

**CPM GROUP OF COMPANIES AND HOLDINGS CORPORATION
REPRESENTED BY CONSOLACION P. MARCOS, PETITIONER, V. HON.
PRESIDING JUDGE ANA MARIE JOSON-VITERBO (RTC BR. 24,
CABANATUAN CITY) P...**

Ponente: CORALES, J.

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CORALES, J.:

This is a Petition for Certiorari[1] under Rule 65 of the Rules of Court with application for issuance of temporary restraining order and writ of preliminary injunction seeking to annul the February 17, 2014 Decision[2] and March 7, 2014 Writ of Possession[3] issued by the Regional Trial Court (RTC), Branch 24, Cabanatuan City in Cad. Case No. 3342-AF. The assailed Decision granted the Petition for Issuance of a Writ of Possession filed by private respondent Producers Savings Bank Corporation (PSBC), while the questioned Writ of Possession commanded the Sheriff to place PSBC in possession of the property subject of the petition and to eject herein petitioner from the said property.

On April 28, 2014, petitioner filed a Motion for Extension of Time to File Petition for Certiorari[4] praying for a 15-day additional period or from April 27, 2014 until May 12, 2014 within which to file the petition. Subsequently, petitioner filed a Manifestation[5] informing this Court that the last day for filing the petition was on April 28, 2014 and not April 27, 2014. Thus, it prayed that its motion for extension of time be reckoned from April 28, 2014 until May 13, 2014. Eventually, on May 13, 2014, petitioner filed the present petition for certiorari.

The petition for certiorari is procedurally infirmed because the complete and current addresses of petitioner and private respondent are not indicated in the petition, in violation of Section 3, paragraph 1,[6] Rule 46 of the Rules of Court.

According to the Supreme Court in *Cedaña v. Avila*,[7] the requirement that a petition for certiorari must contain the actual addresses of all the petitioners and the respondents is mandatory. Thus, petitioner's failure to comply with the said requirement is sufficient ground for the dismissal of the present petition.

More importantly, it bears stressing that a motion for extension of time is not allowed in a petition for certiorari as held in *Laguna Metts Corporation v. Court of Appeals*,[8] to wit:

While the proper courts previously had discretion to extend the period for filing a petition for certiorari beyond the 60-day period, the amendments to Rule 65 under A.M. No. 07-7-12-SC disallowed extensions of time to file a petition for certiorari with the deletion of the paragraph that previously permitted such extensions.

x x x

Deleting the paragraph allowing extensions to file petition on compelling grounds did away with the filing of such motions. As the Rule now stands, petitions for certiorari must be filed strictly within 60 days from notice of judgment or from the order denying a motion for reconsideration.

Considering that a motion for extension of time is not allowed under Rule 65 of the Rules of Court, the said motion did not toll the running of the 60-day period for filing a petition for certiorari. Hence, the instant petition warrants an outright dismissal for being filed beyond the reglementary period.

We remind petitioner that rules prescribing the time for doing specific acts or for taking certain proceedings are considered absolutely indispensable to prevent needless delays and to orderly and promptly discharge judicial business. By their very nature, these rules are regarded as mandatory.[9] It must be borne in mind that a petition for certiorari is an extraordinary remedy. As such, the party who seeks to avail of the same must strictly observe the procedural rules laid down by law, and non-observance thereof may not be brushed aside as mere technicality.[10]

WHEREFORE, the Motion for Extension of Time to File Petition for Certiorari is DENIED. Accordingly, the instant petition is hereby DISMISSED.

SO ORDERED.

Villon (Chairperson) and Macalino, JJ., concur.

[1] Rollo, pages 11-21.

[2] Penned by Presiding Judge Ana Marie C. Joson-Viterbo, *ibid.*, pages 22-28.

[3] *Ibid.*, page 29-30.

[4] *Ibid.*, pages 4-6.

[5] *Ibid.*, pages 9-10.

[6] The petition shall contain the full names and actual addresses of all the petitioners and respondents, a concise statement of the matters involved, the factual background of the case, and the grounds relied upon for the relief prayed for. x x x

[7] G.R. No. 168350. January 31, 2008.

[8] G.R. No. 185220. July 27, 2009. Emphasis appear in the original text.

[9] *Ibid.*

[10] Congressman Chong v. Hon. De la Cruz, G.R. No. 184948. July 21, 2009.

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