

ABS-CBN PUBLISHING, INC., PETITIONER, V. DIRECTOR OF THE BUREAU OF TRADEMARKS, RESPONDENT.

Ponente: ELBINIAS, J.

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ELBINIAS, J.:

Before Us is petitioner's Petition for Review[1] ("Petition for brevity"), and petitioner's "MOTION FOR EXTENSION OF TIME [TO FILE PETITION FOR REVIEW]"[2] ("Motion for Extension of Time" for brevity).

On October 25, 2013, a Resolution[3] was issued granting petitioner's prayer for an extension of time to file its Petition. The Resolution[4] read as follows:

"Conditioned on the timeliness of the filing thereof, petitioner's 'Motion for Extension of Time to File Petition for [R]eview' is granted, albeit with warning against further extension. Petitioner is given until November 8, 2013 only within which to file the intended petition for review."[5] (Emphasis supplied)

However, instead of filing its Petition within the extended period granted, petitioner filed another "MOTION FOR EXTENSION OF TIME [TO FILE PETITION FOR REVIEW]"[6], asking for an additional fifteen (15) days, or until November 23, 2011, to file its Petition[7].

Petitioner then filed its Petition[8] on November 11, 2013, which was, however, three (3) days beyond November 8, 2013, which in turn was the last day of the fifteen (15) day extension granted to petitioner to file its Petition.

As a result of all these, petitioner violated Our Resolution[9] dated October 25, 2013. Petitioner also violated Section 4, Rule 43 of the Revised Rules of Court, which provides:

"Section 4. Period of appeal. The appeal shall be taken within fifteen (15) days from notice of the award, judgment, final order or resolution, or from the date of its last publication, if publication is required by law for its effectivity, or of the denial of petitioner's motion for new trial or reconsideration duly filed in accordance with the governing law of the court or agency a quo. Only one (1) motion for reconsideration shall be allowed. Upon proper motion and the payment of the full amount of the docket fee before the expiration of the reglementary period, the Court of Appeals may grant an additional period of fifteen (15) days only within which to file the petition for review. No further extension shall be granted except for the most compelling reason and in no case to exceed fifteen (15) days." (Emphasis supplied)

Thus, petitioner's Petition, which was filed beyond the extended period granted, should be dismissed. That this is the consequence is in accordance with the following pronouncement of the Supreme Court in *Spouses Jesus Dycoco and Joela E. Dycoco vs. The Honorable Court of Appeals, Nelly Siapnosanchez and Inocencio Berma*, G.R. No. 147257, July 31, 2013:

"The Court of Appeals granted petitioner-spouses a 15-day extension, within which to file their intended petition. The action of the Court of Appeals was in accordance with Section 4, Rule 43 of the Rules of Court. Thus, as the original deadline of petitioner-spouses was April 18, 2000, they had until May 3, 2000 to file their intended petition. Petitioner-spouses, however, filed the petition on May 8, 2000. Petitioner-spouses even admit that their petition in the Court of Appeals was filed five days after the extended period. It is therefore

clear that the Court of Appeals simply applied the rules, while petitioner-spouses concededly failed to observe the very same rules. As such, the Court of Appeals' dismissal of the petition of petitioner-spouses was discretion duly exercised, not misused or abused." (Emphasis supplied)

A party, such as petitioner here, could not assume that his Motion for Extension of Time[10] would be granted, as was similarly held by the Supreme Court in *Wilson T. Go vs. BPI Finance Corporation*, G.R. No. 199354, June 26, 2013, to wit:

"The rule is clear that an appeal to the CA must be filed within a period of fifteen (15) days. While a further extension of fifteen (15) days may be requested, a specific request must be made with specifically cited reason for the request. The CA may grant the request only at its discretion and, by jurisprudence, only on the basis of reasons it finds meritorious.

Under the requirements, it is clear that only fifteen (15) days may initially be requested, not the thirty (30) days Go requested. The petitioner cannot also assume that his motion has been granted if the CA did not immediately act. In fact, faced with the failure to act, the conclusion is that no favorable action had taken place and the motion had been denied. It is thus immaterial that the resolution granting the extension of time was only issued four months later, although such late action is a response we cannot approve of. In any case, the late response cannot be used as an excuse to delay the filing of its pleading as a party cannot make any assumption on how his motion would be resolved. Precisely, a motion is submitted to the court for resolution and we cannot allow any assumption that it would be granted. (Emphasis supplied)

WHEREFORE, the "MOTION FOR EXTENSION OF TIME [TO FILE PETITION FOR REVIEW][11] is DENIED. The Petition for Review is DISMISSED.

SO ORDERED.

Didican (Chairman) and Rosario,[*] JJ., concur.

[*] New member vice J. Paredes (inhibited) per raffle dated May 9, 2014

[1] Rollo, pp. 34-66.

[2] Rollo, pp. 29-31.

[3] Rollo, p. 28.

[4] Rollo, p. 28.

[5] Rollo, p. 28.

[6] Rollo, pp. 29-31.

[7] Rollo, pp. 34-66.

[8] Rollo, pp. 34-66.

[9] Rollo, p. 28

[10] Rollo, pp. 29-31.

[11] Rollo, pp. 29-31.

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