

JOAQUIN C. YUSECO, PETITIONER, VS. HONORABLE COURT OF APPEALS, AND HECTOR S. CRUZ, RESPONDENTS.*G.R. Nos. L-40719-21. December 29, 1975*

Ponente: BARREDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/d9d0ad7705a1/>**BARREDO, J.:**

Petition for certiorari and prohibition against the Court of Appeals impugning its resolution of April 10, 1975 as well as that of May 5, 1975, in three cases, CA-G. R. Nos. 54364-R and 54588-89-R, which in effect reinstated three appeals of private respondent Hector S. Ruiz, previously been dismissed by said appellate court on August 14, 1974, and which dismissal had already become final, so much so that the records had already been remanded to the respective trial courts for the execution of the corresponding judgments.

Petitioner Joaquin C. Yuseco had on August 17, 1973 secured after due trial as judgment from the Court of First Instance of Manila in its Civil Case No. 83357 against Ruiz sentencing the latter to pay him some P 7,000 plus costs. Earlier on July 23, 1973, the Court of First Instance of Olongapo City dismissed two civil cases Nos. 759-0 and 771-0, which the said Ruiz had filed against petitioner. Ruiz took appeals in all three cases, and when they reached the appellate court, all three cases were consolidated in one division.

On August 14, 1974, respondent's counsel of record Atty. Eduardo R. Balaoing, having failed to file his brief in all three cases, which were due since July 18, 1974, the Court of Appeals dismissed *motu proprio* the said appeals. On September 16, 1974, Atty. Balaoing filed a motion asking the Court of Appeals to reconsider the dismissal resolution upon the ground of excusable negligence, claiming that his failure to file his brief was due to the incompetence of his secretary in taking note of the notice received from the Court of Appeals for its filing, coupled with his own lack of sufficient experience. This motion was denied. No further move having been taken by Atty. Balaoing against such dismissal, the same became final and, accordingly, the records were remanded to the respective court of origin. The clerk of court of the Court of First Instance of Manila notified the parties of said remand on January 18, 1975, and on January 24, 1975, petitioner moved in Civil Case No. 83357 of the Court of First Instance of Manila for execution of the money judgment in his favor therein. The motion was granted, and execution had already been partially satisfied, when under date of March 30, 1975 private respondent filed with the Court of Appeals a petition to reinstate appeal which said court readily granted in its impugned resolution of April 10, 1975 without even giving petitioner a chance to be heard.

In the light of the circumstances revealed in the record, We cannot approve the precipitate action of the Court of Appeals complained of. *Motu proprio* or without inducement from petitioner, it had dismissed private respondent's appeals, for failure to file appellant's brief. In due course, counsel for appellant moved to reconsider the said dismissal on the ground, as already stated, of excusable negligence, supported with affidavits. This motion for reconsideration was denied, the dismissal became final and the trial court was already in the process of executing its judgment when private respondent moved for the first time for the reinstatement of his appeal. Nevertheless, the Court of Appeals reopened the case without giving any reason for its action.[1]

We hold that the Court of Appeals has gone beyond the bounds of sound discretion. It did not hear petitioner before ordering the reopening of a case already terminated by final judgment more than seven months before. It did not care to give any reason for its action. These smack of arbitrariness.

To be sure, only last September 12, 1975, this Court did sanction in *Heirs of Clemente Celestino vs. Hon. Court of Appeals et al.*, G.R. No. L-38690, the reinstatement of an appeal which had already been dismissed with finality and the records already remanded to the trial court for execution, but the difference between that case and this one at bar is that there was there a clear finding of fraud consisting of the deliberate refusal of the counsel for appellant to file his brief, whereas here, the failure of Atty. Balaoing to do so was because of alleged excusable negligence. Indeed, in *Celestino*, there were several circumstances indicative of betrayal by or perfidy of counsel for appellant. Here, the charge of Ruiz that his lawyer abandoned his cases because of a misunderstanding between them has not in Our considered view been sufficiently shown in the allegations contained in respondent's pleadings. There was a chance for respondent to further enlighten on them during the hearing set by the Court on September 3, 1975, but his counsel did not appear and merely filed a manifestation that he was submitting the case on the basis of the papers he had previously filed.

The Court will always be disposed to grant relief to parties aggrieved by perfidy, fraud, reckless inattention and downright incompetence of lawyers, which has the consequence of depriving their clients, of their day in court, but understandably, We cannot reopen cases where the abovementioned grounds, once denied by the lawyer himself, are not adequately shown. It must be borne in mind that final judgments are entitled to respect and should not be disturbed, as otherwise, there would be a corresponding wavering of trust in the courts. Accordingly, every case where the above grounds for reopening are alleged must be treated according to its own merits, depending on the degree of conclusiveness of the evidence submitted to prove the misconduct of the lawyer.

IN VIEW OF ALL THE FOREGOING, the petition is granted and the resolutions of the Court of Appeals of April 10, 1975 and May 5, 1975 in CA-G.R. Nos. 54364-R, 54588-R and 54589-R are hereby annulled and set aside; and the records of Civil Case 83357 of the Court of First Instance of Manila above-referred to as well as those in Civil Cases Nos. 759-0 and 771-0 of the Court of First Instance of Olongapo City are hereby ordered returned to said respective courts for execution of the final judgments therein. No costs.

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

[1] The resolution of April 10, 1975 simply states that respondent has filed a motion for reinstatement of his appeal "on the grounds therein stated: (and that) the Court resolved to grant the motion." This is different from saying that the grounds of the motion were adopted by the Court.

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.