GOLD LINE TRANSIT, INC., PETITIONER, VS. LUISA RAMOS, RESPONDENT.

G.R. No. 144813. August 15, 2001

Ponente: BELLOSILLO, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-144813/

BELLOSILLO, J.:

Subject of this petition for review is the 30 June 2000 Decision of the Court of Appeals dismissing the petition of GOLD LINE TRANSIT, INC. (GOLDLINE), in effect sustaining the Orders of the trial court of 8 April 1999 and 24 August 1999 which granted the issuance of a writ of execution and denied GOLDLINE's petition for relief from judgment, respectively,[1] as well as the 12 September 2000 Resolution denying reconsideration thereof.[2]

The antecedent facts: On 4 January 1993, at about 11 o'clock in the evening, 22-year old Leonisa Ramos was riding a passenger jeepney bearing Plate No. NVT-651 driven by Julius A. Jereza and heading towards Baclaran. While traversing Dr. A. Santos Avenue (formerly Sucat Road), it collided head-on with a bus of GOLDLINE which was travelling in the opposite direction. As a result of the impact, two (2) passengers of the jeepney died while nine (9) others on board the same vehicle were injured. Among the fatalities was Leonisa Ramos.

Seeking indemnification for the death of her daughter, respondent Luisa Ramos filed on 16 March 1994 a Complaint for Damages[3] against GOLDLINE and Eduardo Lumontad, driver of the ill-fated bus,[4] praying that defendants therein be held jointly and severally liable as follows: P67,644.00 for actual damages, P2,247,624.00 for compensatory damages, P20,000.00 for moral damages, P10,000.00 for exemplary damages, and P50,000.00 for attorney's fees and litigation expenses.

On 21 July 1994 GOLDLINE filed its Answer (With Compulsory Counterclaim and Third Party Complaint) denying liability. By way of Third-Party Complaint, GOLDLINE alleged that it was the negligence and recklessness of third-party defendant Julius A. Jereza, driver of the jeepney, which caused the mishap; and, that the GOLDLINE bus was insured against accident by third-party defendant Commonwealth Insurance which should therefore contribute and be subrogated to whatever liability may be adjudged against GOLDLINE. Answering defendant counterclaimed for actual and exemplary damages plus attorney's fees.

The pre-trial that was initially set on 27 August 1996 was postponed several times. Then on 4 July 1997 the court a quo set the pre-trial on 29 August 1997 and copies of the notice of pre-trial conference were sent to the parties and their respective counsel. However, on 29 August 1997, the day of the pre-trial, defendant and its counsel Atty. Leovigildo H. Mijares III failed to appear. On motion of plaintiff, defendant GOLDLINE was declared as in default. The trial court then directed plaintiff to present her evidence ex-parte before the clerk of court who was appointed by the judge as trial commissioner.

On 30 September 1998 the trial court rendered judgment on the basis of the evidence presented by the plaintiff and, as prayed for, adjudged defendant liable for P67,247.00 for actual damages, P2,247,624.00 for compensatory damages, P20,000.00 for moral damages, P10,000.00 for exemplary damages and P50,000.00 for attorney's fees and litigation expenses. Defendant's counsel was furnished with copy of the decision on 20 November 1998. The

Decision of the trial court in due course became final and executory for failure of defendant to appeal therefrom. Thereafter, on motion of plaintiff, the trial court directed the issuance of a writ of execution.

On 8 April 1999 defendant GOLDLINE through its counsel Atty. Leovigildo H. Mijares III filed a Petition for Relief With Motion to Withdraw as Counsel alleging among others that answering defendant was furnished with a copy of the questioned decision only in March 1999; that defendant's counsel had a misunderstanding with the owner of the building where he had his office regarding the payment of rents; that counsel was forced to transfer to a new office at Unit 1701-A, Tektite West Tower, PSE, Pearl Drive, Pasig City; that he omitted to inform the court of his change of address, and that the notices, order of default, and trial court decision were not received by him; and, that he was withdrawing as counsel with the conformity of his client, defendant GOLDLINE.

