

**JUAN AGUILA, PETITIONER, VS. COURT OF FIRST INSTANCE OF
BATANGAS. BRANCH I. SPOUSES JUAN HERNANDEZ AND
MAGDAUENA MAUAUU AN, GAVINA HERNANDEZ AND BONIFACIO
UIMBO. MAGDAUENA HERNA...**

G.R. No. L-48335. April 15, 1988

Ponente: CRUZ, J.

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CRUZ, J.:

Juliana Matienzo had two husbands in succession, namely, Escolastico Alabastro and, after his death. Daniel Aguila. The petitioner is claiming the disputed property as the only surviving child of the second marriage. The private respondents are resisting this claim as the children of Maria Alabastro. the sole offspring of the first marriage.[1]

In an earlier action between them, docketed as Civil Case No. 1552 in the Court of First Instance of Batangas. the private respondents had sued for partition and damages against the herein petitioner and his wife, alleging that some properties held by them pertained to the first marriage as Juliana and her second husband had not acquired anything during their marriage. Judgment was rendered on January 7, 1974, in favor of the plaintiffs after the defendants were precluded from presenting their own evidence owing to what they later called "the gross ineptitude of their counsel," who had failed to appear at two scheduled hearings.[2] A motion for reconsideration and a second motion for reconsideration and/or to present their evidence were both denied by the trial court. On September 5, 1974. the defendants were given an extension of twenty days to file their record on appeal and on September 24, 1974. another extension of fifteen days was granted. On November 21, 1974. the trial court denied the defendants' record on appeal and appeal bond on the ground that the decision had already become final and executory. On motion of the plaintiffs, the trial court then issued a writ of execution on December 2, 1974, amended the following day. pursuant to which the properties held by the defendants were levied upon and sold at public auction to the plaintiffs as the highest bidders.[3]

The acts of the trial court were questioned by the defendants in a petition for certiorari and mandamus with preliminary injunction, which was denied by the Court of Appeals. So was their motion for reconsideration. The defendants then came to this Court in a petition for review by certiorari which was also denied. An "amended" petition was considered a motion for reconsideration and was likewise denied. On August 16. 1976. another motion for reconsideration was also denied with finality, with the warning that no further motions would be entertained.[4]

Nothing daunted, the defendants tried again, this time by filing on June 8, 1977, a complaint for reconveyance of the properties acquired by the defendants in the earlier action for partition. This new complaint was docketed as Civil Case No. 1728 in the Court of First Instance of Batangas. In their answer, the defendants alleged *res judicata* as one of their affirmative defenses, arguing that the complaint was barred by the prior judgment in Civil Case No. 1552. After preliminary hearing of this defense, the trial court considered the objection well-taken and

dismissed the case.[5] The petitioner then came to this court to challenge the order.

The petitioner does not seriously dispute that requisites of res judicata are present, to wit: (1) the presence of a final former judgment; (2) the court rendering the same must have jurisdiction over the subject matter and the parties; (3) the former judgment must be on the merits; and (4) there must be, between the two cases, identity of parties, identity of subject matter and identity of causes of action.[6] He says in fact that he does not seek to do away with the rule of res judicata but merely proposes to undo a grave and serious wrong perpetuated in the name of justice."[7]

What he does contend in his brief is that, as a mere technical defense, res judicata should not prevail over his right to substantial justice, and specifically to due process. The petitioner claims he was denied this constitutional protection when the defendants were deprived of the opportunity to submit their evidence in the said Civil Case No. 1552 and later to appeal the decision of the trial court.

As a matter of fact, he was not denied that opportunity, which is precisely — and only — what due process guarantees. The records show that he did have that opportunity to be heard and to have the decision reviewed but forfeited the right because of his own counsel, whom he criticized as follows:

"Clearly, it was through the gross ineptitude of petitioner's original counsel that he was precluded from presenting his evidence in Civil Case No. 1552; that he lost his right to appeal: and that the Decision in the said case became final, executory and executed."

