

MODESTA DAS SOLLORANO, CONRADO SOLLORANO, JR., CONCHITA SOLLORANO, ROSITA SOLLORANO, NORMA SOLLORANO, GLORIA SOLLORANO AND ROBERTO SOLLORANO, PETITIONERS, VS. HON. COURT OF APPE...

G.R. No. L-28018. February 25, 1975

Ponente: BARREDO, J.

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BARREDO, J.:

Petition for certiorari claiming that the Court of Appeals acted with grave abuse of discretion if not in excess of jurisdiction in reinstating the appeal of private respondents in CA-G.R. No. 38557-R, entitled Aniceto Belmonte et al, plaintiffs-appellants, vs. Modesta Das Sollorano, et al, defendants-appellees, notwithstanding its having already dismissed the same on the ground that the fourth motion for extension of time filed by said respondents was filed two days after the third extension granted by the appellate court had already expired and the brief itself was filed three (3) days after the last extension requested, which was actually denied.

It appearing after a review of the record that in view of the undenied allegation in private respondents third motion for extension dated June 10, 1967 that the draft of the brief already prepared by their counsel was destroyed in the inundation of his office, which unfortunate and unforeseen occurrence would have made the impossibility of his filing the brief on June 10, 1967 justifiable and the further extension of the period by twenty (20) days not unreasonable, the Court resolved to RECONSIDER the resolution of September 13, 1967 and to DISMISS the petition without the need of an extended opinion, under the authority of *Arvisu vs. Vergara*, 90 Phil. 621 as well as its inherent powers to amend and control its processes and orders so as to make them conformable to law and justice (Sec. 5, Rule 135) and even to deviate from procedural rules which are not founded on public policy and when no substantial injury can be caused to any of the parties, particularly, when such deviation tends to achieve a more speedy and just administration of justice. (*Estrada vs. Sto. Domingo*, L-30570, July 29, 1969, 28 SCRA 890, citing *Ordoveza vs. Raymundo*, 63 Phil. 275.)

Without costs.

Fernando, (Chairman), Antonio, Fernandez, and Aquino, JJ., concur.

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