



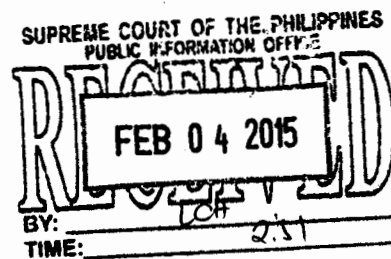
Republic of the Philippines

Supreme Court

Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **December 8, 2014** which reads as follows:*

**“G.R. No. 176629 (Jose D. Tito v. Majestic Finance and Investment Corporation, Inc.)**.- After a judicious review of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the September 27, 2006 and February 6, 2007 Resolutions<sup>1</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 95582 for failure of Jose D. Tito (petitioner) to show that the CA committed any reversible error in declaring him bound by the negligence of his former counsel who, despite notice, failed to duly move for the reconsideration of or appeal the dismissal Order dated February 2, 2000, issued by the Regional Trial Court of Pasig City, Branch 160 (RTC) in Civil Case No. 27958, rendering the same final and executory against him.

As correctly ruled by the CA, petitioner failed to show sufficient reasons to justify an exception from the general rule that the negligence of the counsel binds the client. Records show that petitioner readily relied on his former counsel’s assurances that his interest was duly protected during their “occasional”<sup>2</sup> long distance communications. A litigant bears the responsibility to monitor the status and keep himself abreast with the developments in his case, for no prudent party leaves the fate of his case

- over – three (3) pages ....

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<sup>1</sup>Rollo, pp. 48-55 and 45-46, respectively. Penned by Associate Justice Edgardo F. Sundiam with Associate Justices Rodrigo V. Cosico and Celia C. Librea-Leagogo, concurring.

<sup>2</sup>CA rollo, p. 15.

entirely in the hands of his lawyer. To merely rely on the bare reassurances of his lawyer that everything is being taken care of is not enough,<sup>3</sup> and he has no one to blame but himself when it turned out that his opportunity to appeal and other remedies from the adverse ruling of the RTC could no longer be availed of due to his counsel's neglect.<sup>4</sup> As petitioner was at fault and not entirely blameless, there is no reason to overturn well-settled jurisprudence or to interpret the rules liberally in his favor.<sup>5</sup>

**SO ORDERED.” BERSAMIN, J.,** on official leave; **REYES, J.,** designated acting member per S.O. No. 1892 dated November 28, 2014. **PEREZ, J.,** on official leave; **CARPIO, J.,** designated acting member per S.O. No. 1899 dated December 3, 2014.

Very truly yours,

  
**EDGAR O. ARICHETA**  
Division Clerk of Court

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Manila  
(CA-G.R. SP No. 95582)

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The Hon. Presiding Judge  
Regional Trial Court, Br. 160  
1600 Pasig City

- over -

<sup>3</sup>*Bejarasco, Jr. v. People*, G.R. No. 159781, February 2, 2011, 641 SCRA 328, 331.

<sup>4</sup>See *Manila v. Gallardo-Manzo*, G.R. No. 163602, September 7, 2011, 657 SCRA 20, 29.

<sup>5</sup>*GCP-Manny Transport Services, Inc. v. Principe*, 511 Phil. 176, 185-186 (2005); citation omitted.



The Hon. Presiding Judge  
Regional Trial Court, Br. 67  
1600 Pasig City  
(Civil Case No. 27958)

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