

HEIRS OF MAXIMO REGOSO, PETITIONERS, VS. THE HON. COURT OF APPEALS AND BELEN CRUZ REGOSO, RESPONDENTS.

G.R. No. 91879. July 06, 1992

Ponente: GRIÑO-AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-91879/>

GRIÑO-AQUINO, J.:

The heirs of Maximo Regoso seek a review of the resolution dated October 9, 1989 of the Court of Appeals in CA-G.R. No. 20183 dismissing the appeal filed by Regoso's former counsel.

The case involves an action for judicial partition of property with accounting and damages (Civil Case No. 1464-V-81), which was filed by Belen Cruz-Regoso against her husband, Maximo Regoso, in the Regional Trial Court, Branch XV of Malolos, Bulacan.

On November 14, 1988, the trial court rendered a decision, the dispositive portion of which reads:

"WHEREFORE, judgment is hereby rendered in favor of the plaintiff and against the defendant, as follows:

"1. Declaring the land situated at Sampalukan, Calvario, Meycauayan, Bulacan as paraphernal of the plaintiff and the building and improvement thereon as conjugal property of the parties;

"2. Declaring the properties situated at Galas, Quezon City and Echague, Isabela as conjugal properties of the parties;

"3. Requiring the defendant to render an accounting of all income derived from the aforementioned properties; and

"4. Adjudging the defendant to pay the following amounts:

"a) P5,000.00 as moral damages;

"b) P5,000.00 as exemplary damages; and

"c) P5,000.00 as attorney's fees.

"With costs against the defendant." (p. 25, Rollo.)

Regoso died on January 17, 1985 after the case had been submitted for decision, but he was not substituted as defendant by his heirs because, apparently, the trial court was not informed of his death until the decision had been promulgated on November 14, 1988.

On November 29, 1988, Regoso's counsel, Attorney Adriano Javier, Sr., filed a notice of appeal which the trial court approved. The appeal was docketed in the Court of Appeals as CA-G.R. No. 20183.

The plaintiff, Belen Cruz-Regoso, through counsel, moved to dismiss the appeal on the ground that the deceased defendant ceased to have legal personality and that Attorney Javier's authority to represent him was terminated or expired upon his demise, hence, the notice of appeal filed by said counsel was invalid, a worthless piece of paper.

The Court of Appeals issued a resolution on October 6, 1989, dismissing the appeal. It held:

"It is a well-established rule that a lawyer-client relationship is terminated upon the death of the client. The lawyer's authority to appear for his client automatically ceases (5 Am. Jur. 282). The only exceptions are when there is a contract for the lawyer's services up to judgment, or when his fees are on a contingent basis, and also when his appearance is coupled with an interest (7 CJS 945, 946). Since not one of the above exceptions obtains in this case, it is obvious that when Attorney Javier filed the notice of appeal after his client's death, he no longer had any authority to appear for him. Hence, the notice of appeal filed by him was a mere scrap of paper and without any legal effect.

"WHEREFORE, the instant appeal is hereby DISMISSED." (pp. 27-28, Rollo.)

The motion for reconsideration filed by the heirs' new counsel was likewise denied by the Court of Appeals.

Hence, the present petition in which the petitioners, as heirs of the late Maximo Regoso, allege that the Appellate Court erred in dismissing their appeal and in not declaring that the judgment which the trial court rendered after the death of said defendant, was null and void.

The petition has no merit.

Under the rules, it is the duty of the attorney for the deceased defendant to inform the court of his client's death and to furnish the court with the names and residences of the executor, administrator, or legal representative of the deceased. Sections 16 and 17, Rule 3 of the Rules of Court provide:

"Sec. 16. Duty of attorney upon death, incapacity, or incompetency of party. - Whenever a party to a pending case dies, becomes incapacitated or incompetent, it shall be the duty of his attorney to inform the court promptly of such death, incapacity or incompetency, and to give the name and residence of his executor, administrator, guardian or other legal representative.

"Sec. 17. Death of party. -- After a party dies and the claim is not thereby extinguished, the court shall order, upon proper notice, the legal representative of the deceased to appear and to be substituted for the deceased, within a period of thirty (30) days, or within such time as may be granted. If the legal representative fails to appear within said time, the court may order the opposing party to procure the appointment of a legal representative of the deceased within a time to be specified by the court, and the representative shall immediately appear for and on behalf of the interest of the deceased. The court charges involved in procuring such appointment, if defrayed by the opposing party, may be recovered as costs. The heirs of the deceased may be allowed to be substituted for the deceased, without requiring the appointment of an executor or administrator and the court may appoint guardian ad litem for the minor heirs."

The rules operate on the presumption that the attorney for the deceased party is in a better position than the attorney for the adverse party to know about the death of his client and to inform the court of the names and addresses of his legal representative or representatives.

In the case at bar, no such notice of death, nor a motion for substitution of the deceased defendant, was ever made. Hence, the trial court could not be expected to know or take judicial notice of the death of defendant, Maximo Regoso, without the proper manifestation from his counsel. It must be remembered that the fault or negligence was Attorney Javier's alone (Llantero vs. Court of Appeals, 105 SCRA 609; Chittick vs. Court of Appeals, 166 SCRA 219; Pulido vs. CA, 122 SCRA 63).

The supervening death of the defendant, Maximo Regoso, did not extinguish his wife's action for partition of their conjugal assets, for it is an action that survives. The trial of the case on the merits was already finished before the defendant died. Since it was not informed about that event, the trial court may not be faulted for proceeding to render judgment without ordering the substitution of the deceased defendant. Its judgment is valid and binding

upon the defendant's legal representatives or successors-in-interest, insofar as his interest in the property subject of the action is concerned (Florendo, et al. vs. Coloma, et al., 129 SCRA 304).

Attorney Javier's appeal from the decision of the trial court was correctly dismissed by the appellate court for upon the death of Maximo Regoso, Attorney Javier's authority to represent him also expired. The notice of appeal which Attorney Javier filed on behalf of the decedent was an unauthorized pleading, hence, invalid (Barrameda, et al. vs. Barbara, et al., 90 Phil. 718; Caseñas vs. Rosales, 19 SCRA 462).

However, the validity of the judgment of the trial court was not affected by the defendant's demise for the action survived. The decision is binding and enforceable against the successors-in-interest of the deceased litigant by title subsequent to the commencement of the action [Section 49(b) Rule 39, Rules of Court; Florendo, et al. vs. Coloma, et al., 129 SCRA 304].

This is in line with the following provisions of the Rules of Court:

"Sec. 49. EFFECT OF JUDGMENTS. - The effect of a judgment or final order rendered by a court or judge of the Philippines, having jurisdiction to pronounce the judgment or order, maybe as follows:

"xxx xxx xxx

"(b) In other cases the judgment or order is, with respect to the matter directly adjudged or as to any other matter that could have been raised in relation thereto, conclusive between the parties and their successors-in-interest by title subsequent to the commencement of the action or special proceeding, litigating for the same thing and under the same title and in the same capacity." (Section 49(b), Rule 39, New Rules of Court.)

Thus, a judgment in an ejectment case may be enforced not only against defendants therein but also against the members of their family, their relatives, or privies who derived their right of possession from the defendants (Ariem vs. De los Angeles, 49 SCRA 343). The same rule applies to the successors-in-interest of a deceased party in an action that survives, if the decision should go against the latter (Florendo, Jr. vs. Coloma, 129 SCRA 304, 305.)

WHEREFORE, the petition for review is hereby DENIED.

SO ORDERED.

Cruz, (Chairman), Medialdea, and Bellosillo, 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.