



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **16 November 2020** which reads as follows:*

“G.R. No. 246391 (Vencer Krystian Guerrero, Jr. and Violeta Guerrero, *et al.* v. Conrado G. Cuaño, represented by Adolfo G. Cuaño). – The Court **NOTES** the compliance with manifestation dated 7 October 2020 by counsel for petitioners Vencer Krystian M. Guerrero, Jr. and Violeta Guerrero, *et al.* (petitioners) with the Resolution dated 27 July 2020, stating that counsel has sent through LBC Express on 4 May 2019 the copy of the petition to the parties concerned, and that, per inquiry from the LBC branch, the mail matter, which contained the original copy of the petition and its attachments were declined receipt by the Receiving Section of the Court and is still consigned in LBC’s Ermita branch, and submitting the petition anew.

After a judicious study of the case, the Court resolves to **DENY** the instant petition<sup>1</sup> and **AFFIRM** the July 24, 2018<sup>2</sup> and March 6, 2019<sup>3</sup> Resolutions of the Court of Appeals (CA) in CA-G.R. SP No. 151721 for failure of petitioners to sufficiently show that the CA committed any reversible error in dismissing their appeal for failure to file their petition for review within the extended period.

As correctly ruled by the CA, petitioners failed to file their petition for more than one (1) year from the date they filed their motion for extension to file petition, thereby warranting the dismissal of their appeal. It is well-settled that procedural rules are tools designed to facilitate the adjudication of cases. While they may be relaxed in the interest of justice, its relaxation was never intended to be a license for erring litigants to violate the rules with impunity. Liberality in the interpretation and application of the rules can be invoked only in proper cases and under justifiable causes and circumstances,<sup>4</sup> which do not obtain in this case. Further, the exception to the general rule that the negligence of the counsel binds the client is ‘when the reckless or gross negligence of the counsel deprives the client of due process of law.’<sup>5</sup> In order for the exception to apply, however, there

<sup>1</sup> Titled “Verified Petition For Review On *Certiorari*,” rollo, pp. 33-47.

<sup>2</sup> Id. at 52-53. Penned by Associate Justice Zenaida T. Galapate-Laguilles with Associate Justices Remedios A. Salazar-Fernando and Jane Aurora C. Lantion, concurring.

<sup>3</sup> Id. at 55-57.

<sup>4</sup> *Philippine Savings Bank v. Papa*, G.R. No. 200469, January 15, 2018, 851 SCRA 164, 177.

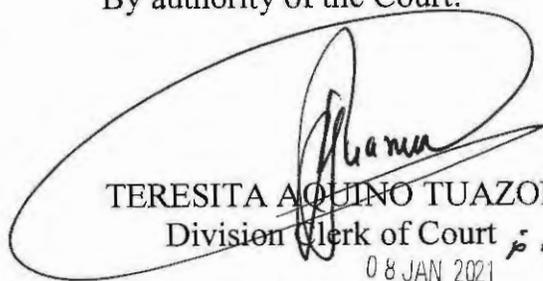
<sup>5</sup> *Ong Lay Hin v. CA*, 752 Phil. 15, 23-24 (2015).

*hlt*

must be a clear and convincing showing that the client was so maliciously deprived of information that he or she could not have acted to protect his or her interest,<sup>6</sup> which petitioners failed to discharge in this case. Verily, it is also the client's corollary duty to be in contact with his lawyer from time to time in order to be informed of the progress and developments of his case,<sup>7</sup> which petitioners failed to do.

**SO ORDERED.** (Rosario, J., designated Additional Member per Special Order No. 2797 dated November 5, 2020.)”

By authority of the Court:

  
TERESITA AQUINO TUAZON  
Division Clerk of Court  
08 JAN 2021

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HON. PRESIDING JUDGE (reg)  
Regional Trial Court  
Daet, Camarines Norte  
(Civil Case No. 8174)

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*Please notify the Court of any change in your address.*  
GR246391. 11/16/2020(183)URES

<sup>6</sup> Id. at 25.  
<sup>7</sup> Id. at 26.