



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **04 March 2020** which reads as follows:

“G.R. No. 228337 (*Janet G. Changatag v. People of the Philippines*). –Assailed in this Petition for review on *certiorari*¹ are the Resolutions dated April 21, 2016² and September 21, 2016³ of the Court of Appeals (CA) in CA-G.R. CR No. 37806 which dismissed Janet G. Changatag’s (petitioner) appeal⁴ for her failure to file an appellant’s brief.

Facts

The case stemmed from two Informations filed before Branch 63, Regional Trial Court (RTC) of La Trinidad, Benguet docketed as Criminal Case Nos. 11-CR-8477 and 11-CR-8478 charging the petitioner with two counts of Illegal Recruitment defined in Section 6 and penalized under Section 7 (b) of Republic Act (RA) No. 8042, known as the Migrant Workers and Overseas Filipinos Act of 1995.⁵

After trial on the merits, the RTC rendered the Judgment⁶ dated June 17, 2014 finding petitioner guilty of Simple Illegal Recruitment in Criminal Case Nos. 11-CR-8477 and 11-CR-8478. The pertinent portion of the Judgment reads:

FIRST: Accused CHANGATAG has no valid license or authority required by law to enable one to engage lawfully in recruitment and placement of workers.

x x x x.

¹ *Rollo*, pp. 3-25.

² *Id.* at 27.

³ *Id.* at 28.

⁴ *Id.* at 175-176.

⁵ *Id.* at 90-91

⁶ *Id.* at 111-122

SECOND: CHANGATAG undertook activities within the meaning of “recruitment and placement” defined under Art. 13, par. (b) of the Labor Code of the Philippines. Specifically, CHANGATAG referred and promised employment abroad, whether for profit or not, to private complainants PAD-ENG and PILANDO. (Emphasis and underscoring ommitted.)

This court finds that CHANGATAG referred and promised to send PAD-ENG and PILANDO to Malaysia, in the guise of tourists but in fact, she promised and referred them for employment as masseuse and a domestic helper, respectively.”⁷

Aggrieved, petitioner appealed the RTC Judgment to the CA.⁸

In a Notice to File Brief⁹ dated October 13, 2015, the CA directed petitioner to file her Appellant’s Brief within 30 days from receipt of the notice. Despite receipt of the notice on November 3, 2015,¹⁰ no Appellant’s Brief was filed by petitioner’s former counsel. Thus, the CA issued the assailed Resolution¹¹ dated April 21, 2016 stating that:

For failure to file Appellant’s Brief, per CMIS Verification dated March 9, 2016, the instant appeal is considered ABANDONED and DISMISSED (Sec. 8, Rule 124 of the Rules of Court).

SO ORDERED.¹²

Petitioner moved to reconsider the dismissal of her appeal.¹³ However, the CA denied it on September 21, 2016¹⁴ on the ground that petitioner’s Motion for Reconsideration¹⁵ was filed five days late; rendering its April 21, 2016 Resolution final and executory.¹⁶

Aggrieved, petitioner filed the instant petition¹⁷ arguing that the dismissal of her appeal by the CA was tantamount to a denial of her right to be heard on appeal.

⁷ *Id.* at 117.

⁸ *Id.* at 175-176.

⁹ *Id.* at 178.

¹⁰ *Id.* at 178-A.

¹¹ *Id.* at 27.

¹² *Id.* at 27.

¹³ *Id.* at 179-182.

¹⁴ *Id.* at 28.

¹⁵ *Id.* at 123-151.

¹⁶ *Id.* at 28.

¹⁷ *Id.* at 3-25.

Ruling of this Court

The petition is without merit.

Section 8, Rule 124 of the Rules of Court (Rules) pertinently provides:

SEC. 8. *Dismissal of appeal for abandonment or failure to prosecute.* – The Court of Appeals may, upon motion of the appellee or *motu proprio* and with notice to the appellant in either case, dismiss the appeal if the appellant fails to file his brief within the time prescribed by this Rule, except where the appellant is represented by a counsel *de officio*.

Corollary to the above-quoted provision, Section 1(e),¹⁸ Rule 50 of the Rules empowers the CA to dismiss an appeal when the appellant fails to serve and file his brief, or the the required number of copies thereof, within the time provided by the rules.