On 24 August 1999 the trial court denied the petition for relief for having been filed beyond the reglementary period provided under the rules. According to the trial court -

> x x x x said counsel received a copy of the Decision dated September 30 1998 way back on November 20, 1998 x x x x the 15-day period within which they should have appealed expired on December 5, 1998. Computing the 60-day period provided for under Sec. 3, Rule 38 of the Rules of Court, from the time the defendant Goldline Transit, Inc. learned of the Decision of the Court, that is, on November 20, 1998 when a copy thereof was received by its counsel, the 60-day period would expire on January 20, 1999. Hence, when Atty. Leovigildo H. Mijares, III, counsel for defendant Goldline Transit, Inc. filed its "Petition for Relief" on April 8, 1999, it was already filed out of time for the reason that it was way way beyond the 60-day period allowed by Sec. 3, Rule 38, of the Rules of Court.

GOLDLINE went to the Court of Appeals on a petition for certiorari questioning the denial of its petition for relief but on 30 June 2000 the appellate court dismissed the petition. It pointed out that -

> Public respondent’s finding that petitioner’s counsel Atty. Mijares received copy of the decision on November 20, 1998 has remained uncontroverted. Clearly then, when Atty. Mijares filed on April 8, 1999, on petitioner’s behalf, the Petition for Relief from Judgment, the same was outside the reglementary period. This leaves it unnecessary to pass on the mea culpa negligence of Atty. Mijares in failing to notify the court of his alleged change of address. Suffice it to state that it is inexcusable (vide Philippine Suburban Development Corporation v. CA, 100 SCRA 109 [1980]).
>
> It is the inescapable duty of members of the Bar to make of record their correct address in all cases in which they are counsel for a suitor. For, instances here have been in the past when, because of failure to inform the court of the change of address, litigations were delayed. And this, not to speak of inconvenience caused the parties and the court. Worse still, litigants have lost their cases in court because of such negligence on the part of their counsel. It is painful enough for a litigant to suffer a setback in a legal battle. It is doubly painful if defeat is occasioned by his attorney’s failure to receive notice because the latter has changed the place of his law office without giving the proper notice therefor. It is only when some such situation comes about that the negligent lawyer comes to realize the grave responsibility that he has incurred to his client and to the cause of justice. It is then that the lawyer is reminded that in his oath of office he solemnly declared that he will conduct himself as a lawyer accordingly to the best of his knowledge and discretion. Too late. Experience indeed is a good teacher. To a lawyer, though, it could prove very expensive.

With the denial of its motion for reconsideration, GOLDLINE filed before us the instant petition for review arguing that it never received a copy of the trial court's decision on 20 November 1998 as alleged since it came to know of it only on 30 March 1999 when its president verified the status of the case; since it learned of the decision only on 30 March 1999 GOLDLINE's petition for relief from judgment filed 8 April 1999 was well within the time frame provided under Sec. 3, Rule 38, of the 1997 Rules of Civil Procedure; as proof that its counsel did not receive copy of the court a quo's decision on 20 November 1998, the return card[5] contains

patent irregularities on its face, i.e., the signature appearing thereon is not the customary signature of Atty. Mijares; the penmanship of the person who signed for Atty. Mijares is strikingly similar to that of the person who filled up the other entries in the return card, and it does not contain a post office seal; petitioner was deprived of its day in court by mistake and/or negligence of its counsel; and, it has a meritorious defense vis-à-vis respondent's complaint, i.e., the police report showing that it was the jeepney driver who was responsible for the accident.

The petition must fail. Section 3, Rule 38, of the 1997 Rules of Civil Procedure lays down the requirements of a petition for relief from judgment -

> Sec. 3. Time for filing petitions; contents and verification. - A petition provided for in either of the preceding sections of this Rule must be verified, filed within sixty (60) days after the petitioner learns of the judgment, final order, or other proceeding to be set aside, and not more than six (6) months after such judgment or final order was entered or such proceeding was taken; and must be accompanied with affidavits showing the fraud, accident, mistake or excusable negligence relied upon, and the facts constituting the petitioner’s good and substantial cause of action or defense, as the case may be.

