

**WILSON G. TABOADA, PETITIONER, VS. NATIONAL LABOR
RELATIONS COMMISSION (NLRC) 7TH DIVISION AND MILLINIUM
OCEAN STAR CORPORATION AND/OR MR. MICHAEL YANG, IN HIS
CAPACITY AS OFFIC...**

Ponente: LEGASPI, J.

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LEGASPI, J.:

This Petition for Certiorari under Rule 65 of the Rules of Court seeks to nullify and set aside public respondent's Decision[1] dated August 29, 2014 ("assailed Decision") and Resolution[2] dated October 31, 2014 ("assailed Resolution"). Public respondent's assailed Decision affirmed the finding of the Labor Arbiter dismissing herein petitioner's complaint for illegal dismissal. The assailed Resolution meanwhile denied petitioner's motion for reconsideration.

A perusal of the petition reveals that the same was filed out of time.

Section 4 of Rule 65 of the Rules of Court, as amended by A.M. No. 07-7-12-SC, explicitly provides the period within which to file a petition for certiorari, thus:

Sec. 4. When and where to file the petition. — 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 petition shall be filed not later than sixty (60) days counted from the notice of the denial of the motion.

xxx xxx xxx

The petition alleged that petitioner received the assailed Resolution denying his motion for reconsideration on November 24, 2014.[3] Counting sixty (60) days therefrom, the petition should have been filed not later than January 23, 2015. Unfortunately, as appearing in the petition's Certification of Filing and Service, the petition was filed via registered mail on January 26, 2015.[4] Undeniably, three (3) days had lapsed from the day petitioner should have filed his petition.

We stress that the 60-day period provided under Section 4, Rule 65 of the Rules of Court is inextendible to avoid any unreasonable delay that would violate the constitutional rights of parties to a speedy disposition of their case.[5]

WHEREFORE, the instant petition is hereby DISMISSED.

In light of the overpayment made by petitioner, the Accounting and Disbursement Unit of this Court's Visayas Station is hereby DIRECTED to refund to petitioner the excess in the payment of docket and other lawful fees in the amount of Twenty Pesos (Php20.00).

SO ORDERED.

Maxino, Chairperson and Francisco, JJ., concur.

[1] Rollo, pp. 27-32.

[2] Rollo, pp. 34-35.

[3] Rollo, p. 7.

[4] Rollo, p. 26.

[5] Labao v. Flores, et al., G.R. No. 187984, November 15, 2010.

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