

THIRD DIVISION

[G.R. No. 192898, January 31, 2011]

**SPOUSES ALEXANDER TRINIDAD AND CECILIA TRINIDAD,
PETITIONERS, VS. VICTOR ANG, RESPONDENT.**

R E S O L U T I O N

BRION, J.:

We resolve the motion for reconsideration filed by petitioner spouses Alexander Trinidad and Cecilia Trinidad (*petitioners*) to challenge our Resolution of September 29, 2010. Our Resolution denied the petition for review on *certiorari* for its failure to state the material dates of receipt of the order^[1] of the Regional Trial Court (RTC), Branch 44, Masbate City, and of filing the motion for reconsideration, in violation of Sections 4(b)^[2] and 5,^[3] Rule 45, in relation to Section 5(d),^[4] Rule 56 of the Rules of Court.

Antecedent Facts

On September 3, 2007, the Office of the City Prosecutor, Masbate City, issued a Resolution recommending the filing of an Information for Violation of *Batas Pambansa Bilang* 22 against the petitioners. On October 10, 2007, the petitioners filed with the Department of Justice (DOJ) a petition for review challenging this Resolution.

On March 3, 2009, the Office of the City Prosecutor filed before the Municipal Trial Court in Cities (MTCC), Fifth Judicial Region, Masbate City, an Information for Violation of *Batas Pambansa Bilang* 22 against the petitioners. As the case was covered by the Rules on Summary Procedure, the MTCC ordered the petitioners to submit their counter affidavits and to appear in court within 10 days from receipt of the said order.

The petitioners filed a *Manifestation and Motion to Defer Arraignment and Proceedings and Hold in Abeyance the Issuance of Warrants of Arrest*^[5] praying, among others, for the deferment of their arraignment in view of the pendency of their petition for review before the DOJ.

The MTCC, in its Order^[6] dated May 28, 2009, granted the motion, "subject x x x to paragraph c[,] Section 11, Rule 116 of the Revised Rules of Criminal Procedure." On August 10, 2009, the MTCC reconsidered this order, and set the petitioners' arraignment on September 10, 2009.^[7]

The petitioners filed a petition for *certiorari* before the RTC, docketed as SCA No. 05-2009. The RTC, in its decision^[8] of January 6, 2010, denied this petition. The petitioners moved to reconsider this decision, but the RTC denied their motion in its

order^[9] dated July 5, 2010.

The RTC held that the MTCC judge did not err in setting the arraignment of the petitioners after the lapse of one (1) year and ten (10) months from the filing of the petition for review with the DOJ. It explained that the cases cited by the petitioners were decided before the amendment of the Revised Rules of Criminal Procedure. After the amendment of the Rules on December 1, 2000, the Supreme Court applied the 60-day limit on suspension of arraignment in case of a pendency of a petition for review with the DOJ.

The petitioners filed with this Court a petition for review on *certiorari* essentially claiming that the 60-day limit on suspension of arraignment is only a general rule. They cited several cases to show that the arraignment of an accused should be deferred until the petition for review with the DOJ is resolved.

As earlier stated, we denied the petition for its failure to state the material dates of receipt of the assailed RTC order and of filing the motion for reconsideration.

The Motion for Reconsideration

In the present motion for reconsideration, the petitioners claim that the date of receipt of the assailed RTC order was stated in the petition. The petitioners further state that they filed the motion for reconsideration on January 2, 2010.

The Court's Ruling

We grant the motion for reconsideration and reinstate the petition for review on *certiorari*.

A careful examination of the petition reveals that it stated the date when the petitioners received a copy of the RTC's assailed order. In addition, the petitioners' failure to state the material date of filing the motion for reconsideration is only a formal requirement that warrants the relaxation of the rules in accordance with the liberal spirit pervading the Rules of Court and in the interest of justice.

Nevertheless, we resolve to *deny* the petition for its failure to show any reversible error in the challenged RTC order.

The grounds for suspension of arraignment are provided under Section 11, Rule 116 of the Rules of Court, which provides:

SEC. 11. *Suspension of Arraignment.* - Upon motion by the proper party, the arraignment shall be suspended in the following cases:

(a) The accused appears to be suffering from an unsound mental condition which effectively renders him unable to fully understand the charge against him and to plead intelligently thereto. In such case, the court shall order his mental examination and, if necessary, his confinement for such purpose;

(b) There exists a prejudicial question; and