

## FORMER SEVENTH DIVISION

[ CA-G.R. SP No. 114702, November 28, 2014 ]

**DENNIS M. VILLA-IGNACIO, PETITIONER, VS. ELVIRA C. CHUA,  
RESPONDENT.**

### AMENDED DECISION

**TIJAM, J.:**

On October 8, 2012, We rendered a *Decision*<sup>[1]</sup> on the above entitled case, the dispositive portion of which reads:

**"WHEREFORE,** the petition is GRANTED. The Decision, dated September 3, 2009, and the Joint Order, dated June 4, 2010, of the Internal Affairs Board of the Office of the Ombudsman are hereby annulled and set aside. In their stead, a new judgment is hereby entered dismissing the charges for Misconduct, Dishonesty, Abuse of Authority & Conduct Prejudicial to the Best Interest of Service against the Petitioner for utter lack of merit.

**SO ORDERED."**

Respondent received the said *Decision* on October 23, 2012,<sup>[2]</sup> and filed a *Motion for Reconsideration*<sup>[3]</sup> on November 6, 2012.

In *Our* November 23, 2012 *Resolution*,<sup>[4]</sup> We directed Petitioner to file a Comment on Respondent's Motion for Reconsideration within ten (10) days from notice.

On December 21, 2012, Petitioner filed a *Motion* for a 10-day Extension of Time or until January 2, 2013 to File Comment.<sup>[5]</sup> On January 2, 2013, Petitioner again filed another *Motion* for a 10-day Extension of Time to File Comment<sup>[6]</sup> from January 2, 2013 or until January 12, 2013. On January 11, 2013, Petitioner, through counsel, filed his *Comment/Opposition* to Respondent's Motion for Reconsideration.<sup>[7]</sup>

Respondent, on January 17, 2013, then filed an *Opposition to Petitioner's Motion for Extension of Time to File Comment*<sup>[8]</sup> alleging that since said motions were merely signed "for" Petitioner's counsel, Atty. Arno V. Sanidad (Atty. Sanidad), by an unidentified person as he/she did not indicate his/her full name and did not even disclose his/her authority to sign for and/or in behalf of Atty. Sanidad, the motion should be deemed mere scraps of paper and perforce, be denied.

In his reply, Petitioner filed a *Comment*<sup>[9]</sup> on the *Opposition to Petitioner's Motion for Extension of Time to File Comment* dated December 21, 2012 claiming that the Motions were signed for Atty. Arno V. Sanidad by Atty. Nestor M. Leynes III (Atty.

Leynes), an authorized member of the bar, with Roll of Attorneys Number 45230. The delegation was valid and the Motions were duly signed by an authorized person in accordance with the Code of Professional Responsibility and jurisprudence, particularly, *Republic of the Philippines vs. Kenrick Development Corporation*,<sup>[10]</sup> which provides that a counsel may delegate the signing of a pleading to another lawyer but cannot do so in favor of anyone who is not. Petitioner claimed that the delegation of the signing of the Motions was with the consent of Atty. Arno V. Sanidad.

Respondent's *Opposition to Petitioner's Motions for Extension of Time to File Comment* and Petitioner's Comment thereto are hereby **NOTED** and **ADMITTED**.

Respondent's contentions in her *Opposition to Petitioner's Motion for Extension of Time* are well-taken. Truly, a pleading that is not validly signed translates to an unsigned pleading, which deserves no attention from the courts. Atty. Leynes, the attorney who apparently signed the pleading, did not indicate that he was signing for Atty. Sanidad. Neither did he show proof of authority to sign the pleading. Thus, Petitioner's Motions for Extension of Time to File Comment should be denied for being mere scraps of paper.

In any case, a litigant should not take for granted that his motion would be approved by the Court; he should always take into account the right of the adverse party to object.<sup>[11]</sup> Parties and counsel should not assume that courts are bound to grant the time they pray for. A motion that is not acted upon in due time is deemed denied.<sup>[12]</sup>

In view of all the foregoing, Petitioner's *Motions for Extension of Time to File Comment* are **DENIED** and the *Comment* subsequently filed is merely **Noted** without action.

We now proceed to resolve Respondent's *Motion for Reconsideration of Our Decision*.

Respondent anchors her *Motion* on the following grounds:

I.

The Honorable Court erred in finding that respondent did not personally hand the amount of P26,660.00 to the Petitioner;

II.

The Honorable Court erred in finding that the amount of P26,660.00 was not intended for the purchase of water pumps for the flood victims but for the construction of deep wells;

III

The Honorable Court erred in ruling that Respondent was aware of the