

EVER ELECTRICAL MANUFACTURING, INC. (EMMI), PETITIONER, VS. UNITED SPECIAL WATCH-MAN AGENCY, INC. (USWA), REPRESENTED BY ITS AUTHORIZED REPRESENTATIVE, MS. SHERYL ANNE M. LEVERI...

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MACALINO, J:

On January 22, 2014, this Court rendered a Decision[1] affirming the Orders dated September 15, 2009, September 30, 2011, February 24, 2012 and April 2, 2012 of the Regional Trial Court of Quezon City, Branch 223 in Civil Case No. Q-04-51553.

There being no Motion for Reconsideration nor a Supreme Court Petition filed by the parties, the Division Clerk of Court issued the corresponding Entry of Judgment[2] indicating that the Decision dated January 22, 2014 became final and executory on February 13, 2014.

On April 3, 2014, petitioner filed a Motion to Set Aside Entry of Judgment and to Admit the Incorporated Motion for Reconsideration.[3] It alleges that on March 19, 2014, its counsel received a copy of this Court's Resolution stating that the Decision dated January 22, 2014 has attained finality. It claims that it has not yet received a copy of said Decision. Consequently, petitioner's counsel secured a copy of the Decision from this Court. It also avers that the "aforesaid decision was misplaced and may [have been] inserted in another folder of a case and has not been found in the office of the undersigned counsel." [4] As such, petitioner prays that its incorporated Motion for Reconsideration be considered by this Court on the grounds of mistake, accident and excusable negligence.

On July 15, 2014, this Court required respondents to comment on petitioner's motion.[5] However, respondents failed to file any comment on the instant motion.[6]

Acting on the instant Motion to Set Aside Entry of Judgment and to Admit the Incorporated Motion for Reconsideration, the Court finds the same unmeritorious.

The parties in this case were given full opportunity to be heard. Specifically, the Petition for Certiorari filed by petitioner was duly resolved by this Court on January 22, 2014 and a copy thereof was served to petitioner's counsels on January 28, 2014.[7] As stated above, no motion for reconsideration or a petition before the Supreme Court was filed, thus, an entry of judgment was issued. Unless the counsel commits gross or palpable negligence, the mistake of a counsel binds the client. Also, notice sent to petitioner's counsel is binding upon it and the neglect or failure of said counsel to inform petitioner of an adverse judgment is not a ground to set aside a judgment valid and regular on its face.[8]

WHEREFORE, premises considered, the instant Motion to Set Aside Entry of Judgment and to Admit the Incorporated Motion for Reconsideration is DENIED.

SO ORDERED.

Villon, S. E., Chairperson and [*]Gaerlan, S. H., JJ., concur.

[*]Vice Justice Ramon A. Cruz per raffle dated January 17, 2014.

[1] Rollo, pp. 106-111.

[2] Rollo, p. 114.

[3] Rollo, pp. 115-121.

[4] Rollo, p. 116.

[5] Rollo, p. 128.

[6] Rollo, p. 130.

[7] Rollo, p. 105; dorsal portion.

[8] Torres vs. China Banking Corp., G.R. 165408, January 15, 2010.

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