

KH CEBU CORPORATION, PETITIONER, VS. HON. ERIC F. MENCHAVEZ, PRESIDING JUDGE, REGIONAL TRIAL COURT. BRANCH 21, CEBU CITY AND EL MARRO CONSTRUCTION AND DEVELOPMENT CORPORATION, R...

Ponente: QUIJANO-PADILLA, J.

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QUIJANO-PADILLA, J.:

At bar is petitioner's Urgent Motion for Extension of Time to File Petition for Mandamus under Rule 65 of the Rules of Court. Petitioner's counsel averred that he could not file the petition on time due to heavy case load.

The motion lacks merit.

Section 4,[1] Rule 65 of the Rules of Court is explicit in stating that the petition should be instituted within a period of 60 days from notice of the judgment, order or resolution sought to be assailed.

In several cases where the issue regarding the period for filing petitions for certiorari also under Rule 65 of the Rules of Court was involved, it was held that the 60-day period is inextendible to avoid any unreasonable delay that would violate the constitutional rights of parties to a speedy disposition of their case.[2] However, under exceptional circumstances and subject to the sound discretion of the Court, the said period may be extended, but it must be for exceptional and meritorious cases,[3] or with the end view of serving substantial justice and safeguarding strong public interest.[4]

The pronouncements in those cases, albeit involving petitions for certiorari, are applicable to this case, considering that the period for filing a petition for mandamus, just like certiorari, is also addressed by Section 4 of Rule 65 of the Rules of Court.

Heavy workload, which was the reason advanced by petitioner's counsel in requesting for extension, does not, however, provide sufficient reason to merit allowance of an extension of the 60-day period to file the petition. The circumstance is relative and often self-serving; and standing alone, is not sufficient reason to deviate from the 60-day rule.[5]

ACCORDINGLY, for the above reason, the Urgent Motion for Extension of Time to File Petition for Mandamus is hereby DENIED and the Petition is deemed DISMISSED.

SO ORDERED.

Hernando, Chairperson and Azcarraga-Jacob, JJ., concur.

[1] Section 4. When and where petition filed. — The petition shall be filed not later than sixty (60) days from notice of the judgment, order or resolution. In case a motion for reconsideration or new trial is timely filed, whether such motion is required or not, the sixty (60) day period shall be counted from notice of the denial of said

motion.

[2] See *People of the Philippines v. Castañeda*, G.R. No. 208290. December 11, 2013.

[3] See *Domdom v. Third and Fifth Divisions of the Sandiganbayan*, G.R. Nos. 182382-83, February 24, 2010.

[4] See *Mid-Islands Power Generation Corporation v. Court of Appeals*, G.R. No. 189191, February 29, 2012.

[5] See *Yutanco v. Court of Appeals*, G.R. No. 137264. August 1, 2002.

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