

## THIRD DIVISION

[ G.R. No. 159781, February 02, 2011 ]

**PETER BEJARASCO, JR., PETITIONER, VS. PEOPLE OF THE  
PHILIPPINES, RESPONDENT.**

### D E C I S I O N

**BERSAMIN, J.:**

This case concerns the dire consequences of a litigant's failure to periodically follow up with his counsel on the developments of his appeal.

The petitioner was convicted on February 16, 2001, for *grave threats* and *grave oral defamation* in the Municipal Trial Court (MTC) in Sibonga, Cebu. On July 31, 2001, the Regional Trial Court (RTC), Branch 26, in Argao, Cebu affirmed the convictions. In due course, the petitioner, then represented by the Public Attorney's Office (PAO), sought the reconsideration of the RTC decision, claiming that he had not filed his appeal memorandum because of the MTC's failure to give him free copies of the transcripts of stenographic notes. He argued that the RTC's decision should be set aside and the criminal cases against him should be dismissed due to the prematurity and the serious errors of facts and law. However, the RTC denied the petitioner's *motion for reconsideration* on September 24, 2001.

On October 12, 2001, the petitioner, this time represented by Atty. Luzmindo B. Besario (Atty. Besario), a private practitioner, filed in the Court of Appeals (CA) a motion for extension of time to file his petition for review (C.A.-G.R. CR No. UDK-181). The CA granted his motion. Instead of filing his petition for review within the period granted, however, Atty. Besario sought another extension, but still failed in the end to file the petition for review. Thus, on March 13, 2002, the CA dismissed his appeal. After the dismissal became final and executory, entry of judgment was made on April 4, 2002.

Thereafter, on March 31, 2003, the MTC issued a warrant of arrest against the petitioner, who surrendered himself on May 22, 2003.

On July 16, 2003, the petitioner filed in the CA his petition for review through another attorney, alleging that Atty. Besario had recklessly abandoned him and had disappeared without leaving a trace.

In its resolution dated August 14, 2003, the CA denied admission to the petition for review and ordered it expunged from the records; and reiterated its March 13, 2002 resolution of dismissal.<sup>[1]</sup>

Aggrieved, the petitioner is now before the Court to plead his cause. He submits that Atty. Besario's reckless abandonment of his case effectively deprived him of his day in court and of his right to due process; and that said former counsel's actuation