

**LORETO MORENO, SR., LORETO MORENO, JR., RONNIE MORENO,
ARLYN M. ILIGAN, EDA MORENO, BOY GANAL, RICARDO
GANANCIAL, SR., RICARDO GANANCIAL, JR., ROBERTO GANANCIAL,
NELSON GANANCIA...**

Ponente: INTING, J.

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INTING, J.:

On July 25, 2013, Atty. Romelee B. Padayhag-Llaban, counsel for the petitioners filed an Entry of Appearance and Motion for Extension of Time to File Petition for Review[1] praying that she be given an additional period of fifteen (15) days from the date of filing of this pleading within which to file a Petition for Review under Rule 43 of the Rules of Court.

On August 12, 2013, the same counsel for the petitioners filed a Motion to Withdraw Motion for Extension of Time to File Petition for Review[2] and alleges among others that after a thorough research and extensive study of the facts and circumstances of the case, she found out that petitioners have no other plain, speedy and adequate remedy in the ordinary course of law, and there is no other resort but to seek recourse with this Court under Rule 65 and not Rule 43 of the Rules of Court which provided the 60-day period within which to file the Petition for Certiorari; that under Rule 65, petitioners still have until September 8, 2013 within which to file the petition for certiorari; that petitioners manifest their intention to file petition for certiorari, anchored on grave abuse of discretion amounting to lack or excess of jurisdiction on the part of the DARAB; and that as the reglementary period has not yet lapsed and considering that the counsel for the petitioners intends to file a Petition under Rule 65, she hereby withdraws the Motion for Extension of Time to File Petition for Review previously filed on July 25, 2013.

On October 31, 2013, the Judicial Records Division of this Court reported that as of said date, no petition for certiorari was filed by the petitioners.[3]

Petitioners are reminded that the rules of procedure prescribing the time within which certain acts must be done, or certain proceedings taken, are absolutely indispensable to the prevention of needless delays and the orderly and speedy discharge of judicial business. Strict compliance therewith is thus mandatory and imperative.[4] As a rule, periods prescribed to do certain acts must be followed with fealty as they are designed primarily to speed up the final disposition of the case. Such reglementary periods are indispensable interdictions against needless delays and for an orderly discharge of judicial business. Deviations from the rules cannot be tolerated. More importantly, its observance cannot be left to the whims and caprices of the parties.[5]

The right to file a special civil action of certiorari is neither a natural right nor an essential element of due process; a writ of certiorari is a prerogative writ, never demandable as a matter of right, and never issued except in the exercise of judicial discretion. Hence, he who seeks a writ of certiorari must apply for it only in the manner and strictly in accordance with the provisions of the law and the Rules.[6]

Thus, the failure of the petitioners to comply with the reglementary period provided for under Rule 65 of the

Rules of Court shall be construed as an abandonment of their rights to avail themselves of the remedy of petition for certiorari and consequently the cause of the withdrawal of the case from the docket of the court.

WHEREFORE, the instant case is ORDERED withdrawn from the docket of active cases of this Court.

SO ORDERED.

Camello and Lopez, JJ., concur.

[1] Rollo, pp. 2-5.

[2] Rollo, pp. 11-14.

[3] Rollo, p. 16, dorsal portion.

[4] Prudential Guarantee and Assurance, Inc. v. CA et al., GR No.146559, August 13, 2004

[5] LTS Philippines Corp. et al. v. Maliwat et al., GR No. 159024, January 14, 2005

[6] MTM Garment Manufacturing, Incorporated v. Court of Appeals, G.R. No. 152336, June 9, 2005.

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