that the failure of Atty. Crispin A. Fernandez to receive notice of the decision is also attributable to simple negligence on his part or on the part of his companions, is inconsistent with any claim that Atty. Ramon Fernandez was not authorized to receive the notice in question.

Wherefore, the resolution of the Court of Appeals settling aside its entry of final judgment in the two cases involved herein is declared null and void and its decision of September 15, 1949, is declared final. So ordered, with roosts against the respondents other than the respondent Court.

Feria, Pablo, Bengzon, Padilla, Tuason, Montermayor, Reyes, Jugo, and Bautista Angelo, JJ, concur.

Tuason, J., concurs in the result.

Resolution of Court of Appeal setting aside entry of final judgment null and void and its decision of September 15, 1949, declared final.

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.