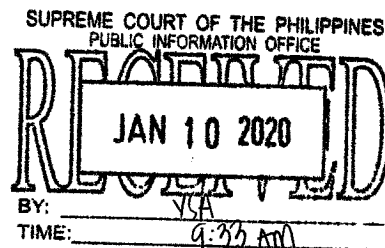




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **20 November 2019** which reads as follows:

"G.R. No. 247312 (Ophelia Aspera Cayaco v. Court of Appeals, Office of the Ombudsman for Mindanao, Nazer Zaragosa, et al.)

After a judicious study of the case, the Court resolves to **DISMISS** the instant petition¹ and **AFFIRM** the November 22, 2018² and the April 11, 2019³ Resolutions of the Court of Appeals (CA) in CA-G.R. SP No. 04375 for failure of petitioner Ophelia Aspera Cayaco (petitioner) to sufficiently show that the CA gravely abused its discretion in denying⁴ her motion to recall entry of judgment.⁵

As correctly ruled by the CA, a copy of its May 19, 2016 Decision⁶ had been duly served to petitioner's counsel of record, the Jurado Law Office,⁷ where her alleged counsel was a part of;⁸ hence, she is estopped from claiming that she was deprived of due process and the right to appeal.⁹ Settled is the rule that the negligence of counsel, such as the failure to avail of the appropriate remedies, binds the client, and while exceptions have been recognized in certain instances,¹⁰ none of which obtain in this case. Moreover, the CA correctly observed that petitioner was clearly remiss in the duty to update herself with the status of the case as it took her an unreasonable period of more or less four (4) years to discover the death of her alleged counsel.¹¹

¹ Rollo, pp. 14-29.

² Id. at 43-45. Penned by Associate Justice Edgardo T. Lloren with Associate Justices Ruben Reynaldo G. Roxas and Walter S. Ong, concurring.

³ Id. at 33-34. Penned by Associate Justice Edgardo T. Lloren with Associate Justices Walter S. Ong and Loida S. Posadas-Kahulugan, concurring.

⁴ See id. at 45.

⁵ Titled as "Motion to Recall Entry of Judgment for Failure to Serve Copy of Judgment to Petitioner Cayaco;" id. at 47-49.

⁶ Id. at 62-73. Penned by Associate Justice Ronaldo B. Martin with Associate Justices Edgardo T. Lloren and Rafael Antonio M. Santos, concurring.

⁷ See id. at 45.

⁸ "[A] client who employs a law firm engages the entire law firm; hence, the resignation, retirement or separation from the law firm of the handling lawyer does not terminate the relationship, because the law firm is bound to provide a replacement." (*Malvar v. Kraft Food Phils., Inc.*, 717 Phil. 427, 455 [2013].)

⁹ "[I]n cases where service was made on the counsel of record at his given address, notice sent to petitioner itself is not even necessary." (*GCP-Manny Transport Services Inc. v. Principe*, 511 Phil. 176-192.) See also Section 2, Rule 13 of the Rules of Court, which provides:

Section 2. *Filing and service, defined.* — x x x

x x x If any party has appeared by counsel, service upon him shall be made upon his counsel or one of them, unless service upon the party himself is ordered by the court[.]

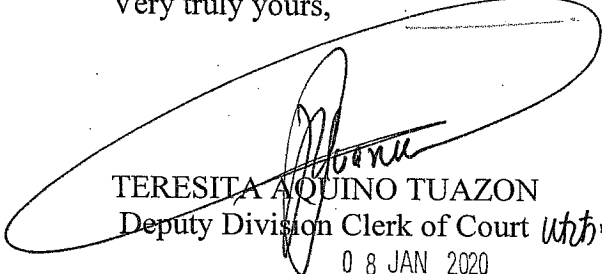
¹⁰ See *Spouses Friend v. Union Bank of the Philippines*, 512 Phil. 810, 815 (2005).

¹¹ See rollo, p. 45.

Further, the Court resolves to **INFORM** petitioner that she or her authorized representative may personally claim from the Cash Disbursement and Collection Division of this Court the excess payment of the prescribed legal fees in the amount of ₱950.00 under O.R. No. 024187 dated June 6, 2019.

SO ORDERED. (HERNANDO, J., on leave. ZALAMEDA, J., designated as Additional Member per Special Order No. 2727 dated October 25, 2019.)

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *Whh 117*
08 JAN 2020

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Supreme Court, Manila

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DIVISION (x)
THE AUDITOR (x)
Supreme Court, Manila

*For this resolution only
Please notify the Court of any change in your address.
GR247312. 11/20/2019(41)URES