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"There is also no dispute that the Decision in Civil Case No. 1552 has already become final, executory and executed, and this, all because of the gross ineptitude of counsel for the defendants (herein petitioner and his wife) who did not file the record on appeal within the extended period of time granted by the Court and who later on pursued a wrong remedy before the Honorable Court of Appeals in CA-G.R. No. SP-04098 and before this Honorable Supreme Court in G.R. No. L-43388 thereby allowing the period for availing of the remedy of Relief from judgment to lapse."[8]

Counsel are supposed to represent their clients by virtue of a valid authorization from the latter and act on their behalf with binding effect. Persons are allowed to practice law only after they shall have passed the bar examinations, which merely determine if they have the minimum requirements to engage in the exercise of the legal profession. This is no guaranty, of course, that they will discharge their duties with full fidelity to their clients or with unfailing mastery or at least appreciation of the law. The law, to be fair, is not really all that simple; there are parts that are rather complicated and may challenge the skills of many lawyers. By and large, however, the practice of the law should not present much difficulty unless by some unfortunate quirk of fate, the lawyer has been allowed to enter the bar despite his lack of preparation, or, while familiar with the intricacies of his calling, is nevertheless neglectful of his duties and does not pay proper attention to his work.

In the instant case, the petitioner should have noticed the succession of errors committed by his counsel and taken appropriate steps for his replacement before it was altogether too late. He did not. On the contrary, he continued to retain his counsel through the series of proceedings that all resulted in the rejection of his cause, obviously through such counsel's "ineptitude" and, let it be added, the clients' forbearance. The petitioner's reverses should have cautioned him that his lawyer was mishandling his case and moved him to seek the help of other counsel, which he did in the end but rather tardily.

Now petitioner wants us to nullify all of the antecedent proceedings and recognize his earlier claims to the disputed property on the justification that his counsel was grossly inept. Such a reason is hardly plausible as the

petitioner's new counsel should know. Otherwise, all a defeated party would have to do to salvage his case is claim neglect or mistake on the part of his counsel as a ground for reversing the adverse judgment. There would be no end to litigation if this were allowed as every shortcoming of counsel could be the subject of challenge by his client through another counsel who, if he is also found wanting, would likewise be disowned by the same client through another counsel, and so on ad infinitum. This would render court proceedings indefinite, tentative and subject to reopening at any time by the mere subterfuge of replacing counsel.

On the effects of counsel's acts upon his client, this Court has categorically declared:

"It has been repeatedly enunciated that 'a client is bound by the action of his counsel in the conduct of a case and cannot be heard to complain that the result might have been different had he proceeded differently. A client is bound by the mistakes of his lawyer. If such grounds were to be admitted and reasons for reopening cases, there would never be an end to a suit so long as new counsel could be employed who could allege and show that prior counsel had not been sufficiently diligent or experienced or learned, xxx Mistakes of attorneys as to the competency of a witness, the sufficiency, relevancy or irrelevancy of certain evidence, the proper defense, or the burden of proof, xxx failure to introduce certain evidence, to summon witnesses and to argue the case are not proper grounds for a new trial, unless the incompetency of counsel is so great that his client is prejudiced and prevented from properly presenting his case (Vol. 2, Moran, Comments on the Rules of Court, pp. 218, 219-220. citing *Rivero v. Santos, et al.*, 98 Phil. 500. 503-504; *Isaac v. Mendoza*, 89 Phil. 279; *Montes v. Court*, 48 Phil. 64; *People vs. Manzanilla*, 43 Phil. 167; *U.S. v. Dungca*, 27 Phil. 274; *U.S. v. Umali*, 15 Phil. 33; see also *People v. Ner*, 28 SCR A 1151, 1164). In the 1988 case of *Palanca v. American Food, etc.* (24 SCRA 819, 828), this principle was reiterated. (*Tesoro v. Court of Appeals*, 54 SCRA 296, 301)."

