

VICTORINO MONTANO, PETITIONER, VS. THE PRESIDING JUDGE OF THE REGIONAL TRIAL COURT (RTC) OF BAGUIO CITY, BRANCH VII, RESPONDENT.

Ponente: REYES, JR., J.C., J.

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REYES, JR., J.C., J.:

This resolves petitioner's Motion for Reconsideration (Rollo, pp. 39-41) of Our Resolution (Rollo, pp. 36-38) dated August 2, 2013 dismissing outright the instant petition for being an improper remedy.

In his motion, petitioner alleges that he filed the instant petition because of the RTC's refusal to give due course to his Motion for Reconsideration of the RTC Decision dated September 28, 2012. He contends that such refusal is tantamount to grave abuse of discretion as it is a deprivation of his right to due process.

We DENY the motion.

It is well-settled that the essence of due process is the opportunity to be heard. Here, petitioner was not deprived of his right to due process as he was able to file a Motion for Reconsideration of the RTC Decision dated September 28, 2012. His motion, however, was merely considered as a mere scrap of paper as it failed to comply with Sections 4 and 5, Rule 15 of the 1997 Rules of Civil Procedure, as per the RTC's Order (Rollo, p. 13) dated October 24, 2012. Perforce, the relief prayed for must be denied.

SO ORDERED.

Lopez, M.V., and Inting, S.B., JJ., concur.

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