

X-TRADE PAPER & #038; PACKAGING CO., INC., ET AL., PETITIONERS, VS. MARYBEL GALLENERO FLORES AND NATIONAL LABOR RELATIONS COMMISSION (NLRC) 4TH DIVISION, RESPONDENTS.

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MACALINO, J:

On February 16, 2015, a Motion for Extension of Time (To File Petition for Certiorari with TRO)[1] was filed by Petitioners X-Trade Paper & Packaging Co., Inc., et al. (“Petitioners”). In their motion, Petitioners alleged that on December 16, 2014, they received a copy of the December 9, 2014 Resolution of the NLRC denying their Motion for Reconsideration of its June 30, 2014 Decision in NLRC LAC Case No. 04-05022-13. Allegedly, due to extreme pressure arising from other equally important cases and legal work, Petitioners' counsel would not be able to file their intended petition within the reglementary period. Thus, Petitioners prayed for an extension of thirty (30) days from February 16, 2015 within which to file their intended petition.

Pertinent to the resolution of the instant motion is Section 4, Rule 65 of the Rules of Court, as amended by A.M. No. 07-7-12-SC dated 4 December 2007, which reads:

“Sec. 4. When and where to file the petition. – The petition shall be filed not later than sixty (60) days from notice of the judgment, order or resolution. In case a motion for reconsideration or new trial is timely filed, whether such motion is required or not, the petition shall be filed not later than sixty (60) days counted from the notice of the denial of the motion. x x x” (Emphasis supplied)

Hence, in *Laguna Metts Corporation v. Court of Appeals*[2], the Supreme Court pronounced that “the rationale for the amendments under A.M. No. 07-7-12-SC is essentially to prevent the use (or abuse) of the petition for certiorari under Rule 65 to delay a case or even defeat the ends of justice. 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.”

Under exceptional cases, however, and as held in *Domdom v. Sandiganbayan*[3], the 60-day period may be extended subject to the court’s sound discretion.

The case of *Labao v. Flores*[4] then laid down the exceptions to the rigid application of the sixty (60)-day period, such as:

“(1) most persuasive and weighty reasons; (2) to relieve a litigant from an injustice not commensurate with his failure to comply with the prescribed procedure; (3) good faith of the defaulting party by immediately paying within a reasonable time from the time of the default; (4) the existence of special or compelling circumstances; (5) the merits of the case; (6) a cause not entirely attributable to the fault or negligence of the party favored by the suspension of the rules; (7) a lack of any showing that the review sought is merely frivolous and dilatory; (8) the other party will not be unjustly prejudiced thereby; (9) fraud, accident, mistake or excusable negligence without appellant’s fault; (10) peculiar legal and equitable circumstances attendant to each case; (11) in the name of substantial justice and fair play; (12) importance of the issues involved; and (13) exercise of sound discretion by the judge guided by all the attendant circumstances.”

In the more recent cases of *Mid-Islands Power Generation Corporation v. Court of Appeals*[5] and *Republic v. St. Vincent De Paul Colleges*[6], the Supreme Court likewise relaxed the rule because of the public interest involved therein.

In this case, however, the reason offered by Petitioners for availing of the motion for extension is the heavy workload of their counsel, which is hardly a compelling or meritorious reason as enunciated in *Labao*. Time and again, it has been ruled that the excuse of heavy workload is relative and often self-serving. Standing alone, it is not a sufficient reason to deviate from the 60-day rule.[7]

WHEREFORE, premises considered, the instant Motion is DENIED and the intended Petition is hereby DISMISSED.

SO ORDERED.

Castillo, M., J. Chairperson, and Galapate-Laguilles, Z. T., JJ., concur.

[1] Rollo, pp. 3-7.

[2] G.R. No. 185220, July 27, 2009.

[3] G.R. No. 182382-83, February 24 2010.

[4] G.R. No. 187984, November 15, 2010, 634 SCRA 723.

[5] G.R. No. 189191, February 29, 2012.

[6] G.R. No. 192908, 22 August 2012.

[7] *Thenamaris Philippines, Inc. v. Court of Appeals*, G.R. No. 191215, February 3, 2014.

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