

**HABALUYAS ENTERPRISES, INC. AND PEDRO HABALUYAS,
PETITIONERS, VS. JUDGE MAXIMO M. JAPSON, MANILA REGIONAL
TRIAL COURT, BRANCH 36; SHUGO NODA & CO., LTD., AND
SHUYA NODA, RESPOND...**

G.R. No. 70895. May 30, 1986

Ponente: FERIA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-70895/>

FERIA, J.:

Respondents have filed a motion for reconsideration of the Decision of the Second Division of the Court promulgated on August 5, 1985 which granted the petition for certiorari and prohibition and set aside the order of respondent Judge granting private respondents' motion for new trial.

The issue in this case is whether the fifteen-day period within which a party may file a motion for reconsideration of a final order or ruling of the Regional Trial Court may be extended.

Section 39 of The Judiciary Reorganization Act, Batas Pambansa Blg. 129, reduced the period for appeal from final orders or judgments of the Regional Trial Courts (formerly Courts of First Instance) from thirty (30) to fifteen (15) days and provides a uniform period of fifteen days for appeal from final orders, resolutions, awards, judgments, or decisions of any court counted from notice thereof, except in habeas corpus cases where the period for appeal remains at forty-eight (48) hours. To expedite appeals, only a notice of appeal is required and a record on appeal is no longer required except in appeals in special proceedings under Rule 109 of the Rules of Court and in other cases wherein multiple appeals are allowed. Section 19 of the Interim Rules provides that in these exceptional cases, the period for appeal is thirty (30) days since a record on appeal is required. Moreover, Section 18 of the Interim Rules provides that no appeal bond shall be required for an appeal, and Section 4 thereof disallows a second motion for reconsideration of a final order or judgment.

All these amendments are designed, as the decision sought to be reconsidered rightly states, to avoid the procedural delays which plagued the administration of justice under the Rules of Court which are intended to assist the parties in obtaining a just, speedy and inexpensive administration of justice.

However, the law and the Rules of Court do not expressly prohibit the filing of a motion for extension of time to file a motion for reconsideration of a final order or judgment.

In the case of *Gibbs vs. Court of First Instance* (80 Phil. 160), the Court dismissed the petition for certiorari and ruled that the failure of defendant's attorney to file the petition to set aside the judgment within the reglementary period was due to excusable neglect, and, consequently, the record on appeal was allowed. The Court did not rule that the motion for extension of time to file a motion for new trial or reconsideration could not be granted.

In the case of *Roque vs. Gunigundo* (Administrative Case No. 1684, March 30, 1979, 89 SCRA 178), a division of the Court cited the *Gibbs* decision to support a statement that a motion to extend the reglementary period for filing the motion for reconsideration is not authorized or is not in order.

The Intermediate Appellate Court is sharply divided on this issue. Appeals have been dismissed on the basis of the original decision in this case.

After considering the able arguments of counsels for petitioners and respondents, the Court resolved that the interest of justice would be better served if the ruling in the original decision were applied prospectively from the time herein stated. The reason is that it would be unfair to deprive parties of their right to appeal simply because they availed themselves of a procedure which was not expressly prohibited or allowed by the law or the Rules. On the other hand, a motion for new trial or reconsideration is not a pre-requisite to an appeal, a petition for review or a petition for review on certiorari; and since the purpose of the amendments above referred to is to expedite the final disposition of cases, a strict but prospective application of the said ruling is in order. Hence, for the guidance of Bench and Bar, the Court restates and clarifies the rules on this point, as follows:

1.) Beginning one month after the promulgation of this Resolution, the rule shall be strictly enforced 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 Courts, the Regional Trial Courts, and the Intermediate Appellate Court. Such a motion may be filed only in cases pending with the Supreme Court as the court of last resort, which may in its sound discretion either grant or deny the extension requested.

2.) In appeals in special proceedings under Rule 109 of the Rules of Court and in other cases wherein multiple appeals are allowed, a motion for extension of time to file the record on appeal may be filed within the reglementary period of thirty (30) days. (Moya vs. Barton, 76 Phil. 831; Heirs of Nantes vs. Court of Appeals, July 25, 1983, 123 SCRA 753.) If the court denies the motion for extension, the appeal must be taken within the original period (Bello vs. Fernando, January 30, 1962, 4 SCRA 135), inasmuch as such a motion does not suspend the period for appeal (Reyes vs. Sta. Maria, November 20, 1972, 48 SCRA 1). The trial court may grant said motion after the expiration of the period for appeal provided it was filed within the original period. (Valero vs. Court of Appeals, June 28, 1973, 51 SCRA 467; Berkenkotter vs. Court of Appeals, September 28, 1973, 53 SCRA 228).

All appeals heretofore timely taken, after extensions of time were granted for the filing of a motion for new trial or reconsideration, shall be allowed and determined on the merits.

WHEREFORE, the motion for reconsideration of, and to set aside, the decision of August 5, 1985 is granted and the petition is dismissed. No costs.

SO ORDERED.

Teehankee, C.J., Yap, Fernan, Narvasa, Melencio-Herrera, Alampay, Gutierrez, Jr., Cruz, and Paras, JJ., concur.
Abad Santos, J., no part.

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.