These rules, promulgated by authority of law, have the force and effect of law. More importantly, rules prescribing the time within which certain acts must be done, or certain proceedings be taken, are absolutely indispensable for the prevention of needless delays and the orderly and speedy discharge of judicial business. Strict compliance with such rules is mandatory and imperative. Only strong considerations of equity will lead us to allow an exception to the procedural rule in the interest of substantial justice.¹⁹

The record reveals that a Notice to File Brief²⁰ dated October 13, 2015 was received by petitioner's former counsel, Atty. Willibroth B. Managtag (Atty. Managtag) on November 3, 2015. Fundamental is the rule that notice to counsel is notice to the client. When a party is represented by a counsel in an action in court, notices of all kinds, including motions and pleadings of all parties and all orders of the court must be served on his counsel.²¹

No Appellant's Brief was filed before the CA despite receipt by

¹⁸ Section 1. *Grounds for dismissal of appeal.*

x x x x.

(e) Failure of the appellant to serve and file the required number of copies of his brief or memorandum within the time provided by these Rules;

x x x x.

¹⁹ *Villamor v. People*, 670 Phil. 448, 457 (2011).

²⁰ *Rollo*, p. 178.

²¹ *Dela Cruz v. People*, 792 Phil. 214, 237 (2016).

Atty. Managtag of the Notice to File Brief.²² To justify the failure, petitioner points the fault solely to her former counsel, Atty. Managtag and alleges that the latter did not notify her that he already received a notice to file Appellant's Brief. According to petitioner, Atty. Managtag only apprised her about the status of her appeal when it was already dismissed by the CA, and when the filing of the Motion for Reconsideration was about to expire already.

The Court is not persuaded.

Contrary to petitioner's assertion that she only knew about the status of her appeal when it was already dismissed by the CA, her Motion for Reconsideration²³ before the CA to reinstate her appeal says otherwise. In her Motion for Reconsideration,²⁴ petitioner explained that her failure to file the required brief was a result of her miscommunication with Atty. Managtag. She explained further that Atty. Managtag mistakenly thought that it was her who will cause the finalization of the Appellant's Brief through another counsel, and that she will be the one to file it. Petitioner thought that the Appellant's Brief sent to her by Atty. Managtag was only a copy, and that it was Atty. Managtag who will cause the filing thereof soon after his toothache is relieved.²⁵

From the assertions made by petitioner in her Motion for Reconsideration²⁶ before the CA, it can be gleaned that she was actually aware of the need to file an Appellant's Brief. This signifies that the contentions proffered by the petitioner in her present petition are mere afterthoughts. Had it not been for her miscommunication with Atty. Managtag, the required brief would have been filed before the CA. To the Court, the actual reason for petitioner's failure to file the required brief – miscommunication with her former counsel, does not warrant the relaxation of the Rules in her favor. Petitioner bears the responsibility to monitor the status of her case, for no prudent party leaves the fate of his case entirely in the hands of his lawyer. It is the client's 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. Indubitably, petitioner should not have merely relied on the thought that everything was being taken care of by Atty. Managtag.

²² *Rollo*, p. 178.

²³ *Id.* at 123-151.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

The right to appeal is neither a natural right nor is it a component of due process. It is a mere statutory privilege, and may be exercised only in the manner and in accordance with the provisions of law. Indeed, any liberality in the application of the rules of procedure may be properly invoked only in cases of some excusable formal deficiency or error in a pleading, but definitely not in cases like this, where a liberal application would directly subvert the essence of the proceedings, or result in the utter disregard of the Rules of Court.²⁷

All told, the alleged miscommunication between petitioner and her former lawyer cannot justify petitioner's non-filing of the required brief. Having failed to show compelling reason to warrant the relaxation of the Rules in her favor, petitioner's petition must perforce be denied.

WHEREFORE, the instant Petition is hereby **DENIED**. The assailed Resolutions of the Court of Appeals dated April 21, 2016 and September 21, 2016 in CA-G.R. CR No. 37806 are hereby **AFFIRMED**.

SO ORDERED."

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court

28 AUG 2020

²⁷ *Bagaporo v. People*, G.R. No. 211829, January 30, 2019

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(Crim. Case Nos. 11-CR-8477 & 11-CR-8478)

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