Republic of the Philippines
SUPREME COURT
Manila

THIRD DIVISION

ROLEX RODRIGUEZ y OLAYRES, Petitioner,	**G.R. No. 192799**
- versus -	Present: VELASCO, JR., *J.*, Chairperson, LEONARDO-DE CASTRO,* PERALTA, ABAD, and MENDOZA, *JJ.*
PEOPLE OF THE PHILIPPINES and ALLIED DOMECQ SPIRITS AND WINES, represented by ALLIED DOMECQ PHILS., INC., Respondents.	Promulgated: 24 October 2012

x----------x

RESOLUTION

VELASCO, JR., *J.*:

In this Petition for Review on Certiorari, petitioner assails the March 2, 2010 Decision[1] and June 29, 2010 Resolution[2] of the Court of Appeals (CA) in CA-G.R. SP No. 108789, which affirmed the April 14, 2009 Order[3] of the Regional Trial Court (RTC), Branch 24 in Manila, denying due course to petitioner's Notice of Appeal in Criminal Case No. 02-206499.

The RTC convicted petitioner for Unfair Competition penalized under Sections 155, 168, 160 in relation to Sec. 170 of Republic Act No. 8293 or the Intellectual Property Code of the Philippines, and sentenced him to serve imprisonment of two (2) years, to pay a fine of PhP 50,000 and actual damages of PhP 75,000.

---

* Acting member per Special Order No. 1343 dated October 9, 2012.

[1] *Rollo*, pp. 69-81. Penned by Associate Justice Remedios A. Salazar-Fernando and concurred in by Associate Justices Japar B. Dimaampao and Francisco P. Acosta.

[2] Id. at 82-83.

[3] Id. at 62-63. Penned by Judge Antonio M. Eugenio, Jr.

The pertinent factual antecedents are undisputed.

After promulgation of the Decision in Criminal Case No. 02-206499 convicting him for unfair competition, petitioner filed a motion for reconsideration before the RTC on the 15th or the last day of the reglementary period to appeal. Fourteen (14) days after receipt of the RTC Order denying his motion for reconsideration, petitioner filed his Notice of Appeal.[4] Thus, the denial of his Notice of Appeal on the ground of its being filed out of time under Sec. 6, Rule 122, Revised Rules of Criminal Procedure. Before the RTC, the CA and now here, petitioner was unwavering in his assertion of the applicability of the "fresh period rule" as laid down in *Neypes v. Court of Appeals*.[5]

The rationale of the "fresh period rule" is:

> To standardize the appeal periods provided in the Rules and to afford litigants fair opportunity to appeal their cases, the Court deems it practical to allow a fresh period of 15 days within which to file the notice of appeal in the Regional Trial Court, counted from receipt of the order dismissing a motion for a new trial or motion for reconsideration.
>
> Henceforth, this "fresh period rule" shall also apply to Rule 40 governing appeals from the Municipal Trial Courts to the Regional Trial Courts; Rule 42 on petitions for review from the Regional Trial Courts to the Court of Appeals; Rule 43 on appeals from quasi-judicial agencies to the Court of Appeals and Rule 45 governing appeals by *certiorari* to the Supreme Court. The new rule aims to regiment or make the appeal period uniform, to be counted from receipt of the order denying the motion for new trial, motion for reconsideration (whether full or partial) or any final order or resolution.[6]

Neypes elucidates that the "fresh period rule" applies to appeals under Rule 40 (appeals from the Municipal Trial Courts to the RTC) and Rule 41 (appeals from the RTCs to the CA or this Court); Rule 42 (appeals from the RTCs to the CA); Rule 43 (appeals from quasi-judicial agencies to the CA); and Rule 45 (appeals by certiorari to this Court).[7] A scrutiny of the said

---

[4] Id. at 56-59, dated January 29, 2009.
[5] G.R. No. 241524, April 14, 2005, 469 SCRA 633.
[6] Id. at 644-645.
[7] See *Panolino v. Tajala*, G.R. No. 183616, June 29, 2010, 622 SCRA 309, 315.

rules, however, reveals that the "fresh period rule" enunciated in *Neypes* need NOT apply to Rules 42, 43 and 45 as there is no interruption in the 15-day reglementary period to appeal. It is explicit in Rules 42, 43 and 45 that the appellant or petitioner is accorded a fresh period of 15 days from the notice of the decision, award, judgment, final order or resolution or **of the denial of petitioner's motion for new trial or reconsideration** filed.[8]

The pivotal question is whether the "fresh period rule" is applicable to appeals from conviction in criminal cases governed by Sec. 6 of Rule 122 which pertinently provides:

> Sec. 6. *When appeal to be taken*. – An appeal must be taken within fifteen (15) days from promulgation of the judgment or from notice of the final order appealed from. This period for perfecting an appeal shall be suspended from the time a motion for new trial or reconsideration is filed until notice of the order overruling the motion has been served upon the accused or his counsel at which time the **balance of the period begins to run**. (Emphasis supplied.)

