

MANUEL R. MACARANAS, JR., DOING BUSINESS UNDER THE NAME ESTILO DECADA VS. CONRADO L. TIU AND DOLORES L. TIU RESPONDENTS.

Ponente: BRUSELAS, JR. J.

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BRUSELAS, JR. J.:

From our denial of the respondents' motion for reconsideration for being filed out of time, the respondents moved for a reconsideration claiming that the delay in the filing of their Motion for Reconsideration of our Decision dated 08 October 2014 was due to inadvertence, excusable neglect and oversight by the counsel's secretary when she sent the copy of said motion via a private courier. Citing *Sy v. Local Government of Quezon City*,^[1] the respondents prayed for the relaxation of the rules. The respondents opposed the motion.

We, however, are not convinced.

As noted in *Sy*, a claim of excusable negligence does not loosely warrant a relaxation of the rules. Verily, the party invoking such should be able to show that the procedural oversight or lapse is attended by a genuine miscalculation or unforeseen fortuitousness which ordinary prudence could not have guarded against so as to justify the relief sought. The standard of care required is that which an ordinarily prudent man bestows upon his important business.

Applying the foregoing principles, we cannot excuse the late filing of the motion for reconsideration based on the proffered reasons. Clearly, the mistake in sending the motion via a private courier was not unforeseen which could have been prevented by ordinary prudence. It has been held that it is the duty of counsel to adopt and strictly maintain a system that insures that all pleadings should be filed and duly served within the period therefor.^[2]

Furthermore, the relaxation of the rules in *Sy* may not be applied here because the circumstances in that case are not similar to that of the respondents. For one, in *Sy*, the motion for reconsideration was filed only one day late while in this case, the motion was filed four days late. For another, the Supreme Court found persuasive reasons to relax the rules in *Sy* while we do not find the same justifications here.

ACCORDINGLY, the respondents' motion for reconsideration of our Resolution dated 08 October 2014 is DENIED for lack of merit.

IT IS SO ORDERED.

PJ Reyes, Jr., A.B., Chairperson and Gaerlan, JJ., concur.

[1] G.R. No. 202690, 05 June 2013

[2] *The Government of the Kingdom of Belgium v. Court of Appeals*, G.R. No. 164150, 14 August 2008.

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