

**MALAYAN BANK SAVINGS AND MORTGAGE BANK, PETITIONER, VS. HOLCIM PHILIPPINES, INC. AND J. CEDRICK O. RUIZ PRESIDING JUDGE OF THE REGIONAL TRIAL COURT OF MAKATI CITY, BRANCH 61, RE...**

Ponente: PERALTA, JR., E. B., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/4bf6e1fe2cc7/>

---

**PERALTA, JR., E. B., J.:**

It is hornbook precept that a Motion for Reconsideration from a judgment must be effected in fifteen (15) days from notice of the verdict by counsel for a party.[1]

Inasmuch as counsel for petitioner's Motion for Reconsideration[2] was only filed with the Court on October 14, 2014[3] following delivery by LBC,[4] after notice by counsel for petitioner on September 25, 2014[5] of the Decision on September 17, 2014,[6] it follows that petitioner's Motion for Reconsideration was not in the nick of time.

Accordingly, the subject Motion for Reconsideration is hereby DENIED for it was belatedly filed.

**SO ORDERED.**

De Leon, M. M., Chairperson, and Cruz, S. C., JJ., concur.

---

[1] 1 Regalado, Remedial Law Compendium, 10[th]edition, 2010, pag 427, Section 1, Rule 37, 1997 Rules of Civil Procedure; 2 Feria and Noche, Civil Procedure Annotated, 2013 edition, page 89.

[2] Dated October 10, 2014, Rollo, pp. 1158-1175.

[3] Rollo, page 1158.

[4] Rollo, dorsal portion of page 1175, page 1176, as verified by DCC Conanan from JRD, Receiving Section of the Court; Heirs of Miranda, Sr vs. Miranda, G.R. No. 179638, July 8, 2013 – “In this case, however, the counsel for petitioners filed the Notice of Appeal via a private courier, a mode of filing not provided in the Rules. Though not prohibited by the Rules, we cannot consider the filing of petitioners' Notice of Appeal via LBC timely filed. It is established jurisprudence that "the date of delivery of pleadings to a private letter-forwarding agency is not to be considered as the date of filing thereof in court;" instead, "the date of actual receipt by the court x x x is deemed the date of filing of that pleading."42 Records show that the Notice of Appeal was mailed on the 15th day and was received by the court on the 16th day or one day beyond the reglementary period. Thus, the CA correctly ruled that the Notice of Appeal was filed out of time.”

[5] Per Motion for Reconsideration, page 1, Rollo, page 1158, Section 4, Rule 129, Section 2 (a), Rule 131, Revised Rules on Evidence, or even September 26, 2014, per return card on file of the Decision dated September 17, 2014, Rollo, dorsal portion of page 1157.

[6] Rollo, pp. 1142-1157.

**ABOUT BATAS.ORG**

# Study smarter at BATAS.org

*The Philippine bar review and law-school companion built around how your brain actually remembers.*

**The complete Philippine law library - free for everyone.**

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

**Audio case-brief lectures.**

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

**Bar review built on the science of memory.**

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

**The full law-school curriculum.**

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

**Mock exams that tell you where you stand.**

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

**A study planner that keeps you on pace.**

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

**Start free at <https://batas.org>**

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.