

MANOLITO G. ABAPO, CLEMENTE A. TABILIRAN AND ARTURO O. MINAO, PETITIONERS, VS. HUMPREY T. MONTEROSO IN HIS CAPACITY AS DEPUTY OMBUDSMAN FOR MINDANAO, SAMUEL P. NAUNGAYAN IN HIS ...

Ponente: FRANCISCO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a973cea3b37e/>

FRANCISCO, J.:

This is a motion of petitioners, seeking reconsideration^[1] of this Court's Resolution,^[2] promulgated on November 29, 2013, which dismissed the instant petition.

Notably, petitioners' motion was filed beyond the reglementary period prescribed by law. Section 1, Rule 52 of the 1997 Rules of Civil Procedure provides:

Section 1. Period of 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.

In the case of *FJR Garments Industries versus Court of Appeals*,^[3] the Supreme Court said:

Rules of court prescribing the time within which certain acts must be done, or certain proceedings taken, are absolutely indispensable to the prevention of needless delays and the orderly and speedy discharge of judicial business. Strict compliance with such rules is mandatory and imperative.

Even if this Court were to consider petitioners' motion, the grounds raised therein, still, do not hold water:

- The copy of the assailed Decision dated March 8, 2013 is a mere photocopy in violation of Section 3 (3rd paragraph), Rule 46 of the Revised Rules of Civil Procedure. Movants' explanation that they attached a certified true copy of the said assailed Decision in their earlier petition for a temporary restraining order/or writ of preliminary injunction docketed as CA-G.R. SP No. 05459-MIN pending before the 21st Division of this Honorable Court is not an excuse to violate the said rule.

- There is incomplete allegations of material dates since the date of filing of the motion for reconsideration of the assailed Decision was not indicated in violation of Section 3 (2nd paragraph), Rule 46 of the Revised Rules of Civil Procedure. Movants posit that the motion for reconsideration was timely filed on April 19, 2013 or just four (4) days from receipt of the assailed Decision as shown in Annex "E" of the petition. A perusal of Annex "E," however, shows only the date of service to the respondents and not the date of filing.^[4]

Moreover, it appears that this case involves an appeal from the Decision of the Ombudsman in Administrative Case No. OMB-M-A-09-124-C.^[5] The Office of the Ombudsman is a quasi-judicial agency covered by the procedure outlined in Rule 43 of the 1997 Rules of Civil Procedure.^[6] As a rule, appeals from decisions of quasi-judicial agencies, such as the Office of the Ombudsman, in administrative disciplinary cases, should be taken to the Court of Appeals under Rule 43. The rule was formulated precisely to provide for a uniform rule of

appellate procedure for quasi-judicial agencies.[7] Thus, certiorari under Rule 65 will not lie, as appeal under Rule 43 is an adequate remedy in the ordinary course of law.[8]

WHEREFORE, the instant motion for reconsideration is hereby DENIED.

SO ORDERED.

Borja, J., Chairperson and Badelles, JJ., concur.

[1] Rollo, p. 251.

[2] Rollo, p. 246.

[3] FJR Garments Industries v. Court of Appeals, G.R. No. L-49320, June 29, 1984.

[4] Rollo, p. 208.

[5] Rollo, p. 10.

[6] *Namuhe v. The Ombudsman*, 358 Phil. 781, 789 (1998) citing *Fabian v. Hon. Desierto*, 356 Phil. 787, 806 (1998).

[7] *Id.*, at 788-789.

[8] SEC. 1, Rule 65, 1997 RULES OF CIVIL PROCEDURE.

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.