

FLOREFE S. BERIDA PETITIONER, VS. CIVIL SERVICE COMMISSION, RESPONDENT.

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MACALINO, J:

On April 8, 2014, Petitioner Florefe S. Berida (“Petitioner”) filed with this Court a Motion for Extension of Time to File Petition for Review under Rule 43.[1]

In her Motion, Petitioner alleged that on March 26, 2014, she received Decision No. 14-0198[2] dated March 19, 2014 (“Assailed Decision”) of Respondent Civil Service Commission (“CSC”), affirming Decision No. 13-0091 dated June 27, 2013 and Resolution No. 13-00114[3] dated October 25, 2013 of the CSC Regional Office No. IV in Quezon City (“CSCRO”), which found Petitioner guilty of Serious Dishonesty, Grave Misconduct, Falsification of Official Documents and Conduct Prejudicial to the Best Interest of the Service and imposed upon her the penalty of dismissal from service with all the accessory penalties of forfeiture of retirement benefits (except terminal leave benefits and personal contributions to the GSIS), perpetual disqualification from holding public office, cancellation of Civil Service eligibility and bar from taking future Civil Service examinations. Due to her counsel's pressing volume of work, Petitioner sought an additional period of thirty (30) days from April 10, 2014, the last day to file the Petition under the rules, or until May 10, 2014 to file her Petition for Review.

Thus, in a Resolution[4] dated April 28, 2014, this Court resolved to grant Petitioner an additional period of fifteen (15) days, and not thirty (30) days as prayed for, from April 10, 2014 or until April 25, 2014 to file her Petition. This is in accordance with Section 4, Rule 43 of the Rules of Court, which states:

“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)

Petitioner however filed her Petition for Review under Rule 43[5] only on April 30, 2014, which is evidently outside the fifteen (15)-day extension granted by this Court. Petitioner also sought no further extension to file the same and did not state any compelling reason to warrant another extension. It is settled that motions for extension are not granted as a matter of right but in the sound discretion of the court, and lawyers should never presume that their motions for extension or postponement will be granted or that they will be granted the length of time they pray for.[6]

Consequently, this Court deems proper the outright dismissal of the instant Petition for Review. As the Supreme Court held in *Cosmo Entertainment Management, Inc. v. La Ville Commercial Corporation*[7], “when the petitioner thus filed its petition for review beyond the extended period, the CA had the reason to deny the same outright.”

Lastly, Petitioner's failure to attach a certified true copy of the CSCRO's Decision No. 13-0091 dated June 27, 2013, which is required under Sec. 6[8], Rule 43 of the Rules of Court, renders her Petition vulnerable to dismissal consistent with Sec. 7[9], Rule 43 of the same rules.

WHEREFORE, premises considered, the instant Petition for Review is hereby **DISMISSED OUTRIGHT** for being filed out of time and for Petitioner's failure to comply with Sec. 6, in relation to Sec. 7, Rule 43 of the Rules of Court.

SO ORDERED.

Villon, S.E., Chairperson, and Corales, P.B., JJ., concur.

[1] Rollo, pp. 3-6.

[2] Id., pp. 46-53.

[3] Id., pp. 88-91.

[4] Id., p. 17.

[5] Id., pp. 18-44.

[6] Go v. Sunbanun, G.R. No. 168240, February 9, 2011.

[7] G.R. No. 152801, August 20, 2004.

[8] "Section 6. Contents of the petition. — The petition for review shall (a) state the full names of the parties to the case, without impleading the court or agencies either as petitioners or respondents; (b) contain a concise statement of the facts and issues involved and the grounds relied upon for the review; (c) be accompanied by a clearly legible duplicate original or a certified true copy of the award, judgment, final order or resolution appealed from, together with certified true copies of such material portions of the record referred to therein and other supporting papers; and (d) contain a sworn certification against forum shopping as provided in the last paragraph of section 2, Rule 42. The petition shall state the specific material dates showing that it was filed within the period fixed herein." (Boldfacing Ours)

[9] "Section 7. Effect of failure to comply with requirements – The failure of the petitioner to comply with any of the foregoing requirements regarding the payment of the docket and other lawful fees, the deposit for costs, proof of service of the petition, and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof." (Boldfacing Ours)

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