

**FRANCISSCO P. PEREZ, RECURRENTE, CONTRA BONIFACIO YSIP,
JUEZ DE PRIMERA INSTANCIA DE BULACAN, SEVERINA
BUENAVENTURA, JULIA BERNARDINO, BELEN BERNARDINO, Y
VICTORIA BERNARDINO, R...**

G.R. No. L-1301. July 09, 1948

Ponente: BRIONES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/561c3691d7cf/>

BRIONES, J.:

1. PRACTICA FORENSE; AVISOS POR CORREO ORDINARIO; FECHA DEL RECIBO POR EL DESTINATARIO; PRESUNCION LEGAL; CASO DE AUTOS.-Los autos demuestra sin seria contraccion que una copia del auto de 3 de junio denegando la segunda moccion de consideracion se envio el 7 de Junio al abogado del demandado cuya direccion postal estaba entonces en el pueblo de Santa Maria, Bulacan, por correo ordinario, pueto que entonces todavia no estaba restablecido el servicio postal de cartas registradas. La presuncion legal es que el destinatario recibio la correspondencia en cuestion dentro de 3,4, o lo mas 5 dias, teniendo en cuenta la escasa distancia entre Malolos, asiento del Juzgado, y el municipio de Santa Maria. No hay prueba de que la correspondencia se haya devuelto por la Oficina de Correos a la escribania del Juzgado.

Paras, Pres., Interino, Feria, Pablo, Bengzon, Padilla, y Tuason, MM., estan conformes.

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