The party filing a petition for relief from judgment must strictly comply with the two (2) reglementary periods, i.e., the petition must be filed within sixty (60) days from knowledge of the judgment, order or other proceeding to be set aside; and, within a fixed period of six (6) months from entry of such judgment, order or other proceeding. Strict compliance with these periods is required because a petition for relief from judgment is a final act of liberality on the part of the State, which remedy cannot be allowed to erode any further the fundamental principle that a judgment, order or proceeding must, at some definite time, attain finality in order to put at last an end to litigation. Because the period fixed is itself devised to meet a condition or contingency (fraud, accident, mistake or excusable neglect), the equitable remedy is an act of grace, as it were, designed to give the aggrieved party another and final chance, and failure to avail of such chance within the grace period set by statute or the Rules of Court is fatal.[6]

The records disclose that Atty. Mijares III was furnished with a copy of the decision of the trial court by registered mail on 20 November 1998 at his address of record, as shown by the return card for its mailing. The Petition for Relief with Motion to Withdraw as Counsel, on the other hand, was filed on 8 April 1999. Although the petition was filed within six (6) months, it was not within sixty (60) days, but only after 139 days, from the time petitioner learned of the judgment. The absence of one of the two (2) mentioned periods, which are concurring elements, precludes petitioner from availing of the remedy of relief from judgment.

Petitioner, however, insists that Atty. Mijares III never got hold of a copy of the decision on 20 November 1998 since he already transferred office during that time although, admittedly, he failed to inform the trial court of his new business address; that GOLDLINE came to know about the decision only on 30 March 1999 when its president verified the status of the case; and, that the return card contains patent irregularities on its face.

We are not persuaded. The return card bears the signature of Atty. Mijares III, unequivocally showing receipt of the assailed decision on 20 November 1998. As between the bare denial of an attorney of his receipt of the notice of judgment and the positive assertion of a postal official whose duty it is to send such notices, the choice is not difficult, for the attorney's denial certainly cannot prevail over the contrary statement of postal officials based on official records. For one thing, postal officials enjoy the presumption, without clear and convincing evidence to the contrary, to have regularly performed their official duty and that they have acted in good faith.[7] Omnia praesumuntur rite et solemniter esse acta donec probetur in contrarium. All things are presumed to have been done correctly and with due formality until the contrary is proved.[8] For another reason, mails are presumed to have been properly delivered and received by the addressee "in the regular course of the mail."[9] These juris tantum

presumptions stand even against the most well-reasoned allegations pointing to some possible irregularity or anomaly. It is petitioner’s burden to overcome the presumptions by sufficient evidence, and so far we have not seen anything in the record to support petitioner and its counsel's charges of anomaly beyond their bare allegations.

Even assuming ex-gratia argumenti that counsel did not really receive a copy of the trial court's decision, this circumstance would not in any way improve petitioner's situation. It bears stressing that the remedy of relief from judgment can only be resorted to on any of the grounds mentioned in the rules, namely, fraud, accident, mistake or excusable negligence. Negligence, to be "excusable," must be one which ordinary diligence and prudence could not have guarded against.

Indeed, the lamentable mishandling of petitioner’s cause by its counsel could hardly be characterized as excusable, much less unavoidable. As revealed by the records, after agreeing to defend petitioner in the civil case filed against it by respondent, counsel did nothing more than file a motion to dismiss the complaint, answer and pre-trial brief.[10] Thereafter, counsel just faded from the scene and was no longer heard of. An order of default was issued by the trial court on 29 August 1997; respondent adduced her evidence ex-parte on 12 September 1997; the trial court rendered judgment against petitioner on the basis of respondent's evidence on 30 September 1998; and, a Certificate of Finality of Judgment dated 13 January 1999 was issued by the trial court. All these proceedings came to pass without the intervention and participation of petitioner. It was only after almost five (5) years, or on 8 April 1999, that petitioner broke its long silence when its counsel belatedly filed a Petition for Relief with Motion to Withdraw as Counsel in response to the issuance of a writ of execution by the trial court.

Undoubtedly, this unfortunate turn of events was counsel for petitioner's own doing. There was inexcusable negligence on his part in failing to inform the lower court of his new office address. He failed to receive the notices sent by the lower court because he transferred his law office without giving the proper notice therefor, or making the necessary arrangements to ensure that notices sent to his old address would be forwarded to his new address. There was also an apparent failure to check periodically, as an act of prudence and diligence, the status of the pending case before the trial court.

The Court has repeatedly admonished lawyers to adopt a system whereby they can always receive promptly judicial notices and pleadings intended for them, and they should always notify the court whenever they change their address. The fact that counsel allegedly had a dispute with his landlord over the payment of rents, thereby forcing him to move his law office, did not relieve him of his responsibilities to his clients. It is a problem personal to him which should not in any manner interfere with his professional commitments.

