

LEONCIO N. HAMILI, JR., PETITIONER, VS. NATIONAL LABOR RELATIONS COMMISSION, GRIEG PHILIPPINES INC., GRIEG SHIPPING NORWAY AND CAPTAIN, MANUEL ORTIZ. RESPONDENTS.

Ponente: LOPEZ, J.

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LOPEZ, J.:

Before this Court is a petition for certiorari^[1] filed by petitioner on November 25, 2014. Upon perusal of the said petition the Court notes that the petition was filed one day late. The petitioner received the denial of his motion for reconsideration on September 25, 2014, thus the sixty (60) day period allowed for the filing of a petition for certiorari was only until November 24, 2014. The instant petition, having been filed the next day, was filed out of time. Petitioner gave no just cause as to why the instant petition was belatedly filed nor was there any motion for extension filed.

Time and again, the Supreme Court has stressed that:

“procedural rules do not exist for the convenience of the litigants; the rules were established primarily to provide order to, and enhance the efficiency of, our judicial system. While procedural rules are liberally construed, the provisions on reglementary periods are strictly applied, indispensable as they are to the prevention of needless delays, and are necessary to the orderly and speedy discharge of judicial business. The timeliness of filing a pleading is a jurisdictional caveat that even this Court cannot trifle with.”

Viewed in this light, procedural rules are not to be belittled or dismissed simply because their non-observance may have prejudiced a party's substantive rights; like all rules, they are required to be followed. Although there are exceptions to the strict observation of the sixty (60) day rule in the filing of petitions for certiorari as enumerated in the case of *Thenamaris Philippines, Inc., v. Court of Appeals*^[2], rules of procedure, in the instant case petitioner offered none. Further, in the case of *Velasco vs. Ortiz* it was reiterated that:

If, without justification, transgression of the deadline fixed by the rule for perfecting an appeal may be sanctioned, the public policy behind the rule would necessarily have to be abandoned, and the litigants would be at a loss to know exactly when they may obtain execution of judgments or consider the case terminated. On the other hand, when the law fixes thirty days, we cannot take it to mean also thirty-one days. If that deadline could be stretched to thirty-one days in one case, what would prevent its being further stretched to thirty-two days in another case, and so on, step by step, until the original line is forgotten or buried in the growing confusion resulting from the alterations? That is intolerable. We cannot fix a period with the solemnity of a statute and disregard it like a joke. If law is founded on reason, whim and fancy should play no part in its application.

We do not agree that "the ends of justice would be better sub-served" by allowing an appeal presented "only one day late." On the contrary, these considerations militate against it: (1) The orderly administration of justice would suffer a drawback if the period for perfecting appeals be rendered uncertain, as it would be, by sanctioning such transgression of the deadline. (2) The appealed decision is presumed by law to be just and correct, and therefore the denial of the appeal does not necessarily imply an injustice to the appellant. (3) The right to appeal is a purely statutory right, and he who wants to exercise it must comply with the statute.

In view of the forgoing, the petition for certiorari having been belatedly filed without just cause, despite due notice, the same is hereby DISMISSED.

SO ORDERED.

Delos Santos, E.L., Chairperson and Lagura-Yap, M.B., JJ., concur.

[1] Rollo, pp.3-16

[2] G.R. No. 191215, February 3, 2014

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