



REPUBLIC OF THE PHILIPPINES

*Sandiganbayan*

Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,  
Petitioner,

SB-18-SCA-0001 to 0015

- versus -

*Present*

HON. ARMANDO A. YANGA, in  
his capacity as Presiding Judge  
of the Regional Trial Court,  
Branch 173, Manila, and  
WALTER F. REYNOSO, SR.  
Respondents.

FERNANDEZ, SJ, J.,  
Chairperson  
MIRANDA, J. and  
MENDOZA-ARCEGA,\* J.

*Promulgated:*

**JUN 22 2018**

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**RESOLUTION**

**FERNANDEZ, SJ, J.**

This resolves the *Motion for Reconsideration (On the April 24, 2018 Decision)*<sup>1</sup> filed by respondent Walter F. Reynoso, Sr.

Respondent Reynoso prays that this Court reconsider and vacate the Decision dated April 24, 2018,<sup>2</sup> and issue a new one denying the present Petition for Certiorari. He insists that the Regional Trial Court's (RTC) Resolution dated June 1, 2017 had already attained finality on the basis that the prosecution's Motion for Reconsideration dated July 17, 2017, filed with the RTC, had no notice of hearing, and thus, did not toll the running of the prescriptive period.

J. Arcega participated in the assailed Decision (Per Administrative Order No. 072-2018 dated February 1, 2018; Revised Internal Rules of the Sandiganbayan, Rule IX, Sec. 2[a])

<sup>1</sup> Dated May 4, 2018; Record, pp. 488-501

<sup>2</sup> Record, pp. 466-482

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Having attained finality, it is no longer subject to change, revision, amendment or reversal.

In its *Comment [On the Motion for Reconsideration dated 04 May 2018]*,<sup>3</sup> the prosecution counters that the cases cited by respondent Reynoso find no application in the present case. Moreover, his arguments are a mere rehash of those already disregarded by this Court in the Decision dated April 24, 2018. At any rate, considering that there was a finding that respondent Judge Armando A. Yanga acted with grave abuse of discretion when he dismissed the cases before him, the Resolution dated June 1, 2017 and the Order dated September 29, 2017 are rendered void and can never become final.

THE COURT'S RULING

This Court finds no reason that would warrant the reversal of the assailed Decision.

Respondent Reynoso raises no new arguments in his Motion for Reconsideration. Said arguments are a mere reiteration and rehash of those in his *Comment/Opposition*.<sup>4</sup> In *Mendoza-Ong v. Sandiganbayan*,<sup>5</sup> the Supreme Court held:

Concerning the first ground abovesited, the Court notes that the motion contains merely a reiteration or rehash of arguments already submitted to the Court and found to be without merit. Petitioner fails to raise any new and substantial arguments, and no cogent reason exists to warrant a reconsideration of the Court's Resolution. It would be a useless ritual for the Court to reiterate itself.

This Court squarely addressed such arguments in the assailed Decision, the pertinent portion<sup>6</sup> which is hereunder quoted for convenience:

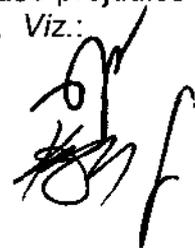
In *Laude v. Ginez-Jabalde*, it was explained that as a general rule, a motion that fails to comply with the notice requirement under Rule 15 is a mere scrap of paper. However, as an exception, the court may act on said motion if doing so will not cause prejudice to, or violate the right to due process of the other party. *Viz.:*

<sup>3</sup> Dated May 31, 2018; Record, pp. 507-518

<sup>4</sup> Dated February 22, 2018; Record, pp. 455-461

<sup>5</sup> G.R. Nos. 146368-69, October 18, 2004

<sup>6</sup> Record, pp. 470-472 (Decision dated April 24, 2018, pp. 5-7)



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Rule 15, Section 4 of the Rules of Court clearly makes it a mandatory rule that the adverse party be given notice of hearing on the motion at least three days prior.

Failure to comply with this notice requirement renders the motion defective consistent with protecting the adverse party's right to procedural due process. In *Jehan Shipping Corporation*:

As an integral component of procedural due process, *the three-day notice required by the Rules is not intended for the benefit of the movant. Rather, the requirement is for the purpose of avoiding surprises that may be sprung upon the adverse party, who must be given time to study and meet the requirements in the motion before a resolution by the court.* Principles of natural justice demand that the right of a party should not be affected without giving it an opportunity to be heard.

While the general rule is a motion that fails to comply with the minimum requirements of Rule 15 is a mere scrap of paper, an exception may be made and the motion may still be acted upon by the court, provided doing so will neither cause prejudice to the other party nor violate his or her due process rights. The adverse party must be given time to study the motion in order to enable him or her to prepare properly and engage the arguments of the movant. x x x

That the three-day notice rule is not absolute was reiterated in *Republic v. Cortez*. There, Secretary Andaya's Motion for Reconsideration failed to state a notice of hearing. However, the Supreme Court held that the exception to the general rule applied, observing that notwithstanding the fact that there was no notice of hearing, the trial court conducted a hearing and resolved the motion on the merits, and that NECU and NEWU did not allege any violation of their right to due process brought about by the lack of said notice of hearing.