While *Neypes* was silent on the applicability of the "fresh period rule" to criminal cases, the issue was squarely addressed in *Yu v. Tatad*,[9] which expanded the scope of the doctrine in *Neypes* to criminal cases in appeals of conviction under Sec. 6, Rule 122 of the Revised Rules of Criminal Procedure. Thus, the Court held in *Yu*:

> While *Neypes* involved the period to appeal in civil cases, the **Court's pronouncement of a "fresh period" to appeal should equally apply to the period for appeal in criminal cases under Section 6 of Rule 122 of the Revised Rules of Criminal Procedure** x x x.[10]
>
> x x x x
>
> Were we to strictly interpret the "fresh period rule" in *Neypes* and make it applicable only to the period to appeal in civil cases, we shall effectively foster and encourage an absurd situation where a litigant in a civil case will have a better right to appeal than an accused in a criminal case—a situation that gives undue favor to civil litigants and unjustly discriminates against the accused-appellants. It suggests a *double standard of treatment* when we favor a situation where property interests

[8] Sec. 1 of Rule 42; Sec. 4 of Rule 43; and Sec. 2 of Rule 45.
[9] G.R. No. 170979, February 9, 2011, 642 SCRA 421.
[10] Id. at 428.

> are at stake, as against a situation where liberty stands to be prejudiced. We must emphatically reject this double and unequal standard for being contrary to reason. Over time, courts have recognized with almost pedantic adherence that what is contrary to reason is not allowed in law—*Quod est inconveniens, aut contra rationem non permissum est in lege.*
>
> Thus, we agree with the OSG's view that if a delay in the filing of an appeal may be excused on grounds of substantial justice in civil actions, with more reason should the same treatment be accorded to the accused in seeking the review on appeal of a criminal case where no less than the liberty of the accused is at stake. The concern and the protection we must extend to matters of liberty cannot be overstated.[11] (Emphasis supplied.)

It is, thus, now settled that the fresh period rule is applicable in criminal cases, like the instant case, where the accused files from a judgment of conviction a motion for new trial or reconsideration which is denied by the trial court. The accused will have a fresh 15-day period counted from receipt of such denial within which to file his or her notice of appeal.

Verily, the application of the statutory privilege of appeal must not prejudice an accused who must be accorded the same statutory privilege as litigants in civil cases who are granted a fresh 15-day period within which to file an appeal from receipt of the denial of their motion for new trial or reconsideration. It is indeed absurd and incongruous that an appeal from a conviction in a criminal case is more stringent than those of civil cases. If the Court has accorded litigants in civil cases—under the spirit and rationale in *Neypes*—greater leeway in filing an appeal through the "fresh period rule," with more reason that it should equally grant the same to criminal cases which involve the accused's "sacrosanct right to liberty, which is protected by the Constitution, as no person should be deprived of life, liberty, or property without due process of law."[12]

Consequently, in light of the foregoing, we hold that petitioner seasonably filed his notice of appeal on February 2, 2009, within the fresh

---

[11] Id. at 430.

[12] CONSTITUTION, Art. III, Sec. 1; *Macasasa v. Sicad*, G.R. No. 146547, June 20, 2006, 491 SCRA 368, 383.

period of 15 days, counted from January 19, 2009, the date of receipt of the RTC Order denying his motion for reconsideration.

WHEREFORE, the instant petition is **GRANTED**. Accordingly, the April 14, 2009 Order of the RTC, Branch 24 in Manila and the assailed March 2, 2010 Decision and June 29, 2010 Resolution of the CA in CA-G.R. SP No. 108789 are **REVERSED** and **SET ASIDE**. The Notice of Appeal of petitioner Rolex Rodriguez y Olayres dated January 29, 2009 is hereby **GIVEN DUE COURSE**. Let the case records be elevated by the RTC to the CA for the review of petitioner's appeal with dispatch. No costs.

SO ORDERED.

PRESBITERO J. VELASCO, JR.
Associate Justice

WE CONCUR:

TERESITA J. LEONARDO-DE CASTRO
Associate Justice

DIOSDADO M. PERALTA
Associate Justice

ROBERTO A. ABAD
Associate Justice

JOSE CATRAL MENDOZA
Associate Justice

ATTESTATION

I attest that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

MARIA LOURDES P. A. SERENO
Chief Justice