Petitioner GOLDLINE itself, in like manner, is partly to be blamed for it is not solely the negligence of its counsel but its own lethargy that was responsible for the unfortunate outcome of its case. Petitioner should have taken the initiative as would be in keeping with the normal course of events, after an unreasonable length of time, of making the proper inquiries from its counsel and the trial court as to the status of its case. Litigants represented by counsel should not expect that all they need to do is sit back and relax, and await the outcome of their case. They should give the necessary assistance to their counsel, for at stake is their interest in the case. While lawyers are expected to exercise a reasonable degree of diligence and competence in handling cases for their clients, the realities of law practice as well as certain fortuitous events sometimes make it almost physically impossible for lawyers to be immediately updated on a particular client's case.

This leads us to the question of whether the negligence of counsel was so gross and reckless that petitioner was deprived of its right to due process of law. We do not believe so. It cannot be denied that the requirements of due process were observed in the instant case. Petitioner was never deprived of its day in court, as in fact it was

afforded every opportunity to be heard. Thus, it is of record that notices were sent to petitioner and that its counsel was able to file a motion to dismiss the complaint, an answer to the complaint, and even a pre-trial brief. What was irretrievably lost by petitioner was its opportunity to participate in the trial of the case and to adduce evidence in its behalf because of negligence.

In the application of the principle of due process, what is sought to be safeguarded against is not the lack of previous notice but the denial of the opportunity to be heard. The question is not whether petitioner succeeded in defending its rights and interests, but simply, whether it had the opportunity to present its side of the controversy. Verily, as petitioner retained the services of counsel of its choice, it should, as far as this suit is concerned, bear the consequences of its choice of a faulty option. Its plea that it was deprived of due process echoes on hollow ground and certainly cannot elicit approval nor sympathy.

To cater to petitioner's arguments and reinstate its petition for relief from judgment would put a premium on the negligence of its former counsel and encourage the non-termination of this case by reason thereof. This is one case where petitioner has to bear the adverse consequences of its counsel's act, for a client is bound by the action of his counsel in the conduct of a case and he cannot thereafter be heard to complain that the result might have been different had his counsel proceeded differently.[11] The rationale for the rule is easily discernible. If the negligence of counsel be admitted as a reason for opening cases, there would never be an end to a suit so long as a new counsel could be hired every time it is shown that the prior counsel had not been sufficiently diligent, experienced or learned.[12]

Finally, this rather simple case for reckless imprudence has dragged on for quite a number of years already. It is time indeed to put an end to this controversy, and with it, hopefully, the pain and grief of respondent's loss.

WHEREFORE, the petition is DENIED. The 30 June 2000 Decision of the Court of Appeals and its 12 September 2000 Resolution denying reconsideration are AFFIRMED, thus sustaining in effect the Orders of the trial court dated 8 April 1999 and 24 August 1999, which granted the issuance of a writ of execution and denied petitioner Gold Line Transit, Inc.'s petition for relief from judgment. Costs against petitioner.

SO ORDERED.

Mendoza, Quisumbing, Buena, and De Leon, Jr., JJ., concur.

---

[1] Orders issued by Judge Napoleon V. Dilag, RTC-Br. 15, Naic, Cavite.

[2] Resolution issued by Associate Justice Conchita Carpio Morales, concurred in by Associate Justices Teodoro P. Regino and Mercedez Gozo-Dadole, CA-G.R. SP No. 56250.

[3] Plaintiff filed an Amended Complaint on 19 May 1994.

[4] Lumontad failed to answer the complaint, hence, on motion of the plaintiff, he was declared in default.

[5] Annex “U;” Original Records, p. 174.

[6] Gesulgon v. National Labor Relations Commission, G.R. No. 90349, 5 March 1993, 219 SCRA 561, 567-568.

[7] Grafil v. Feliciano, G.R. No. 27156, 30 June 1967, 20 SCRA 616.

[8] U.S. v. Escalante, 36 Phil. 746 (1917).

[9] Rule 131, Sec. 3 (v), Revised Rules of Court.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

[10] The last pleading filed by petitioner was the Pre-Trial Brief dated 4 August 1994.

[11] Five Star Bus Co., Inc. v. Court of Appeals, G.R. No. 120496, 17 July 1996, 259 SCRA 120.

[12] Fernandez v. Tan Tiong Tick, No. L-15877, 28 April 1961, 1 SCRA 1138.

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.