

CITY SERVICE CORPORATION, PETITIONER, VS. HON. SECRETARY OF THE DEPARTMENT OF LABOR AND EMPLOYMENT, HON. UNDERSECRETARY REBECCA C. CHATO, REGIONAL DIRECTOR AIDA M. ESTABILLO AN...

Ponente: CORALES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/3aeb2fe3e942/>

CORALES, J.:

On January 5, 2015, petitioner's counsels filed a Motion for Extension^[1] of time to file petition for certiorari praying for an additional 60 days from January 9, 2015, the receipt of the assailed decision of the private respondent, or until March 10, 2015 within which to file the petition. Allegedly, petitioner's counsels were not able to prepare the draft of the petition because they were recently engaged by petitioner and the records of the instant case still have to be transported from Cebu City to Pasay City. Thus, they prayed for an extension of 30 days from March 10, 2015 or until April 9, 2015 within which to file a petition for certiorari.

We are not convinced to grant the motion for extension of time. It must be noted that a motion for extension of time is not allowed in a petition for certiorari as held in *Laguna Metts Corporation v. Court of Appeals*,^[2] to wit:

While the proper courts previously had discretion to extend the period for filing a petition for certiorari beyond the 60-day period, the amendments to Rule 65 under A.M. No. 07-7-12-SC disallowed extensions of time to file a petition for certiorari with the deletion of the paragraph that previously permitted such extensions.

x x x

Deleting the paragraph allowing extensions to file petition on compelling grounds did away with the filing of such motions. As the Rule now stands, petitions for certiorari must be filed strictly within 60 days from notice of judgment or from the order denying a motion for reconsideration. (Emphasis appears in the original text of the Decision)

In *Labao v. Flores*,^[3] the Supreme Court enumerated recognized exceptions to the above-mentioned rule and held that there should be an effort on the part of the party invoking liberality to advance a reasonable or meritorious explanation for his/her failure to comply with the rules. Here, petitioner's counsels failed to substantiate their claims that they had been recently engaged by petitioner and the records of this case are still in Cebu City. It is a basic rule that bare allegations, unsubstantiated by evidence, are not equivalent to proof.^[4]

Therefore, considering that a motion for extension of time is not allowed under Rule 65 of the Rules of Court and in the absence of proof showing that petitioner is entitled to the extension of time prayed for, said motion did not toll the running of the 60-day period for filing a petition for certiorari. Hence, the instant petition warrants an outright dismissal for being filed beyond the reglementary period.

WHEREFORE, the Motion for Extension is hereby DENIED. Accordingly, the instant petition is DISMISSED.

SO ORDERED.

Villon, J., Chairperson and Zalameda, JJ., concur.

[1] Rollo, pages 3-6.

[2] G.R. No. 185220. July 27, 2009.

[3] G.R. No. 187984. November 15, 2010.

[4] See *Bautista v. Jalandoni*, G.R. No. 171464. November 27, 2013.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.