

SPOUSES MANALO P. HERNAL, JR. AND MILDRED VILLAROMAN-HERNAL, PETITIONERS, VS. SPOUSES PAULINO DE GUZMAN, JR. AND ANA DIZON-DE GUZMAN, RESPONDENTS.

G.R. No. 181568. June 26, 2008

Ponente: CORONA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-181568/>

CORONA, J.:

This petition for review on certiorari under Rule 45 of the Rules of Court seeks to set aside the September 21, 2007 decision[1] and January 24, 2008 resolution[2] of the Court of Appeals (CA) in CA-G.R. SP No. 80538.

Respondent spouses Paulino de Guzman, Jr. and Ana Dizon-de Guzman filed a complaint for legal redemption with damages against petitioner spouses Manalo P. Hernal, Jr. and Mildred Villaroman-Hernal.[3] In their supplemental complaint, they alleged tender of payment to petitioner spouses who, however, refused the same. Petitioner spouses moved to dismiss the complaint for respondent spouses' failure to tender payment within the period provided for by law.

The Regional Trial Court (RTC) granted petitioner spouses' motion to dismiss (first RTC resolution)[4]. Respondents received a copy thereof on April 23, 2003. They moved for reconsideration on May 8, 2003 but it was denied as it lacked a notice of hearing.

Respondents received a copy of the denial order on May 23, 2003. On May 27, 2003, they filed a notice of appeal in the RTC.

The RTC denied the notice of appeal (second RTC resolution)[5] for having been filed way beyond the 15-day period to file a notice of appeal. It ruled that, since the motion for reconsideration lacked a notice of hearing, it was a mere scrap of paper that did not toll the reglementary period for perfecting an appeal.[6] Consequently, the notice of appeal (which was filed 34 days after respondents received a copy of the first RTC resolution on April 23, 2003) was filed late. Respondents moved for reconsideration. It was denied.[7]

Respondents then filed a petition for certiorari in the CA assailing the second RTC resolution. The appellate court granted the petition. It held that when a party is represented by counsel in an action or proceedings in court, all notices, orders and other court processes issued therein must be sent to the counsel of record, not to the client. A notice given to the client, and not to his attorney, is not a notice in law. The CA concluded that respondents' receipt of the first RTC resolution should not have been the reckoning point for the computation of the reglementary period to appeal required by the rules. Instead, the period should have started from May 15, 2003 when respondents' counsel received his copy of said resolution. Respondents therefore had until May 30, 2003 to appeal the first RTC resolution. Thus, their notice of appeal filed on May 27, 2003 was within the proper period.

Petitioners moved for reconsideration of the assailed CA decision. However, it was denied.

Hence, this petition.

The issue before us is whether the CA erred in holding that the period for respondent spouses to appeal commenced only from their counsel's receipt of the first RTC resolution on May 15, 2003.

In *Santiago v. Guadiz*,^[8] we held:

Formal service of the judgment is indeed necessary as a rule but not, as it happens, in the case at bar. The reason is that the petitioners had filed a motion for reconsideration of the decision of Judge Guadiz, which would indicate that they were then already informed of such decision. The petitioners cannot now invoke due process on the basis of a feigned ignorance as the lack of formal notice cannot prevail against the fact of actual notice. (Emphasis supplied)

Be that as it may, the fact was that respondent spouses' counsel himself had actual notice of the first RTC resolution. This was evidenced by his act of filing the motion for reconsideration on May 8, 2003. Worthy of note was the fact that, in his motion, he stated:

PLAINTIFFS, by the undersigned counsel and unto this Honorable Court[,] respectfully moves for the reconsideration of the Resolution dated April 11, 2003, granting defendants[`] Demurrer to Evidence and dismissing the instant case, copy of which was received on April 23, 2003, upon the ground that the dismissal is, with all due respect, unjustified and contrary to law and jurisprudence x x x

x x x (Emphasis supplied).

The same was an admission on his part that he was very much aware of the existence of the first RTC resolution and had read its contents, for how else could he have prepared, signed and filed the pleading?^[9] It was thus irrelevant that he received the first RTC resolution only on May 15, 2003. For this reason, we rule that the CA erred when it stated that respondents seasonably filed their notice of appeal on May 27, 2003.

WHEREFORE, the petition is hereby GRANTED. The September 21, 2007 decision and January 24, 2008 resolution of the Court of Appeals in CA-G.R. SP No. 80538 are REVERSED and SET ASIDE. The July 3, 2003 and August 20, 2003 resolutions of the Regional Trial Court of Cabanatuan City, Branch 29 in Civil Case No. 3871 denying the notice of appeal are REINSTATED.

SO ORDERED.

Puno, C.J., (Chairperson), Carpio, Azcuna and Leonardo-De Castro, JJ., concur.

[1] Penned by Associate Justice Ricardo R. Rosario and concurred in by Associate Justices Rebecca de Guia-Salvador and Magdangal M. de Leon of the Twelfth Division of the Court of Appeals. Rollo, pp. 50-58.

[2] *Id.*, pp. 68-69.

[3] Respondent spouses alleged that they were co-owners of several parcels of land, a portion of which was sold by the other co-owners to petitioners without respondents' knowledge.

[4] Rollo, pp. 18-34.

[5] *Id.*, pp. 45-46. Dated July 3, 2003.

[6] It is for this reason that *Neypes v. CA* (G.R. No. 141524, 14 September 2005, 469 SCRA 633) would not apply. *Neypes* contemplates a case where a motion for reconsideration was duly and timely filed.

[7] Rollo, pp. 47-48. Dated August 20, 2003.

[8] G.R. No. 85923, 26 February 1992, 206 SCRA 590, 597.

[9] Section 3, Rule 7 of the Rules of Court provides that "the signature of counsel constitutes a certificate by him that he has read the pleading; that to the best of his knowledge, information and belief there is good ground to support it; and that it is not interposed for delay."

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.