

**LUZ BALLESTEROS, ET AL., PLAINTIFFS AND APPELLANTS, VS.
OLIVA CAOILE, ET AL., DEFENDANTS AND APPELLEES.***G.R. No. 16056. May 31, 1961*

Ponente: BAUTISTA ANGELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-16056/>**BAUTISTA ANGELO, J.:**

Plaintiffs brought this action before the Court of First Instance of Pangasinan praying that they be declared owners of the land therein described; that the original certificate of title issued in the name of defendants be cancelled and transferred to plaintiffs; and that defendants be ordered to execute a deed of reconveyance over said land and to pay damages.

Defendants, in their answer, set up the defense that the complaint does not state sufficient cause of action and that, even if it does so state, the action has already prescribed. After plaintiffs and defendants had presented their evidence, the court rendered judgment dismissing the complaint with costs. Plaintiffs have appealed.

It appears that on November 1, 1947, plaintiffs filed an application for the registration in their name of the parcel of land in litigation; that on November 29, 1947, defendants filed an opposition thereto; that upon agreement of the parties, the heading of the case was postponed to January 20, 1949, which, upon petition of the parties, thru their counsel, was postponed to March 28, 1949; that on March 28, 1949, the court again postponed the hearing upon petition of plaintiffs' counsel to June 16, 1949, and later again upon the instance of plaintiffs' counsel the hearing was postponed until further assignment; that when on September 8, 1949 the hearing was called for the last time, plaintiffs failed to show up, either personally or thru counsel, in spite of the fact that their counsel was duly notified thereof, and so the court dismissed their application while it allowed the oppositors to present their evidence; that, thereafter, decision was rendered decreeing the registration of the land in the name of oppositors.

The main theme of appellants is that the trial court erred in dismissing the complaint notwithstanding their claim that the hearing in the registration case was held in their absence and, therefore, the decision was rendered therein without having been given their day in court, or an opportunity to present their evidence. In other words, appellants claim that the trial court erred in dismissing their case without considering their plea that if they failed to appear at the hearing in the registration case it was because they were not duly notified thereof either by the court or by their counsel. Hence, they claim, the judgment rendered therein is a nullity and can have no binding effect upon them.

There is no merit in this contention. The evidence extant in the record shows that the hearing of the registration case has been postponed several times upon petition of plaintiffs' counsel to the extent that the last postponement was until further assignment. And when the hearing was again set upon order of the court, appellants' counsel again moved for postponement, which the court granted postponing the hearing for the last time to September 8, 1949, but when this date came, appellants failed to show up, either personally or thru counsel, in spite of the fact that their counsel was duly notified of the hearing. It clearly appears that their failure to appear at the hearing of the registration case was not due to lack of notice but for reasons that only themselves can explain.

It is true that their counsel now claims that their failure to appear at that hearing was due to the failure of their former counsel to notify them thereof even if he received the notice of the court, but this claim is clearly untenable, for under our rules notice to counsel is notice to the party he represents. In fact, the rule requires that the notice of hearing should be served upon counsel if the party has any, unless the court directs otherwise.[1] Moreover, if appellants' claim is true, the remedy was to file a petition for relief under Rule 38, but they failed to do so. Instead, they filed the instant action after the lapse of almost 10 years. They are, therefore, guilty of laches, if not of negligence, and so only themselves should be blamed for their present plight.

Wherefore, the decision appealed from is affirmed without costs.

Bengzon, C.J., Padilla, Labrador, Concepcion, Reyes, J.B.L., Barrera, Paredes, Dizon, De Leon, and Natividad, JJ., concur.

[1] Section 2, Rule 27, of the Rules of Court; *Jacinto vs. Jacinto*, 52 Off. Gaz., 2582, citing *Acro Taxicab Co. vs. Melendres*, 45 Off. Gaz., 3915; *Vivero vs. Santos, et al.*, 98 Phil., 500; 52 Off. Gaz., [3] 1424.

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.