

BENIGNO R. RAGUDO, PETITIONER, VS. HEIRS OF BERNARDO REGASPI, REPRESENTED BY DOMINGA REGASPI, JAIME RAPANUT, TERESITA ALCAYAGA AND DIOMEDES REGASPI AND THE REGIONAL TRIAL COURT ...

Ponente: CRUZ, R.A., J.

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CRUZ, R.A., J.:

In Our Resolution dated January 13, 2014,[1] petitioner was directed to amend the petition within ten (10) days from notice. Admittedly, petitioner received Our resolution on January 24, 2014, thus, he had until February 3, 2014 within which to comply with Our directive. However, instead of amending the petition, petitioner filed on March 24, 2012 a Motion for Time[2] praying for an additional period of fifteen (15) days from March 12, 2014 or until March 27, 2014 to comply with Our directive. Then, on April 10, 2014, petitioner filed a Second Motion for Time[3] asking for an additional period of fifteen (15) days from April 7, 2014 or until April 22, 2014 to comply with Our resolution.

It must be stressed that motions for extensions are not granted as a matter of right but are subject to the sound discretion of the court and an extension will not be allowed except for good and sufficient reason and only if the motion is filed before the expiration of the time sought to be extended,[4] hence, lawyers should never presume that their motions for extensions will be granted as a matter of course or for the length of time sought.[5] Here, aside from the fact that there was no good and sufficient reason, petitioner's Motion for Time was filed long after the expiration of the time sought to be extended. Obviously, there is nothing to extend.

Moreover, Section 3, Rule 17 of the Rules of Court explicitly provides that failure on the part of the plaintiff/petitioner to comply with the rules or any order of the court may result in the dismissal of the complaint/petition. It is clear that petitioner failed to comply with Our Resolution dated January 13, 2014, hence, the same is a ground for dismissal.

WHEREFORE, premises considered, the Petition for Annulment of Judgment is hereby DISMISSED.

SO ORDERED.

[*]Bruselas, A.D., Jr., Chairperson and [**]Rosario, R.R., JJ., concur.

[*] vice J. Asuncion-Vicente who retired in November 22, 2013, per raffle dated December 6, 2013.

[**] vice J. Villamor who retired on July 4, 2012, per raffle dated October 3, 2012.

[1] Rollo, pp. 279-280.

[2] Ibid., pp. 280-281.

[3] Id., pp. 283-285.

[4] Yutingco vs. Court of Appeals, G.R. No. 137264, August 1, 2002.

[5] Cosmo Entertainment Management vs. Las Ville Commercial Corp., G.R. No. 152801, August 20, 2004. citing Ramos vs. Dayojag, Jr., 378 SCRA 229 (2002).

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