

**JOSE GUBALLA, PETITIONER, VS. THE HON. EDUARDO P. CAGUIOA,
RICARDO G. CARLOS AND DOMINGO FORTEZA, JR., RESPONDENTS.**

G.R. No. L-46537. July 29, 1977

Ponente: SANTOS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/6766f8c28576/>

SANTOS, J.:

In this petition for Certiorari with Preliminary Injunction, petitioner seeks to set aside the Order of respondent Judge dated July 12, 1977, denying his Petition for Relief from Judgment and allowing a writ of execution to issue in Civil Case No. 680-V of the Court of First Instance of Bulacan.

The factual antecedents may be recited as follows:

Petitioner is an operator of a public utility vehicle which was involved, on October 1, 1971, in an accident resulting to injuries sustained by private respondent Domingo Forteza, Jr. As a consequence thereof, a complaint for damages was filed by Forteza against petitioner with the Court of First Instance of Bulacan (Branch VIII), docketed as Civil Case No. 680-V. An Answer thereto was filed on behalf of petitioner by Irineo W. Vida, Jr., of the law firm of Vida, Enriquez, Mercado & Associates.[1]

Because petitioner and counsel failed to appear at the pretrial conference on April 6, 1972, despite due notice, petitioner was treated as in default and private respondent was allowed to present his evidence *ex parte*. A decision was there-after rendered by the trial court in favor of private respondent Forteza, Jr. A Motion for Reconsideration was then filed by petitioner seeking the lifting of the order of default, the reopening of the case for the presentation of his evidence and the setting aside of the decision. Said Motion for Reconsideration was signed by Ponciano Mercado, another member of the law firm. The same was denied by the lower Court and petitioner appealed to the Court of Appeals assigning the following alleged errors, to wit:

“a. That the Hon. Court erred in denying defendant Jose Guballa his day in Court by declaring him in default, it being contrary to applicable law and juris-prudence on the matter;

“b. That this Hon. Court has no jurisdiction to hear and decide the case;

“c. Award of damages in favor of plaintiff, more particularly award of moral damages is contrary to law; and

“d. Defendant has valid, legal and justifiable defenses.”[2]

The appealed case was handled by Atty. Benjamin Bautista, an associate of the same law firm. The decision appealed from was affirmed in toto by the Court of Appeals in CA-G.R. No. 52610-R. A Motion for Reconsideration was filed by petitioner, through a different counsel, Atty. Isabelo V.L. Santos II. However, the same was denied and the decision became final on June 29, 1977 and was then remanded to the lower Court, presided by respondent Judge for execution.[3]

A Motion for Execution was thereafter filed by private respondent with the lower Court which was granted by respondent Judge.[4]

On July 6, 1977, petitioner, through Atty. Isabelo V.L. Santos II, filed a Petition for Relief from Judgment alleging his discovery that Irineo W. Vida Jr., who prepared his Answer to the Complaint is not a member of the Philippine Bar and that consequently, his rights had not been adequately protected and his properties are in danger of being confiscated and/or levied upon without due process of law.[5]

In an Order dated July 12, 1977, respondent Judge denied the Petition and directed the issuance of a writ of execution for the reasons that said Petition is ". . . a clear case of dilatory tactic on the part of counsel for defendant-appellant . . ." herein petitioner, and, that the grounds relied upon ". . . could have been ventilated in the appeal before the Court of Appeals . . ."[6]

On July 19, 1977, respondent Deputy Sheriff Ricardo G. Carlos, acting upon the writ of execution, issued by respondent Judge, levied on three motor vehicles of petitioner for the satisfaction of the judgment.[7]

Hence the instant Petition.

Respondent Judge's forthright denial of the Petition for Relief to frustrate a dilatory maneuver is well-taken; and this Petition must be denied for lack of merit. The alleged fact that the person who represented petitioner at the initial stage of the litigation, i.e., the filing of an Answer and the pretrial proceedings, turned out to be not a member of the Bar[8] did not amount to a denial of petitioner's day in court. It should be noted that in the subsequent stages of the proceedings, after the rendition of the judgment by default, petitioner was duly represented by bona fide members of the Bar in seeking a reversal of the judgment for being contrary to law and jurisprudence and the existence of valid, legal and justifiable defenses. In other words, petitioner's rights had been amply protected in the proceedings before the trial and appellate courts as he was subsequently assisted by counsel. Moreover, petitioner himself was at fault as the order of treatment as in default was predicated, not only on the alleged counsel's failure to attend the pretrial conference on April 6, 1972, but likewise on his own failure to attend the same, without justifiable reason. To allow this petition due course is to countenance further delay in a proceeding which has already taken well over six years to resolve.

WHEREFORE, for lack of merit, the Petition for Certiorari with Preliminary Injunction is hereby Dismissed. The law firm "Vida, Enriquez, Mercado & Associates" of 209 Sampaguita Bldg., Cubao, Quezon City, is hereby ordered to explain, within ten (10) days from notice this Resolution, why Irineo W. Vida, Jr. was permitted to sign the Answer in Civil Case No. 680-V of CFI, Bulacan, when he is not a member of the Bar.

Fernando, (Chairman), Barredo, Antonio, Aquino, and Concepcion, Jr., JJ., concur.

[1] Petition, Annex "A", pp. 22-24

[2] Id., p. 4

[3] Id., p. 5

[4] Id.

[5] Id., Annex "B", pp. 16-21

[6] Id., Annex "C", p. 25

[7] Id., p. 5

[8] Id., Annex "D", p. 26

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.