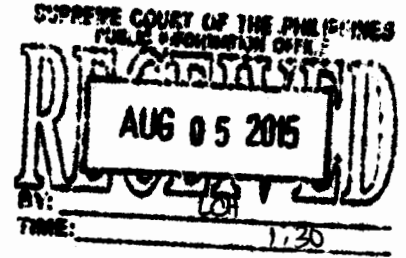




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated June 29, 2015 which reads as follows:

“G.R. No. 218357 (P/Insp. Joel Fomokao, Philippine National Police [PNP], Daniel Pantaleon, Junofre Ballion, and Reynan Aprovechar v. Court of Appeals [21st Division] and People of the Philippines). - After a judicious perusal of the records, the Court resolves to **DISMISS** the instant petition for *certiorari* under Rule 65 of the Rules of Court (Rules) for being the wrong mode of appeal to assail the August 13, 2014 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR No. 00876-MIN, the proper remedy being a petition for review under Rule 45 of the Rules. The petition is evidently used as a substitute for the lost remedy of appeal.²

Records reveal that petitioners received the notice of denial of their motion for reconsideration on March 25, 2015,³ hence, in accordance with Rule 45 of the Rules, petitioners had fifteen (15) days from its receipt, or until April 13, 2015 (April 9 and 10 being holidays and April 11 and 12 being Saturday and Sunday) within which to question their conviction. However, no appeal was taken within the said period, rendering the Decision of the CA final and unappealable.

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court

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¹ Rollo, pp. 139-148. Penned by Associate Justice Oscar V. Badelles with Associate Justices Romulo V. Borja and Maria Filomena D. Singh concurring.
² *Escalante v. People*, G.R. No. 192727, January 9, 2013, 688 SCRA 362, 372; citation omitted.
³ See Petition for *Certiorari*; rollo, p. 5.

RESOLUTION

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G.R. No. 218357
June 29, 2015

FALGUI LAW OFFICES
Counsel for Petitioners
2nd Flr., Falgui Bldg.
Cor. Marin Village
National Highway
Gen. Santos City 9500 South Cotabato

Court of Appeals
9000 Cagayan de Oro City
(CA-G.R. CR No. 00876-MIN)

The Solicitor General (x)
Makati City

The Hon. Presiding Judge
Regional Trial Court, Br. 20
Tacurong City 9800 Sultan Kudarat
(Crim. Case No. 1787)

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Supreme Court

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