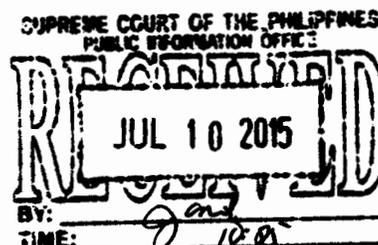




Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **June 15, 2015** which reads as follows:*

**“G.R. No. 201767 (Spouses Celso Benabaye and Adelina Benabaye v. Spouses Alpin Aparicio and Florida Vergara-Aparicio and/or their heirs, and the People of the Philippines).** - The letter dated March 13, 2015 of the Judicial Records Section, Court of Appeals, Cebu City, transmitting the Court of Appeals rollo in CA-G.R. CR No. 00026 consisting of 459 pages is **NOTED**.

After a review of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the April 29, 2012 Resolution<sup>1</sup> of the Court of Appeals (CA) in CA-G.R. CR No. 00026 for failure of Spouses Celso Benabaye and Adelina Benabaye (petitioners-spouses) to show that the CA committed any reversible error in denying their Supplement to Motion for Reconsideration and Motion to Vacate Decision.

As correctly ruled by the CA, petitioners-spouses’ Supplement to Motion for Reconsideration and Motion to Vacate Decision are prohibited pleadings as they, in effect, constitute a second motion for reconsideration of a judgment. Thus, considering the denial of the motion for reconsideration of the July 27, 2010 Decision of the CA in its October 18, 2011 Resolution, and the lapse of the fifteen-day reglementary period to

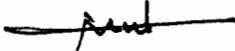
- over - two (2) pages .....

<sup>1</sup> Rollo, pp. 97-99. Penned by Associate Justice Edgardo L. Delos Santos with Associate Justices Nina G. Antonio-Valenzuela and Abraham B. Borreta, concurring.

file an appeal to the Court, the CA decision had attained finality and, hence, immutable. Consequently, and finding no compelling reason to hold otherwise, the conviction of petitioners for the crime of *estafa*, as charged, should remain, as well as the order of reconveyance and awards rendered in the trial court's May 13, 2002 Decision.

**SO ORDERED."**

Very truly yours,

  
**EDGAR O. ARICHETA**  
Division Clerk of Court

82

Atty. Danilo L. Pilapil  
Counsel for Petitioners  
Butuanon Riverside  
Maguikay  
6014 Mandaue City

Court of Appeals  
6000 Cebu City  
(CA-G.R. CR No. 00026)

The Solicitor General (x)  
Makati City

Judicial Records Section  
Court of Appeals  
6000 Cebu City

SENINING BELCINA ATUP  
ENTISE JUMAO-AS LIMALIMA  
BANTILAN ACLAN BORGONIA  
& CONDAT LAW OFFICES  
Counsel for Respondents  
Commerce St. cor. Benedicto St.  
North Reclamation Area  
6000 Cebu City

The Hon. Presiding Judge  
Regional Trial Court, Br. 55  
6014 Mandaue City  
(Crim. Case No. DU-5477)

Public Information Office (x)  
Library Services (x)  
Supreme Court  
(For uploading pursuant to A.M.  
No. 12-7-1-SC)

Judgment Division (x)  
Supreme Court

SR

*fi*