



Republic of the Philippines
COMMISSION ON AUDIT
Commonwealth Avenue, Quezon City, Philippines



RESOLUTION

No. 2011-006
Date: August 17, 2011

RESOLUTION MODIFYING SECTIONS 9 AND 10, RULE X OF THE 2009 REVISED RULES OF PROCEDURE OF THE COMMISSION ON AUDIT

WHEREAS, under Section 6, Common Provisions, Article IX of the 1987 Constitution, the Commission on Audit (COA) *en banc* may promulgate its own rules concerning pleadings and practice before it or before any of its offices, which, however, shall not diminish, increase, or modify substantive rights;

WHEREAS, pursuant to the said Constitutional provision, this Commission has prescribed its 2009 Revised Rules of Procedure of the Commission on Audit (RRPC) which became effective on October 28, 2009 after due publication in newspapers of general circulation;

WHEREAS, Section 9, Rule X of the 2009 RRPC provides that "A decision or resolution of the Commission upon any matter within its jurisdiction shall become final and executory after the lapse of thirty (30) days from notice of the decision or resolution, unless a motion for reconsideration is seasonably made or an appeal to the Supreme Court is filed;"

WHEREAS, under Section 8, Rule 64 of the 1997 Revised Rules of Court in the Philippines, otherwise known as the Rules of Court, "[T]he filing of a petition for *certiorari* shall not stay the execution of the judgment or final order or resolution sought to be reviewed, unless the Supreme Court shall direct otherwise upon such terms as it may deem just;"

WHEREAS, Section 10, Rule X of the 2009 RRPC provides that "A motion for reconsideration may be filed within the time remaining of the period to appeal, on the grounds that the evidence is insufficient to justify the decision; or that the said

decision is contrary to law. Only one (1) motion for reconsideration of a decision of the Commission shall be entertained;"

WHEREAS, it is necessary that the 2009 RRPC shall be consistent with the Rules of Court;

NOW, THEREFORE, BE IT RESOLVED, as it is hereby **RESOLVED**, to modify Sections 9 and 10 of Rule X of the 2009 RRPC to read as follows:

"Section 9. Finality of Decisions or Resolutions. - A decision or resolution of the Commission upon any matter within its jurisdiction shall become final and executory after the lapse of thirty (30) days from notice of the decision or resolution."

"The filing of a petition for *certiorari* shall not stay the execution of the judgment or final order sought to be reviewed, unless the Supreme Court shall direct otherwise upon such terms as it may deem just."

"Section 10. Motion for Reconsideration. - A motion for reconsideration may be filed within thirty (30) days from notice of the decision or resolution, on the grounds that the evidence is insufficient to justify the decision; or that the said decision of the Commission is contrary to law. Only one (1) motion for reconsideration of a decision of the Commission shall be entertained."

BE IT RESOLVED FURTHER, that this Resolution shall take effect after fifteen (15) days following its publication in two (2) newspapers of general circulation.

APPROVED UNANIMOUSLY, this 17th day of AUG 2011 at Quezon City.


MA. GRACIA M. PULIDO TAN
Chairperson


JUANITO G. ESPINO JR.
Commissioner


HEIDI E. MENDOZA
Commissioner