

**FLORENTINO BLANCO AND MARIANO BLANCO AS HEIRS OF
TEODORICO P. BLANCO, REPRESENTED BY ATTY. EUSEBIO
DULATAS, JR. AS ATTORNEY-IN-FACT, APPLICANTS-APPELLANTS,
VS. REPUBLIC OF THE P...**

Ponente: SADANG, J.

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SADANG, J.:

For resolution is appellants' Motion for Reconsideration of our Resolution of August 29, 2014 dismissing their appeal for failure to file appellants' brief.

Appellants clarify that it was not a certain Jennifer A. Dipalac who received the Resolution on December 1, 2013, as stated in the reply of Joselito Serrano (letter carrier of the Bulacan Post Office) to the Tracer sent by the JRD, but Jessica D. Puyot, a staff member of appellants' counsel, Atty. Eusebio Dulatas, Jr.. They allege that Puyot resigned from her job and Atty. Dulatas instructed her to turn over to him all pleadings or orders, unfortunately, the August 29, 2014 Resolution was not forwarded to said lawyer.

The Office of the Solicitor General (OSG) filed a Comment to the motion alleging that the reason cited by appellants does not excuse their non-filing of appellants' brief.

Records show that Atty. Dulatas received copy of the Resolution on September 8, 2014,[1] thus, the last day to file a motion for reconsideration was September 23, 2014. However, the Motion for Reconsideration was sent by private courier and received by the court on September 24, 2014, or one (1) day late. On that ground alone, the motion must be denied.

Even on its merits, the motion must be denied. The failure of a member of the staff of a lawyer to turn over pleadings or orders received by her does not justify the failure of appellants to file the appellants brief on time. It is the duty of a lawyer to adopt and maintain a system that ensures the timely filing of pleadings. As held in *Asian Spirit Airlines (Airline Employees Cooperative v. Bautista)*:^[2]

Blaming its counsel's unidentified secretary for its abject failure to file its brief is a common practice for negligent lawyers to cover up for their own negligence, incompetence, indolence and ineptitude. Such excuse is the most hackneyed and habitual subterfuge employed by litigants who fail to observe the procedural requirements prescribed by the Rules of Court. It bears stressing that it is the duty of counsel to adopt and strictly maintain a system that insures that all pleadings should be filed and duly served within the period therefor and, if he fails to do so, the negligence of his secretary or clerk to file such pleading is imputable to the said counsel. (Underscoring supplied)

WHEREFORE, the Motion for Reconsideration is DENIED for lack of merit.

SO ORDERED.

Librea-Leagogo, J., Chairperson, and Diamante, JJ., concur.

[1] Per Return Card, Rollo, p. 31.

[2] 451 SCRA 294, 300.

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