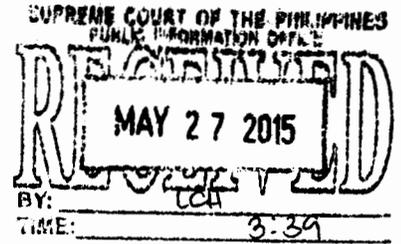




Republic of the Philippines  
Supreme Court  
Baguio City  
FIRST DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated April 20, 2015 which reads as follows:*

**“G.R. No. 216159 (Mario Valderama v. Danilo M. Roces).** – The petitioner’s motion for an extension of thirty (30) days within which to file a petition for review on certiorari is **GRANTED**, counted from the expiration of the reglementary period.

After a judicious perusal of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the June 2, 2014 Decision<sup>1</sup> and January 14, 2015 Resolution<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CV No. 98691 for failure of Mario Valderama (petitioner) to sufficiently show that the CA committed any reversible error in granting the motion for execution of the July 12, 2004 Order<sup>3</sup> of the Regional Trial Court of Pasig City, Branch 263 in Civil Case No. 64038, despite the fact that said judgment was secured by counsel for deceased respondent Danilo M. Roces without informing the court of the latter’s death and effecting the proper substitution of his heirs.

As the CA correctly pointed out, the rule on the substitution by heirs is not a matter of jurisdiction, but a requirement of due process. Thus, it is only when there is a denial of due process that the court nullifies the trial

- over - two (2) pages .....

<sup>1</sup> Rollo, pp. 28-41. Penned by Associate Justice Magdangal M. de Leon with Associate Justices Stephen C. Cruz and Eduardo B. Peralta, Jr., concurring.

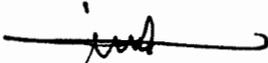
<sup>2</sup> Id. at 43-44.

<sup>3</sup> Id. at 49-56. Penned by Pairing Judge Isagani A. Geronimo.

proceedings and the resulting judgment therein.<sup>4</sup> The fact that respondent's heirs continued to be properly represented by Atty. Raul A. Mora who secured a favorable judgment for them negates any violation of due process. It strains credulity that a counsel who has no personal interest in the case would fight for and defend a case with persistence and vigor if he had not been authorized or employed by the party concerned.<sup>5</sup> All doubts as to the latter's authority should be extinguished by the heirs' appearance alongside counsel during the hearing of the motion for execution. Verily, the formal substitution of parties is not necessary when the heirs themselves voluntarily appeared and participated during the proceedings,<sup>6</sup> as in this case.

**SO ORDERED.”**

Very truly yours,

  
**EDGAR O. ARICHETA**  
Division Clerk of Court <sup>ms 14</sup>

**6**

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Court of Appeals (x)  
Manila  
(CA-G.R. CV No. 98691)

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The Hon. Presiding Judge  
Regional Trial Court, Br. 263  
Marikina City 1800  
(Civil Case No. 64038)

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Supreme Court

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<sup>4</sup> See *Sy v. Fairland Knitcraft Co., Inc.*, G.R. Nos. 182915 & 189658, December 12, 2011, 662 SCRA 67, 92; citation omitted.

<sup>5</sup> See *id.* at 96; citation omitted.

<sup>6</sup> See *id.* at 92-93; citation omitted.

