



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **09 November 2020** which reads as follows:*

**“G.R. No. 253462 (Bernard Sapitula y Olaes v. People of the Philippines).** – The Court resolves to **GRANT** petitioner Bernard Sapitula y Olaes’ (petitioner) motion for extension of fifteen (15) days from the expiration of the reglementary period, within which to file a petition for *certiorari*.

After a judicious study of the case, the Court resolves to **DENY** the instant petition<sup>1</sup> and **AFFIRM** the June 3, 2019<sup>2</sup> and July 27, 2020<sup>3</sup> Resolutions of the Court of Appeals (CA) in CA-G.R. SP No. 158870 for failure of petitioner to sufficiently show that the CA gravely abused its discretion in ruling that the Regional Trial Court of Quezon City, Branch 78 (RTC) did not gravely abuse its discretion in denying petitioner’s Motion for Extension of Time<sup>4</sup> to file his motion for reconsideration.

As correctly ruled by the CA, the reglementary period for filing motions for new trial and/or reconsideration, and notices of appeal are inextendible, and that the fact that his counsel is experiencing heavy work-related pressure is not a cogent reason to relax said rule.<sup>5</sup> It is settled that the fifteen (15)-day period for filing a motion for new trial or reconsideration is non-extendible. Hence, the filing of a motion for extension of time to file a motion for reconsideration did not toll the 15-day period before a judgment becomes final and executory,<sup>6</sup> as in this case.

<sup>1</sup> Titled “Petition for *Certiorari* Under Rule 65 (With Application for Temporary Restraining Order and/or Preliminary Injunction;” *rollo*, pp. 8-34.

<sup>2</sup> *Id.* at 39-42. Penned by Associate Justice Elihu A. Ybañez with Associate Justices Ma. Luisa Quijano-Padilla and Marie Christine Azcarraga-Jacob, concurring.

<sup>3</sup> *Id.* at 37-38. Penned by Associate Justice Elihu A. Ybañez with Associate Justices Pedro B. Corales and Maria Christine Azcarraga-Jacob, concurring.

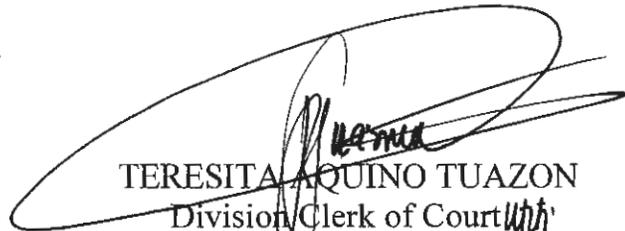
<sup>4</sup> *Id.* at 95-96.

<sup>5</sup> See *id.* at 41.

<sup>6</sup> *Rivelisa Realty, Inc. v. First Sta. Clara Builders Corporation*, 724 Phil. 508-519 (2014), citing *Rollogue v. CA*, 271 Phil. 40, 49-50 (1991). See also *De Leon v. Hercules Agro Industrial Corporation*, 734 Phil. 652-664 (2014).

**SO ORDERED.** (Rosario, J., designated Additional Member per Special Order No. 2797 dated November 5, 2020.)”

By authority of the Court:



TERESITA AQUINO TUAZON  
Division Clerk of Court  
27 NOV 2020 11:27

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HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 78  
Quezon City  
(Crim. Case No. Q-01-98432-33)

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GR253462. 11/09/2020(115)URES