

SPOUSES ALEXANDER TRINIDAD AND CECILIA TRINIDAD, PETITIONERS, VS. VICTOR ANG, RESPONDENT.

G.R. No. 192898. January 31, 2011

Ponente: BRION, J.

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BRION, J.:

We resolve the motion for reconsideration filed by petitioner spouses Alexander Trinidad and Cecilia Trinidad (petitioners) to challenge our Resolution of September 29, 2010. Our Resolution denied the petition for review on certiorari for its failure to state the material dates of receipt of the order[1] of the Regional Trial Court (RTC), Branch 44, Masbate City, and of filing the motion for reconsideration, in violation of Sections 4(b)[2] and 5,[3] Rule 45, in relation to Section 5(d),[4] Rule 56 of the Rules of Court.

Antecedent Facts

On September 3, 2007, the Office of the City Prosecutor, Masbate City, issued a Resolution recommending the filing of an Information for Violation of Batas Pambansa Bilang 22 against the petitioners. On October 10, 2007, the petitioners filed with the Department of Justice (DOJ) a petition for review challenging this Resolution.

On March 3, 2009, the Office of the City Prosecutor filed before the Municipal Trial Court in Cities (MTCC), Fifth Judicial Region, Masbate City, an Information for Violation of Batas Pambansa Bilang 22 against the petitioners. As the case was covered by the Rules on Summary Procedure, the MTCC ordered the petitioners to submit their counter affidavits and to appear in court within 10 days from receipt of the said order.

The petitioners filed a Manifestation and Motion to Defer Arraignment and Proceedings and Hold in Abeyance the Issuance of Warrants of Arrest[5] praying, among others, for the deferment of their arraignment in view of the pendency of their petition for review before the DOJ.

The MTCC, in its Order[6] dated May 28, 2009, granted the motion, "subject x x x to paragraph c[,] Section 11, Rule 116 of the Revised Rules of Criminal Procedure." On August 10, 2009, the MTCC reconsidered this order, and set the petitioners' arraignment on September 10, 2009.[7]

The petitioners filed a petition for certiorari before the RTC, docketed as SCA No. 05-2009. The RTC, in its decision[8] of January 6, 2010, denied this petition. The petitioners moved to reconsider this decision, but the RTC denied their motion in its order[9] dated July 5, 2010.

The RTC held that the MTCC judge did not err in setting the arraignment of the petitioners after the lapse of one (1) year and ten (10) months from the filing of the petition for review with the DOJ. It explained that the cases cited by the petitioners were decided before the amendment of the Revised Rules of Criminal Procedure. After the amendment of the Rules on December 1, 2000, the Supreme Court applied the 60-day limit on suspension of arraignment in case of a pendency of a petition for review with the DOJ.

The petitioners filed with this Court a petition for review on certiorari essentially claiming that the 60-day limit on

suspension of arraignment is only a general rule. They cited several cases to show that the arraignment of an accused should be deferred until the petition for review with the DOJ is resolved.

As earlier stated, we denied the petition for its failure to state the material dates of receipt of the assailed RTC order and of filing the motion for reconsideration.

The Motion for Reconsideration

In the present motion for reconsideration, the petitioners claim that the date of receipt of the assailed RTC order was stated in the petition. The petitioners further state that they filed the motion for reconsideration on January 2, 2010.

The Court's Ruling

We grant the motion for reconsideration and reinstate the petition for review on certiorari.

A careful examination of the petition reveals that it stated the date when the petitioners received a copy of the RTC's assailed order. In addition, the petitioners' failure to state the material date of filing the motion for reconsideration is only a formal requirement that warrants the relaxation of the rules in accordance with the liberal spirit pervading the Rules of Court and in the interest of justice.

Nevertheless, we resolve to deny the petition for its failure to show any reversible error in the challenged RTC order.

The grounds for suspension of arraignment are provided under Section 11, Rule 116 of the Rules of Court, which provides:

SEC. 11. Suspension of Arraignment. - Upon motion by the proper party, the arraignment shall be suspended in the following cases:

- (a) The accused appears to be suffering from an unsound mental condition which effectively renders him unable to fully understand the charge against him and to plead intelligently thereto. In such case, the court shall order his mental examination and, if necessary, his confinement for such purpose;
- (b) There exists a prejudicial question; and
- (c) A petition for review of the resolution of the prosecutor is pending at either the Department of Justice, or the Office of the President; Provided, that the period of suspension shall not exceed sixty (60) days counted from the filing of the petition with the reviewing office.

In *Samson v. Daway*,^[10] the Court explained that while the pendency of a petition for review is a ground for suspension of the arraignment, the aforementioned provision limits the deferment of the arraignment to a period of 60 days reckoned from the filing of the petition with the reviewing office. It follows, therefore, that after the expiration of said period, the trial court is bound to arraign the accused or to deny the motion to defer arraignment.

In the present case, the petitioners filed their petition for review with the DOJ on October 10, 2007. When the RTC set the arraignment of the petitioners on August 10, 2009, 1 year and 10 months had already lapsed. This period was way beyond the 60-day limit provided for by the Rules.

In addition, the cases cited by the petitioners - *Solar Team Entertainment, Inc. v. How*,^[11] *Roberts, Jr. v. CA*,^[12] and *Dimatulac v. Villon*^[13] - were all decided prior to the amendment to Section 11 of the Revised Rules of Criminal Procedure which took effect on December 1, 2000. At the time these cases were decided, there was no

60-day limit on the suspension of arraignment.

WHEREFORE, premises considered, the Court resolves to:

- (1) GRANT the present motion for reconsideration, and REINSTATE the petition for review on certiorari; and
- (2) DENY the said petition for petitioners' failure to show any reversible error in the challenged RTC order.

SO ORDERED.

Carpio Morales, (Chairperson), Bersamin, Villarama, Jr., and Sereno, JJ., concur.

[1] Dated July 5, 2010.

[2] SECTION 4. Contents of petition. - The petition shall be filed in eighteen (18) copies, with the original copy intended for the court being indicated as such by the petitioner, and shall x x x (b) indicate the material dates showing when notice of the judgment or final order or resolution subject thereof was received, when a motion for new trial or reconsideration, if any, was filed and when notice of the denial thereof was received[.]

[3] SECTION 5. Dismissal or denial of petition. - The failure of the petitioner to comply with any of the foregoing requirements regarding the payment of the docket and other lawful fees, deposit for costs, proof of service of the petition, and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof.

[4] SECTION 5. Grounds for dismissal of appeal. - The appeal may be dismissed motu proprio or on motion of the respondent on the following grounds:

x x x x

(d) Failure to comply with the requirements regarding proof of service and contents of and the documents which should accompany the petition[.]

[5] Rollo, pp. 24-28.

[6] Id. at 30.

[7] Id. at 31-33.

[8] Copy of the RTC decision is not attached to the rollo.

[9] Rollo, pp. 21-22.

[10] G.R. Nos. 160054-55, July 21, 2004, 434 SCRA 612.

[11] G.R. No. 140863, August 22, 2000, 338 SCRA 511.

[12] G.R. No. 113930, March 5, 1996, 254 SCRA 307.

[13] G.R. No. 127107, October 12, 1998, 297 SCRA 679.

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