At that, it is not even exactly true, as the petitioner claims, that his evidence was not considered by the trial court in Civil Case No. 1552. The record shows that when the defendants filed their second motion for reconsideration and/or to allow them to present their evidence, which was attached, it was examined by the court "in fairness to the defendants" but found to be "so vague and not appearing to be indubitable as to warrant reopening of the case." [9] This conclusion was reached by the late Judge Jaime R. Agloro after he had made a careful and lengthy analysis of such evidence, dwelling on each of the disputed properties, their antecedents, description, and the basis of the defendants' claims therefor. A mere reading of such discussion, which covered two single-spaced typewritten pages, will show that, although the judge could have simply denied the second motion for reconsideration, he nonetheless took the time and exerted painstaking efforts to study the proffered evidence. The meticulous consideration of such evidence commends the trial judge's thoroughness and sense of justice and clearly belies the petitioner's complaint that he had been denied due process,

Perhaps it is for this reason that the petitioner does not strongly attack the decision, preferring to train his sights on his own former counsel'. As he says in his petition, he "does not seek the nullity of the judgment rendered in Civil Case No. 1552 which has already become final due to legal technicality." [10] What he does ask for is a reconveyance of the subject properties which he says were unjustly taken from him as a result of his lawyer's mistakes. Such blunders, he contends, are correctible in an action for reconveyance which the Court should allow in the exercise of its equity jurisdiction.

The law on reconveyance is clear, and jurisprudence thereon is well-settled. This remedy is available in cases where, as a result of mistake or fraud, property is registered in the name of a person not its owner. [11] Clerical error in designating the real owner is a valid ground for reconveyance after the decree shall have become final following the lapse of one year therefrom. Reconveyance may also be sought where it is established that a person not entitled to the property succeeded in registering it in his name to the prejudice of the real owner. However, it cannot be employed to negate the effects of a valid decision of a court of justice determining the conflicting claims of ownership of the parties in an appropriate proceeding, as in Civil Case No. 1552. The decision in that

case was a valid resolution of the question of ownership over the disputed properties and cannot be reversed now through the remedy of reconveyance.

For all its conceded merits, equity is available only in the absence of law and not as its replacement. Equity is described as justice outside legality, which simply means that it cannot supplant although it may, as often happens, supplement the law. We said in an earlier case,[12] and we repeat it now, that all abstract arguments based only on equity should yield to positive rules, which pre-empt and prevail over such persuasions. Emotional appeals for justice, while they may wring the heart of the Court, cannot justify disregard of the mandate of the law as long as it remains in force. The applicable maxim, which goes back to the ancient days of the Roman jurists — and is now still reverently observed — is "aequetas nunquam contravenit legis."

We find it unnecessary to rule on the other arguments raised by the petitioner as they will not affect the decision we reach today. This decision must again be adverse to him although he may this time be represented by able counsel.

WHEREFORE, the petition is DENIED, with costs against the petitioner. It is so ordered.

Narvasa, Gancayco, and Griño-Aquino, JJ., concur.

Teehankee, C.J., did not take part in deliberations.

[1] Rollo, pp. 85-87; 91-93.

[2] Ibid., pp. 118-119; 129.

[3] Id., pp. 130-131.

[4] Id., p. 81.

[5] Id., pp. 46-47.

[6] Bayang v. CA, 148 SCRA 91 & the cases cited therein: Ramos v. Pablo. 46SCRM4; Santos v. 1AC. 145 SCRA 238; Cuano v. CA, 143 SCRA 417; Arguson v. Miclat, 135 SCRA 678.

[7] Rollo, p. 24.

[8] Brief for the Petitioner, pp. 34. 13-14.

[9] Annex "1", Brief for the Respondents, p. 42.

[10] Rollo. p. 25.

[11] Director of Lands, et al. v. Register of Deeds of Rizal, et al.. 92 Phil. 826; Casillan v. Espartero, et al.. 95 Phil. 799; Bustarga v. Navo, II, 129 SCRA 105; Caragay-Layno v. CA. 133 SCRA 718.

[12] Zahat. Jr. v. CA. 142 SCRA 587.

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