



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **29 July 2020** which reads as follows:*

“**G.R. No. 249164** (*Caridad B. Balaod, Gloria Vicenta N. Bation, Alexander F. Remoto, et al. v. People of the Philippines*). – Before the Court is a Motion for Reconsideration and Motion to Withdraw Entry of Judgment¹ of the Court's Resolution² dated November 27, 2019³ filed by petitioners praying that the case be re-opened or re-docketed for further proceedings and for the Entry of Judgment to be withdrawn.

On September 11, 2019, petitioners received the resolution dated September 4, 2019 promulgated by the Sandiganbayan denying their motion for reconsideration of the adverse (Sandiganbayan) Decision dated July 19, 2019.⁴

On September 25, 2019, petitioners due to inadvertence, filed with the Court a Motion for Extension of Time to File Petition for Review on *Certiorari*⁵ under Rule 45 instead of filing a Notice of Appeal with the Sandiganbayan.⁶ Upon realizing their mistake, petitioners immediately filed their Notice of Appeal with the Sandiganbayan on September 26, 2019.⁷ On October 2, 2019 the Sandiganbayan gave due course to petitioners' appeal and directed that the entire records thereof be elevated

¹ *Rollo*, pp. 29-36.

² *Id.* at 19.

³ *Id.* at 29-32.

⁴ *Id.* at 15.

⁵ *Id.* at 9-14.

⁶ *Id.* at 3-4.

⁷ *Id.* at 37-38.

to the Court.⁸ Thus, on October 3, 2019, petitioners filed with the Court a Motion to Withdraw their earlier motion for extension of time. The motion was granted and since no petition for review was filed, the Court declared the case closed and terminated in the Resolution⁹ dated November 27, 2019. On even date, Entry of Judgment was issued immediately.¹⁰

Hence, this Motion for Reconsideration and Motion to Withdraw Entry of Judgment.¹¹

A careful scrutiny of the pleadings filed show that petitioners were able to perfect their appeal through the timely filing on September 26, 2019 of their Notice of Appeal¹² with the Sandiganbayan. Considering that petitioners' Notice of Appeal was given due course by the Sandiganbayan, and that petitioners' liberty is at stake, the Court grants the instant Motion for Reconsideration and Motion to Withdraw Entry of Judgment.¹³ After all, technical rules of procedure should give way to serve substantial justice.¹⁴

IN VIEW OF THE FOREGOING, the Court resolves to:

1. **DEEM AS SERVED** by substituted service pursuant to Section 8, Rule 13 of the 1997 Rules of Civil Procedure, as amended, the returned and unserved copies of the Resolution dated November 27, 2019 (which declared the case closed and terminated considering that no petition for review on certiorari has been filed in the case), and the Entry of Judgment dated December 19, 2019, both sent to Atty. Robert H. Rosales (co-counsel for the petitioners) at the 4th Floor, Brentwood, Kagawasan 7016 Pagadian City with notations, "Return to Sender, Insufficient Address" and "Return to Sender, Address Unlocated," respectively.

2. **GRANT** the Motion for Reconsideration and Motion to Withdraw Entry of Judgment.

3. **RECALL** and **SET ASIDE** the Court's Resolution dated November 27, 2019 which resolved to declare the case closed and

⁸ *Id.* at 40.

⁹ *Id.* at 19.

¹⁰ *Id.* at 44.

¹¹ *Id.* at 29-36.

¹² *Id.* at 37-38.

¹³ *Id.* at 29-36.


¹⁴ See *Bismonte v. Golden Sunset Resort and Spa*, G.R. No. 229326, November 5, 2018.

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terminated and the Entry of Judgment issued in pursuant thereto.

SO ORDERED.”

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *Whf*
30 SEP 2020 9/29

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Supreme Court, Manila

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Please notify the Court of any change in your address.
GR249164. 07/29/2020(29 & 127)URES