

SEVERINA BONOAN DE YABUT, PLAINTIFF AND APPELLEE vs. JUAN VENTURA AND EUSTAQUIA COLOMA, DEFENDANTS AND APPELLANTS.*G.R. No. L-425. October 10, 1946*

Ponente: TUASON, J.

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This is a motion for reconsideration of the resolution of this court of July 31, 1946, dismissing the appeal and ordering the entry of final judgment in the case. The ground of the motion is, in the words of attorney for defendants-appellants, that he "had always been of the honest belief that his second petition asking for a last extension up to August 10, 1946, within which to file defendants-appellants' brief was favorably considered and granted by this Honorable Supreme Court."

It appears that by resolution of July 16 of this Court, defendants-appellants were granted a first extension of 15 days from July 9, to file brief. By resolution of July 31 they were granted "a second extension of 10 days only, from July 24th," and another motion dated July 24 and received in the Clerk's Office on July 29, asking for a last "extension not to beyond August 10, 1946." Copy of the last resolution was received by defendants-appellants attorney on August 9, on which he deposited his brief in the post office of Laoag, Ilocos Norte.

There was no justification for defendants-appellants' attorney to take for granted that he would be given, or had been given, the entire period of extension he had asked for. Neither the pertinent provision of the Rules of Court nor the practice of this court could have inspired reassurance of a favorable action on his motion to its full extent. Far from favoring automatic indiscriminate granting of extensions of time to file brief, the rule and the policy of this court on the matter bare a marked tendency to make such concessions sparingly. Section 16 of Rule 48 of the Rules of Court provides that "extension of time for the filing of brief will not be allowed, except for good and sufficient cause." And the policy of many years' standing of this court is to grant no more than 15 days for the first extension and 10 days for second extension.

Quite apart from this rule and this policy, the resolution of this court on defendants-appellants' first motion for extension pointed out clearly how much time might be expected on their second motion. Having been granted only 15 out of 30 days that they had prayed for in the first motion, there was no ground to work on the assumption they would be allowed a longer period on the second motion. The most that they could have reasonably hope to get under the circumstances was 15 days. But even if 15 days had been granted the defendants-appellants, computed from July 24, still their brief was filed one day late.

We take this opportunity to suggest the advisability of attorneys endeavoring to file their motions for extension of time sufficiently in advance of the time sought in order to avoid surprise and delusion after the mistake gets beyond repair or recall. It is trite to say that periods for the filing of papers needed in the decision of causes are fixed as a matter of public policy, which recognizes the necessity of putting an end to litigations within the shortest possible time compatible only with the right of litigants to have an opportunity to be heard and the best

interest of justice. The aforementioned rule and the regulative measure which supplements it will not be deviated from except on a good showing.

The motion for reconsideration is denied.

Moran, C. J., Feria, Perfecto, and Bengzon, JJ., concur.

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