

PATRICIA S. SALVADOR AND JOSEPHINE SALVADOR, PETITIONERS, VS. THE PEOPLE OF THE PHILIPPINES AND SHANKER KHEMANI, RESPONDENTS.

Ponente: PEREZ, J.

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PEREZ, J.:

This is a Petition for Review under Rule 42 of the Rules of Court. Petitioners initially sought for an extension of time to file their Petition for Review before this Court on 3 November 2014.[1] In their motion, petitioners alleged that they received the assailed 3 October 2014 Order rendered by the Regional Trial Court (RTC), Branch 25, Koronadal City denying their motion for reconsideration on 17 October 2014.[2]

On 18 November 2014, petitioners filed before this Court a Second and Last Urgent Motion for Extension of Time to File Petition for Review, praying for another extension of fifteen days from 18 November 2014 or until 3 December 2014 within which to file their petition.[3]

On 3 December 2014, petitioners filed their petition by registered mail.[4]

A petition for review from a decision of the RTC in the exercise of its appellate jurisdiction to the Court of Appeals (CA) is governed by Rule 42 of the Rules of Court, and must be made in the following manner:

Section 1. How appeal taken; time for filing. – A party desiring to appeal from a decision of the Regional Trial Court rendered in the exercise of its appellate jurisdiction may file a verified petition for review with the Court of Appeals, paying at the same time to the clerk of said court the corresponding docket and other lawful fees, depositing the amount of P500.00 for costs, and furnishing the Regional Trial Court and the adverse party with a copy of the petition. The petition shall be filed and served within fifteen (15) days from notice of the decision sought to be reviewed or of the denial of petitioner’s motion for new trial or reconsideration filed in due time after judgment. Upon proper motion and the payment of the full amount of the docket and other lawful fees and the deposit for costs 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.

Clearly, petitioners did not comply with the above rule.

Records show that petitioners filed a motion for reconsideration on the RTC Resolution dated 17 July 2014[5] which was later denied by the RTC in an Order dated 3 October 2014.[6] Petitioners allegedly received a copy of the 3 October 2014 Order on 17 October 2014. Pursuant to Rule 42, Section 1 of the Rules of Court, petitioners had until 1 November 2014 to file their petition for review. But it was only on 3 November 2014 that they filed their Motion for Extension of Time to File Petition for Review.

Rule 42, Section 1 clearly states that a motion seeking extension of the time to file a petition for review must be filed “before the expiration of the reglementary period.” This is consistent with the basic rule of remedial law that a motion for extension of time to file a pleading must be filed before the expiration of the period sought to be extended. The court’s discretion to grant a motion for extension is conditioned upon such motion’s timeliness,

the lapse of which renders the court powerless to entertain or grant it. Since the motion for extension was filed after the lapse of the prescribed period, there was no more period to extend.[7]

Rules of Procedure, especially those prescribing the time within which certain acts must be done, have often been held as absolutely indispensable to the prevention of needless delays and to the orderly and speedy discharge of business.[8] Rules are laid down for the benefit of all and should not be made dependent upon a suitor's sweet time and own bidding.[9]

WHEREFORE, the petition for review is DISMISSED.

SO ORDERED.

Camello, J., Chairperson, and Inting, JJ., concur.

[1] Rollo, pp 2-7.

[2] Rollo, p 4.

[3] Rollo, pp 16-20.

[4] Rollo, pp 21-34.

[5] Rollo, pp 8-14.

[6] Rollo, p 15.

[7] Philippine National Bank v. Deang Marketing Corporation, G.R. No. 177931, December 8, 2008 citing Vda. de Victoria v. Court of Appeals, G.R. No. 147550, January 26, 2005 and PLDT, Inc. v Court of Appeals, G.R. No. 57079, September 29, 1989.

[8] Lazaro v. Court of Appeals, 386 Phil 412, 417 (2000).

[9] Far Corporation v. Magdaluyo, G.R. No. 148739, November 19, 2004.

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