

JERRY SELIDIO AND ROSITA SELIDIO, PETITIONERS, VS. HON. ANDRES N. LORENZO, JR., PRESIDING JUDGE OF REGIONAL TRIAL COURT BRANCH 23, GENERAL SANTOS CITY, JOSE BEN B. LARAYA & NASI...

Ponente: PEREZ, J.

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PEREZ, J.:

For consideration is petitioner's Omnibus Motion for Reconsideration[1] of this Court's Resolution dated 12 September 2014,[2] with Leave to Admit Amended Petition.

In the said Court's Resolution, We dismissed petitioners' Petition for Annulment of Judgment due to fatal defects in their petition which warranted its outright dismissal.

Record shows that counsel for petitioners, Atty. Oscar E. Dinopol, received a copy of the Resolution dated 12 September 2014 on 14 October 2014 as per Registry Return Receipt.[3] On 4 November 2014 or 21 days after the receipt of this Court's Resolution dismissing their petition, petitioners filed their Motion for Reconsideration with an attached Amended Petition.

Rule 52, Section 1 of the Rules of Court explicitly provides, viz:

Section 1. Period for filing. – A party may file a motion for reconsideration of a judgment or final resolution within fifteen (15) days from notice thereof, with proof of service on the adverse party. (Underscoring Ours)

The period for filing a motion for reconsideration is not extendible whether by motion or by belated filing of the motion for reconsideration beyond the allowable period. The strict rule is laid down by the Supreme Court in the case of VC Company, Inc., v. Municipality of Parañaque[4], thus:

“The CA was correct in denying petitioner's Motion for Extension of Time because the period to file a Motion for Reconsideration is not extendible. The Court has pronounced strict adherence to the rule laid down in Habaluyas Enterprises, Inc. v. Judge Japson [226 Phil. 144 (1986)] that “no motion for extension of time to file a motion for new trial or reconsideration may be filed with the Metropolitan or Municipal Trial Court, the Regional Trial Court, and the Intermediate Appellate Court (now the Court of Appeals).” (Underscoring Ours)

Thus, there being no timely Motion for Reconsideration of our dismissal of this petition, this Court's Resolution dated 12 September 2014 has become final.

WHEREFORE, premises considered, petitioner's Motion for Reconsideration is DENIED for being filed out of time.

SO ORDERED.

Camello, J., Chairperson, and Inting, JJ., concur.

[1] Rollo, pp 39-42.

[2] Rollo, pp 36-38.

[3] Rollo, at the back of p. 35 (Registry Return Receipt dated 14 October 2014).

[4] G.R. No. 178431, 12 November 2012.

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