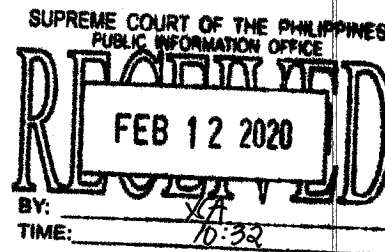




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **22 January 2020** which reads as follows:*

“**G.R. No. 246682 (Benhur D. Uyco v. Kellyn Conde Sy)**. – The Court resolves to: (a) **GRANT** respondent Kellyn Conde Sy’s (respondent) motion for extension of fifteen (15) days from October 6, 2019 within which to file comment on the petition; and (b) **NOTE** the comment/opposition dated October 18, 2019 in compliance with the Resolution dated July 24, 2019.

After a judicious study of the case, the Court further resolves to **DENY** the instant petition¹ and **AFFIRM** the October 12, 2018 Decision² and the April 11, 2019 Resolution³ of the Court of Appeals (CA) in CA-G.R. SP No. 150685 for failure of petitioner Benhur D. Uyco (petitioner) to sufficiently show that the CA committed any reversible error in: (a) granting respondent’s petition for *certiorari*⁴ before it; (b) reinstating her complaint⁵ before the Regional Trial Court of Pasig City, Branch 261 (RTC); and (c) ordering it to proceed with the reception of the prosecution’s evidence-in-chief.⁶

As correctly ruled by the CA, the RTC’s dismissal of the case ostensibly on the ground of violation of petitioner’s right to speedy trial was premature, considering that: (a) the postponements of the hearing were not solely attributable to the prosecution;⁷ (b) since the prosecution asked for two (2) postponements of the hearing, it still had one (1) more setting to present its evidence-in-chief;⁸ and (c) the presence of respondent in the arraignment, pre-trial, and trial on the merits was not necessary since she was regarded merely as a witness for the state.⁹ Thus,

¹ *Rollo*, pp. 10-25.

² *Id.* at 27-34. Penned by Associate Justice Rosmari D. Carandang (now a Member of this Court) with Associate Justices Jhosep Y. Lopez and Rafael Antonio M. Santos, concurring.

³ *Id.* at 36-37. Penned by Associate Justice Jhosep Y. Lopez with Associate Justices Elihu A. Ybañez and Rafael Antonio M. Santos, concurring.

⁴ Not attached to the *rollo*.

⁵ Not attached to the *rollo*.

⁶ See *rollo*, p. 33.

⁷ See *id.* at 31.

⁸ See *id.*

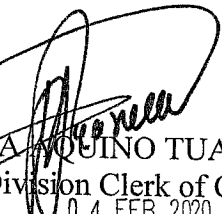
⁹ See *id.* at 32.

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it cannot be said that there was unreasonable, vexatious, and oppressive delay that was violative of the said right.¹⁰

SO ORDERED. (Reyes, A., Jr. and Hernando, JJ., on official leave.)”

Very truly yours,



TERESITA AQUINO TUZON
Deputy Division Clerk of Court *uth, 2/4*
04 FEB 2020

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 261
Pasig City
(Crim. Case No. 157410)

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GR246682. 1/22/2020(110)URES

¹⁰ In the determination of whether or not that right has been violated, the factors that may be considered and balanced are: (a) the length of the delay the reasons for such delay; (b) reason for the delay; (c) the assertion or failure to assert such right by the accused; and (d) the prejudice caused by the delay. (See *Tan v. People*, 604 Phil. 68, 80 [2009].)