

**PITTSBURG PLATE GLASS COMPANY, PETITIONER VS. THE
DIRECTOR OF PATENTS AND CHUA TUA HIAN AND COMPANY,
DOING BUSINESS AS “SIN TECK HENG & CO.”;
RESPONDENTS.**

G.R. NO. L-22773. March 29, 1974

Ponente: CASTRO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/6f755209f596/>

CASTRO, J.:

Before us is a petition for review of two resolutions of the Director of Patents in Inter Partes Case 283, dismissing the opposition of the Pittsburgh Plate Glass Company (hereinafter referred to as the petitioner) to the registration of a trademark applied for by Chua Tua Hian & Company (hereinafter referred to as the respondent).

On November 5, 1962, the law firm of Lichauco, Picazo and Agcaoili filed with the Philippine Patent Office a petition for extension of 30 days from November 8, 1962 within which to file in behalf of the petitioner a notice of opposition to the respondent's application for registration of "Solex Bluepane" as trademark for its glass products. The plea was made pursuant to a cablegram from Langner, Parry, Card and Langner International Patent and Trademark Agents, USA, asking that the respondent's application be opposed. A copy of the cablegram was attached to the request.[1] The extension was granted.

On December 7, 1962 an unverified notice of opposition to the trademark application was filed by Lichauco, Picazo and Agcaoili, pursuant to Rule 187(c) of the Rules of Practice before the Patent Office which authorizes the filing of such a notice provided it is verified by the opposer within 60 days thereafter.[2] On the same day, the same counsel filed a duly authenticated power of attorney executed by the petitioner on November 12, 1962 in favor of the former for the prosecution of its opposition. On February 5, 1963 the petitioner's verified opposition to the respondent's application was filed.

On October 14, 1963 the Director of Patents, acting upon a motion of the respondent, issued a resolution dismissing the petitioner's opposition on the ground that on November 5, 1962 when the petitioner's counsel asked for an extension of time to file a notice of opposition, the said counsel was not yet authorized by the petitioner to file the said pleading as the aforementioned power of attorney was executed only on November 12, 1962.[3]

On November 14, 1963 the petitioner's counsel filed a motion for reconsideration of the Director's resolution, attaching thereto an affidavit of the petitioner which states that the cablegram from Langner, et al was duly authorized, as the latter has been entrusted the task of handling foreign trademark matters involving the petitioner. The motion was, however, denied in a resolution dated April 29, 1964.

The main issue before this Court is whether the law firm of Lichauco, Picazo and Agcaoili was authorized to represent the petitioner before the Philippine Patent Office on November 5, 1962 when the former pleaded for an extension of time to register the petitioner's opposition to the respondent's application.

It is our considered view that the said law firm was so properly authorized by the petitioner. It should be noted

that the petitioner does not deny, as in fact it asserted in writing, that the said law firm was authorized to represent it by virtue of the powers it had vested upon Langner, et al., a correspondent of Lichauco, Picazo and Agcaoili, to handle all foreign trademark matters affecting the petitioner. It bears emphasis that the relationship between counsel and client is strictly a personal one. It is a relationship the creation of which courts and administrative tribunals cannot but recognize on the faith of the client's word, especially when no substantial prejudice is thereby caused to any third party.

In the case at bar, the petitioner, which claims to be adversely affected by the respondent's trademark application, seasonably informed the Director of Patents that its counsel had the authority to represent it before the latter's office. We see no valid reason to interpose *chevaux-de-frise* upon the claim and deny the petitioner its basic right to be heard.

ACCORDINGLY, the questioned resolutions of the Director of Patents of October 14, 1963 and April 29, 1964 are set aside, and the Director of Patents is hereby directed to proceed with the determination of the application and the opposition thereto, with costs against Chua Tan Hian & Company.

Makalintal, C.J., Teehankee, Makasiar, Esguerra, and Muñoz Palma, JJ., concur.

[1] The original of the cablegram was filed on April 2, 1983.

[2] Rule 187 (c) provides: -Notice filed by attorney.— An unverified notice of opposition may be filed by a duly authorized attorney, but such opposition will be null and void unless verified by the opposer in person within sixty days after such filing. This period for verification may be extended by the Director for an additional thirty days.

[3] The ruling was apparently based on Rule 19 of its Rules which states: "Power of Attorney or authorization.— Rehire any attorney-at-law or other recognized person will be allowed to take action in any case or proceeding, ex-parte or inter partes, a written power of attorney or authorization must be filed in that particular case or proceeding."

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.