

## FIRST DIVISION

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

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

### R E S O L U T I O N

#### **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<sup>[1]</sup> and January 24, 2008 resolution<sup>[2]</sup> 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.<sup>[3]</sup> 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)<sup>[4]</sup>. *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)<sup>[5]</sup> 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.<sup>[6]</sup> 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.<sup>[7]</sup>

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,*