

MUERTEGUY & ABOITIZ, PLAINTIFFS AND APPELLEES, VS. ISIDORO V. DELGADO, DEFENDANT AND APPELLANT.

G.R. No. 6413. February 27, 1912

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-6413/>

JOHNSON, J.:

The purpose of the present appeal is to have the judgment of the Court of First Instance of the Province of Leyte set aside, for the reason that neither the defendant nor his attorney had any notice of the time fixed for the trial of said cause, and for that reason were not present at the trial.

The record shows that on the 19th of August, 1909, the plaintiff commenced an action against the defendant for the purpose of recovering the sum of P4,161.57. On the 1st of October, 1909, the defendant demurred to said action, which demurrer was overruled upon the 29th of November, 1909. After duly excepting to the ruling of the court, the defendant filed his answer upon the 22d of January, 1910.

It appears that upon the 26th of April, 1910, the cause was set down for trial. On the 29th of April, 1910, the Honorable Charles A. Low rendered a judgment in said cause in favor of the plaintiff and against the defendant for the sum of P4,163.07, with costs.

Neither the defendant nor his attorney was present at the trial of the cause. The record clearly shows that the defendant had no notice that the cause had been set down for trial on a particular day. The record shows that after the commencement of the trial, the attorney for the defendant was notified that the trial was proceeding, but by reason of other engagements it was impossible for him to be present during even a part of the time of the trial. Parties have a right to be present at the trial of their causes either by themselves or by their attorneys. They are also entitled to reasonable notice of the time fixed for the trial of their cause. For the reason, therefore, that the defendant had no opportunity to be present at the time of the trial of the present cause and to present his defenses, the judgment of the lower court is hereby set aside and a new trial is hereby ordered. It is further ordered that the cause be returned to the lower court with direction that a new trial be ordered and that the defendant be given due notice thereof; and without any finding as to costs it is so ordered.

Arellano, C. J., Torres, Mapa, Carson, Moreland, and Trent, JJ., concur.

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.