

ROCKY CRUZ, ET AL., PETITIONERS, VS. THE HONORABLE JUDGE MARIA PAZ R. REYES-YSON, PRESIDING JUDGE OF RTC, BRANCH 54, MANILA AND MANOTOK REALTY, INC., ET AL., RESPONDENT.

Ponente: BRUSELAS, JR. J.

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BRUSELAS, JR. J.:

On 19 August 2014, the petitioners filed a motion for extension of time to file their certiorari petition because their counsel could not finalize the intended petition in time for the deadline of filing the same due to “heavy volume of work”.[1] The motion was, however, denied via our resolution dated 27 August 2014,[2] where we stated that the extension was disallowed under A.M. No. 07-7-12 SC.

Meanwhile, the petitioners filed their intended petition for certiorari[3] on 01 September 2014. Similar to the fate of their previous motion, their petition was denied for having been filed late by 13 days per our resolution of 05 September 2014.[4]

Aggrieved, the petitioners moved for the reconsideration[5] of our resolution harping instead on the merits of their intended petition and not on the justification for the late filing of their petition. They did not traverse the denial of their motion nor argue against the denial of their petition. The petitioners merely reiterated the arguments in their petition which mainly ascribes grave abuse of discretion to the Presiding Judge, Maria Paz R. Reyes-Yson, for refusing to inhibit herself from the case below.

The motion is devoid of merit.

Indeed it was held in *Domdom vs. Third and Fifth Divisions of the Sandiganbayan*,[6] that the 60-day period may be extended but subject to the court's sound discretion. Further, in *Labao vs. Flores*,[7] the Highest Tribunal laid down some of the exceptions to the strict application of the 60-day period rule, thus:

“There are recognized exceptions to their strict observance, such as: (1) most persuasive and weighty reasons; (2) to relieve a litigant from an injustice not commensurate with his failure to comply with the prescribed procedure; (3) good faith of the defaulting party by immediately paying within a reasonable time from the time of the default; (4) the existence of special or compelling circumstances; (5) the merits of the case; (6) a cause not entirely attributable to the fault or negligence of the party favored by the suspension of the rules; (7) a lack of any showing that the review sought is merely frivolous and dilatory; (8) the other party will not be unjustly prejudiced thereby; (9) fraud, accident, mistake or excusable negligence without appellant's fault; (10) peculiar legal and equitable circumstances attendant to each case; (11) in the name of substantial justice and fair play; (12) importance of the issues involved; and (13) exercise of sound discretion by the judge guided by all the attendant circumstances. Thus, there should be an effort on the part of the party invoking liberality to advance a reasonable or meritorious explanation for his/her failure to comply with the rules.”

In this case, counting 60 days from their counsel's receipt of the 27 May 2014 order[8] on 20 June 2014, the petitioners had until 19 August 2014 to file their petition or motion for extension. The motion, however, was filed on the very last day of the 60-day period.

It is a fundamental rule in remedial law that a motion for extension of time must be filed before the expiration of the period sought to be extended; otherwise, the same will be of no effect since there would no longer be any period to extend, and the assailed judgment or order will have become final and executory.[9] Furthermore, as set forth in Labao, there should be an effort on the part of the petitioners invoking liberality to satisfactorily explain, through their counsel, why they were unable to abide by the rules. Here, the reason offered by the petitioners for availing of the motion for extension is the “heavy volume of work” of their counsel, which is hardly a compelling or meritorious reason as enunciated in Labao. Time and again, it has been held that the excuse of heavy workload is relative and often self-serving. Standing alone, it is not sufficient reason to deviate from the 60-day rule.[10] Verily, the petitioners' motion for extension to file their intended petition for certiorari was properly denied with factual and legal bases and the subsequent dismissal of the petition was in order.

Furthermore, as we peruse the discussion laid down by the petitioners in their motion for reconsideration, we see no circumstance that may fall under the recognized exceptions aforecited that will allow us to relax the rules and take cognizance of the petition. Presiding Judge Reyes-Yson assiduously debunked the petitioners' allegation that she was bias and partial in handling the case. Besides, that certain old case mentioned by Judge Reyes-Yson that was filed by her father against private respondent Manotok Realty, Inc. more than two decades ago, was not established by the petitioners to be related or connected to the present case that they are litigating against Manotok Realty, Inc.

An allegation of prejudgment, without more, constitutes mere conjecture and is not one of the “just or valid reasons” contemplated in the second paragraph of Section 1, Rule 137 of the Rules of Court for which a judge may inhibit himself from hearing the case. The bare allegations of the judge’s partiality, as in this case, will not suffice in the absence of clear and convincing evidence to overcome the presumption that Judge Reyes-Yson will undertake her noble role of dispensing justice in accordance with law and evidence, and without fear or favor. Verily, for bias and prejudice to be considered valid reasons for the involuntary inhibition of judges, mere suspicion is not enough.[11]

WHEREFORE, we DENY the motion for reconsideration.

IT IS SO ORDERED.

Reyes, Jr., A.B., P.J., (Chairperson) and Gaerlan, JJ., concur.

[1] Rollo, p. 3.

[2] Rollo, p. 7.

[3] Rollo, p. 8.

[4] Rollo, p. 39.

[5] Rollo, p. 40.

[6] GR No. 182382-83, 24 February 2010, 613 SCRA 528.

[7] GR No. 187984, 15 November 2010, 634 SCRA 723.

[8] Rollo, p. 36.

[9] Vda. de Victoria vs. Court of Appeals, GR No. 147550, 26 January 2005, 490 Phil. 210.

[10] Laguna Metts Corporation vs. Court of Appeals, GR No. 185220, 27 July 2009, 594 SCRA 139.

[11] Ramiscal, Jr. vs. Hon. Hernandez and People, GR Nos. 173057-74, 20 September 2010, 631 SCRA 312.

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