

JESSIE BONGATO, PETITIONER, VS. JACD CREDIT CORPORATION, RESPONDENT.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/bc22ffaef82b/>

BORJA, J.,[*]

On September 26, 2014, the Court issued a Minute Resolution[1] requiring the parties to notify the Court of the date of receipt of its September 26, 2014 Resolution which denied petitioner's motion for reconsideration.[2]

Respondent filed its compliance of the said Resolution.[3] Petitioner through its counsel, Atty. Rodrigo T. Tongo, also filed a "Belated Compliance [of the Court's September 26, 2014 Resolution] with a Motion to Withdraw as Counsel". Atty. Tongo manifested that he received this Court's September 26, 2014 Resolution on October 13, 2014 and prayed for the Court to grant his motion to withdraw as counsel for petitioner.[4]

Atty. Tongo's motion to withdraw as counsel was without the consent of petitioner. Rule 138, section 26 of the Rules of Court outlines the procedure in case of withdrawal of counsel. It states:

Sec. 26. Change of attorneys. – An attorney may retire at any time from any action or special proceeding, by the written consent of his client filed in court. He may also retire at any time from an action or special proceeding, without the consent of his client, should the court, on notice to the client and attorney, and on hearing, determine that he ought to be allowed to retire. In case of substitution, the name of the attorney newly employed shall be entered on the docket of the court in place of the former one, and written notice of the change shall be given to the adverse party.

[Italics added]

Based on the foregoing, Atty. Tongo is still the counsel for petitioner. It is axiomatic that when a client is represented by counsel, notice to counsel is notice to client. In the absence of a notice of withdrawal or substitution of counsel, the Court will rightly assume that the counsel of record continues to represent his client and receipt of notice by the former is the reckoning point of the reglementary period.[5]

Petitioner had until October 28, 2014 within which to file an appeal to the Supreme Court. Based on the Court of Appeals-Case Management Information System, petitioner has not filed any appeal, hence the July 30, 2013 Decision of the Court has already attained finality.[6]

ACCORDINGLY, this Court hereby ORDERS the Division Clerk of Court, Twenty-First Division, to enter Judgment and issue notice thereof.

SO ORDERED.

[**] Camello, and Badelles, JJ., concur.

[*] New Ponente vice J.Francisco per raffle dated May 28, 2014.

[**] 3[rd] Member per raffle dated May 28, 2014.

[1] Rollo, p. 134.

[2] Rollo, pp. 135-136.

[3] Rollo, p. 137.

[4] Rollo, pp. 139-140.

[5] Citibank v. National Labor Relations Commission, G.R. No. 159302, August 22, 2008.

[6] Rollo, pp. 139-140.

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.