

Title:

Atty. Jesus F. Fernandez vs. Court of Appeals and Concepcion Olivares

Facts:

On January 23, 1993, Concepcion Olivares filed a complaint for unlawful detainer against Jesus Fernandez with the Metropolitan Trial Court of Manila (MeTC), Branch XV. The MeTC dismissed the complaint, leading Olivares to appeal to the Regional Trial Court (RTC) of Manila, Branch 46. The RTC reversed the MeTC's decision on May 2, 1994, ordering Fernandez to pay rental arrearages, attorney's fees, litigation expenses, and costs.

Fernandez received the RTC decision on June 28, 1994, and filed a motion for reconsideration on July 12, 1994. On November 29, 1994, Fernandez's motion was denied. Subsequently, Fernandez filed a motion for an extension of time to file a petition for review with the Court of Appeals (CA), which was granted, with the resolution received on December 12, 1994.

Meanwhile, on December 9, 1994, Fernandez filed with the RTC Branch 46 a motion for a new trial, citing newly discovered evidence. On January 19, 1995, Fernandez filed a motion to withdraw his petition for review with the CA due to the pending motion for a new trial. On February 6, 1995, the RTC denied his motion for a new trial, stating that the CA had already assumed jurisdiction.

Fernandez moved for reconsideration, which was denied on December 14, 1995. Olivares sought to execute the RTC's initial judgment, granted on January 30, 1996, with the writ issued the next day.

Fernandez then filed a petition for certiorari, prohibition, and mandamus with the CA, which temporarily restrained the RTC from enforcing the writ of execution on February 14, 1996. Eventually, on May 16, 1997, the CA denied Fernandez's petition and affirmed the RTC's jurisdiction stance. Fernandez's motion for reconsideration was denied on October 13, 1997.

Fernandez petitioned the Supreme Court, focusing on whether the RTC lost jurisdiction due to his motion for extension to file a petition for review, despite withdrawing it prior to the filing, and if his motion for a new trial was timely.

Issues:

1. **Jurisdiction** - Whether the RTC lost jurisdiction to entertain Fernandez's motion for a

new trial upon his filing for an extension of time to file a petition for review with the CA.

2. ****Timeliness of Motion for New Trial**** - Whether Fernandez's motion for a new trial was timely filed within the allowable period.

Court's Decision:

Issue 1: Jurisdiction

The Supreme Court ruled that the filing of a motion for an extension of time to file a petition for review does not result in the automatic assumption of jurisdiction by the appellate court. Jurisdiction only attaches upon the timely filing and payment of the necessary fees for the petition for review itself, which Fernandez did not complete. Thus, the RTC retained jurisdiction to entertain the motion for a new trial.

Issue 2: Timeliness of Motion for New Trial

The Court computed the period within which Fernandez had to file his motion for a new trial. Fernandez received the RTC decision on June 28, 1994, and, after his motion for reconsideration was denied on November 29, 1994, he had only one day remaining (until December 1, 1994) to file. Instead, Fernandez filed a motion for extension before the CA on December 1, 1994, and only subsequently filed for a new trial with the RTC on December 9, 1994, which was beyond the allowable period.

Consequently, the Supreme Court held that Fernandez's motion for a new trial was filed out of time. The petition was denied for lack of merit, and the RTC of Manila, Branch 46, was ordered to execute its decision dated May 2, 1994.

Doctrine:

The Court reiterated that the perfection of an appeal in the prescribed manner and within the regulatory timeframe is mandatory. The jurisdiction of the appellate court does not attach upon the mere filing of a motion for an extension to submit a petition for review. The filing deadlines must be strictly observed, and any motion filed outside the prescribed period cannot extend the appeal period.

Class Notes:

- ****Jurisdiction and Perfection of Appeals:****
- RTC retains jurisdiction until a proper and timely appeal is perfected (Rule 41, Sec. 2).
- CA jurisdiction attaches upon filing the petition for review and paying the prescribed fees.
- ****Rule 42****: Defines perfection of appeals and residual jurisdiction of RTC.

- ****Timeliness (Rule 37, Sec. 1, Rule 41, Sec. 3):****
- Motion for new trial must be filed within the 15-day appeal period from judgment or order receipt.
- Period to appeal is non-extendible by filing motions for extensions at lower courts (Habaluyas vs. Japzon).

Historical Background:

The case underlines the procedural intricacies of the Philippine judicial system, emphasizing the swift movement required in filing appeals and other legal remedies. The interplay of jurisdiction between trial and appellate courts is critical in maintaining procedural correctness and judicial efficiency. The doctrine of timely filed motions for appeals, beyond procedure, reflects the Philippines' judicial emphasis on finality and procedural punctuality, rooted in both colonial legacies and modern legal frameworks.