



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila
SECOND DIVISION

SUPREME COURT OF THE PHILIPPINES
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NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **10 February 2020** which reads as follows:*

“G.R. No. 242077 (Benson Deganos y Barcelona v. Court of Appeals [9th Division] and Vanafi Ventures, Inc., represented by its authorized representative, Gilda D. Figueroa). – After a judicious study of the case, the Court resolves to **DISMISS** the instant petition¹ and **AFFIRM** the October 25, 2017² and August 1, 2018³ Resolutions of the Court of Appeals (CA) in CA-G.R. CR No. 39902 for failure of petitioner Benson Deganos y Barcelona (petitioner) to sufficiently show that the CA gravely abused its discretion in dismissing his appeal for having been considered abandoned for failure to file the appellant’s brief.

Verily, grave abuse of discretion cannot be ascribed on the part of the CA for deeming petitioner’s appeal to have been abandoned due to the latter’s failure to file his appellant’s brief despite service of notice to do so. On this note, the CA could not be faulted for serving such notice at the old address of petitioner’s counsel as the latter did not make any submissions before the CA informing it of any change of address. Clearly, it is inexcusable negligence on the part of petitioner’s counsel to send a notice of change of address to the RTC instead of the CA, despite the fact that his appeal had already been perfected through the filing of the Notice of Appeal.⁴ It is settled that negligence of the counsel binds the client,⁵ because, otherwise, there would never be an end to a suit so long as new counsel could be employed who could allege and prove that prior counsel had not been sufficiently diligent, experienced, or learned.

In view of the foregoing, the judgment finding petitioner guilty beyond reasonable doubt of the crime of Qualified Theft had long attained finality. This

¹ *Rollo*, pp. 3-12.

² *Id.* at 83-85. Penned by Associate Justice Renato C. Francisco with Associate Justices Sesinando E. Villon and Manuel M. Barrios, concurring.

³ *Id.* at 20-23.

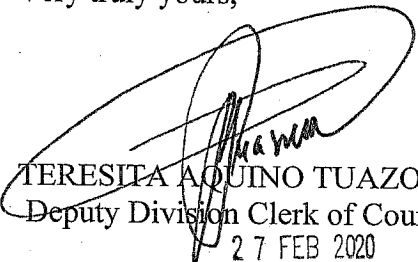
⁴ See Section 3 (a), Rule 122, in relation to Section 9, Rule 41 of the Rules.

⁵ See *Spouses Friend v. Union Bank of the Philippines*, 512 Phil. 810, 815 (2005).

notwithstanding,⁶ and in view of Republic Act No. 10951,⁷ as well as the relevant jurisprudence on the matter,⁸ the Court adjusts the period of petitioner's imprisonment to six (6) years, eight (8) months, and twenty (20) days of *prision mayor*, as minimum, to ten (10) years and eight (8) months of *prision mayor*, as maximum. Further, the order to pay private respondent Vanafi Ventures, Inc. the sum of ₱371,253.28 as actual damages, which shall earn an interest at the legal rate of six percent (6%) per annum from the date of the finality of this Resolution until full payment, stands.

SO ORDERED.”

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court
27 FEB 2020 p 2/27

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 97
1100 Quezon City
(Crim. Case No. Q-09-157322)

JUDGMENT DIVISION (x)
Supreme Court, Manila

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CA-G.R. CR No. 39902

Please notify the Court of any change in your address.
GR242077. 02/10/20(229)URES

⁶ “Nonetheless, the immutability of final judgments is not a hard and fast rule as the Court has the power and prerogative to relax the same in order to serve the demands of substantial justice considering: (a) matters of life, liberty, honor, or property; (b) the existence of special or compelling circumstances; (c) the merits of the case; (d) a cause not entirely attributable to the fault or negligence of the party favored by the suspension of the rules; (e) the lack of any showing that the review sought is merely frivolous and dilatory; and (f) that the other party will not be unjustly prejudiced thereby.” (*Bigler v. People*, 762 Phil. 130, 138 [2015]).

⁷ Entitled “AN ACT ADJUSTING THE AMOUNT OR THE VALUE OF PROPERTY AND DAMAGE ON WHICH A PENALTY IS BASED, AND THE FINES IMPOSED UNDER THE REVISED PENAL CODE, AMENDING FOR THE PURPOSE ACT NO. 3815, OTHERWISE KNOWN AS “THE REVISED PENAL CODE”, AS AMENDED,” approved on August 29, 2017.

⁸ *Hernan v. Sandiganbayan*, G.R. No. 217874, December 5, 2017, 847 SCRA 552-579.