

REPUBLIC OF THE PHILIPPINES
COURT OF TAX APPEALS
QUEZON CITY

FIRST DIVISION

PEOPLE OF THE
PHILIPPINES,

Petitioner,

CTA CRIM. CASE NOS.
O-700, O-702, & O-703

Members:

- versus -

DEL ROSARIO, *PJ*, Chairperson
FABON-VICTORINO, and
MANAHAN, *JJ*.

ULYSSES PALCONET
CONSEBIDO,

Promulgated:

Accused.

FEB 06 2020

10:26am

X- - - - -X

RESOLUTION

Before the Court is the Motion for Reconsideration (of the Resolution dated November 8, 2019) filed by the prosecution on November 29, 2019.

The Motion seeks to reverse the Resolution dated November 8, 2019 which granted the three (3) separate Motions to Quash Informations¹ filed by accused Ulysses Palconet Consebido and dismissed these consolidated cases on ground of prescription.

Pertinent to the foregoing incident is A.M. No. 15-06-10-SC, otherwise known as the Revised Guidelines for Continuous Trial of Criminal Cases, which took effect on September 1, 2017. Paragraph III(2)(c) of the same provides, as follows:

III. Procedure

1. x x x

¹ all dated July 22, 2019.

2. Motions

(a) *Motion for Inhibition.* - x x x

(b) *Prohibited Motions.* - Prohibited motions shall be denied outright before the scheduled arraignment without need of comment and/or opposition.

x x x x x x x x x

(c) *Meritorious Motions.* - Motions that allege plausible grounds supported by relevant documents and/or competent evidence, except those that are already covered by the Revised Guidelines, are meritorious motions, such as:

- i. x x x;
- ii. x x x;
- iii. x x x;
- iv. x x x;
- v. Motion to quash information on the grounds that the facts charged do not constitute an offense, lack of jurisdiction, extinction of criminal action or liability, or double jeopardy under Sec. 3, par. (a), (b), (g), and (i), Rule 117;
- vi. x x x;
- vii. x x x;
- viii. x x x;

The comment of the adverse party shall be filed within a non-extendible period of ten (10) calendar days from notice/receipt of the order of the court to file the same, and the court shall resolve the motion within a non-extendible period of ten (10) calendar days from the expiration of the ten (10)-day period, with or without comment. The court, at its discretion, may set the motion for hearing within a non-extendible period of ten (10) calendar days from the expiration of the ten (10)-day period to file comment, in which case the same shall be submitted for resolution after the termination of the hearing, and shall be resolved within a non-extendible period of ten (10)

calendar days thereafter. Reply and memorandum need not be submitted.

In case of a motion to discharge accused as state witness under Sec. 17, Rule 119, where the prosecution is required to present evidence in support thereof, such motion shall be submitted for resolution from the termination of the hearing, and shall be resolved within a non-extendible period of ten (10) calendar days thereafter.

The motion for reconsideration of the resolution of a meritorious motion shall be filed within a non-extendible period of five (5) calendar days from receipt of such resolution, and the adverse party shall be given an equal period of five (5) calendar days from receipt of the motion for reconsideration within which to submit its comment. Thereafter, the motion for reconsideration shall be resolved by the court within a non-extendible period of five (5) calendar days from the expiration of the five (5)-day period to submit the comment.

Motions that do not conform to the requirements stated above shall be considered unmeritorious and shall be denied outright. (emphasis ours)

X X X X X X X X X

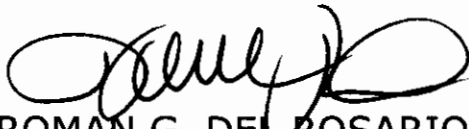
Per the foregoing provision, the party aggrieved by a resolution regarding any of the allowable motions, in this case the three (3) Motions to Quash Informations, has a non-extendible period of five (5) calendar days from receipt of such resolution, to file a motion for reconsideration. Failure to comply with the periods for the filing of motions as provided merits outright denial of the motion.

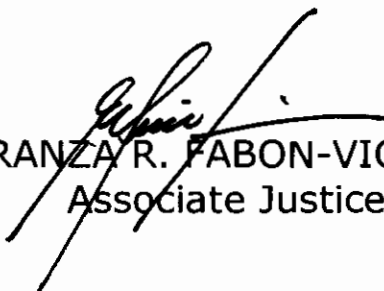
In this case, the assailed Resolution dated November 8, 2019 was received by the prosecution on November 14, 2019, as admitted by the prosecution in its own Motion for Reconsideration.

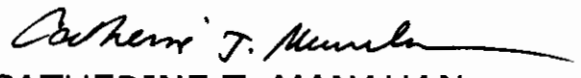
Hence, from November 14, 2019, the prosecution had five (5) days or until November 19, 2019 to file a motion for reconsideration. Unfortunately, the subject Motion for Reconsideration was belatedly filed on November 29, 2019, or ten (10) days late, and should be denied outright.

WHEREFORE, the Motion for Reconsideration (of the Resolution dated November 8, 2019) filed by the prosecution is **DENIED**, for lack of merit.

SO ORDERED.


ROMAN G. DEL ROSARIO
Presiding Justice


ESPERANZA R. FABON-VICTORINO
Associate Justice


CATHERINE T. MANAHAN
Associate Justice