Here, it appears that the exception to the three-day notice rule also applies. Although the prosecution's *Motion for Reconsideration* did not have a notice of hearing, the RTC acted upon the same, and ruled on its merits. In the assailed Order, it can be seen that respondent Reynoso was given the opportunity to file, and indeed filed, his comment/opposition to the prosecution's Motion.<sup>7</sup>

This Court could stop here. However, for the sake of greater clarity, even at the risk of repetition, this Court finds that further discussion on the matter is in order.

Respondent Reynoso's reliance on *Estarija v. People*<sup>8</sup> and *Bongcac v. Sandiganbayan*<sup>9</sup> is misplaced. In *Estarija*, an appeal was

<sup>7</sup> Record, p. 49

<sup>8</sup> G.R. No. 173990, October 27, 2009

<sup>9</sup> G.R. No. 156687-88, May 21, 2009

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erroneously filed with the Court of Appeals, instead of the Sandiganbayan. On the other hand, in *Bongcac*, no motion for reconsideration was filed and the resolution therein became final and executory. Compliance with the three-day notice rule was not an issue in said cases.

His arguments likewise find no support in *Laude v. Ginez-Jabalde*.<sup>10</sup> There, it was held that the general rule is that the notice of hearing is mandatory and failure to comply with the notice requirement renders the motion defective – a mere scrap of paper. However, as an exception, the court may act upon such motion if doing so will not cause prejudice to the other party nor violate his or her due process rights. It must be noted that the Supreme Court, in that case, recognized the exception to the general rule. However, it nonetheless held that the denial, by the trial court, of the motion based on noncompliance with procedural rules was proper because doing otherwise would prejudice the rights of the accused. *Viz.:*

Petitioners admit that they personally furnished Pemberton a copy of the Urgent Motion to Compel the Armed Forces of the Philippines to Surrender Custody of Accused to the Olongapo City Jail only during the hearing. They attempt to elude the consequences of this belated notice by arguing that they also served a copy of the Motion by registered mail on Pemberton's counsel. They also attempt to underscore the urgency of the Motion by making a reference to the Christmas season and the "series of legal holidays" where courts would be closed. To compound their obfuscation, petitioners claim that the hearing held on December 22, 2014, attended by Pemberton's counsel sufficiently satisfied the rationale of the three-day notice rule.

These circumstances taken together do not cure the Motion's deficiencies. Even granting that Pemberton's counsel was able to comment on the motion orally during the hearing, which incidentally was set for another incident, it cannot be said that Pemberton was able to study and prepare for his counterarguments to the issues raised in the Motion. Judge Ginez-Jabalde was correct to deny the Urgent Motion to Compel the Armed Forces of the Philippines to Surrender Custody of Accused to the Olongapo City Jail based on noncompliance of procedural rules. To rule otherwise would be to prejudice Pemberton's rights as an accused.

(underscoring supplied)

<sup>10</sup> G.R. No. 217456, November 24, 2015



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It bears stressing that in several cases,<sup>11</sup> the Supreme Court had not hesitated to relax the application of the three-day notice rule where it was clear that the purpose behind such rule had been realized, *i.e.*, the adverse party was given the opportunity to be heard, and there was no prejudice to the rights of the parties, or where the stringent application of the rules would hinder rather than serve the demands of substantial justice.<sup>12</sup>

As this Court found in the assailed Decision, the exception to the general rule applies. Notwithstanding the prosecution's failure to include a notice of hearing in its motion for reconsideration, respondent Reynoso was given an opportunity to be heard when he filed his comment/opposition to the prosecution's motion. There is nothing in the records which would show that respondent Reynoso raised before the trial court the issue of any violation of his right to due process brought about by the lack of said notice of hearing. Hence, respondent Reynoso's vigorous insistence that the RTC's Resolution dated June 1, 2017 had already attained finality and can no longer be modified, has no basis.

**WHEREFORE**, respondent Reynoso's *Motion for Reconsideration* is hereby DENIED for lack of merit.

SO ORDERED.

  
**SARAH JANE T. FERNANDEZ**  
Associate Justice  
Chairperson

**We Concur:**

  
**KARL B. MIRANDA**  
Associate Justice

  
**MARIA THERESA V. MENDOZA-ARCEGA**  
Associate Justice

<sup>11</sup> *Republic v. Cortez*, G.R. Nos. 187257 and 187776, February 7, 2017; *Cabrera v. Ng*, G.R. No. 201601, March 12, 2014; *City of Dagupan v. Maramba*, G.R. No. 174411, July 2, 2014; *Preysler v. Manila Southcoast Development Corporation*, G.R. No. 171872, June 28, 2010; and *Jehan Shipping Corporation v. National Food Authority*, G.R. No. 159750, December 14, 2005

<sup>12</sup> *Basco v. Court of Appeals*, G.R. No. 125290, August 9, 2000