

LAGUNA METTS CORPORATION, PETITIONER, VS. COURT OF APPEALS, ARIES C. CAALAM AND GERALDINE ESGUERRA, RESPONDENTS.

G.R. No. 185220. July 27, 2009

Ponente: CORONA, J.

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CORONA, J.:

This petition arose from a labor case filed by private respondents Aries C. Caalam and Geraldine Esguerra against petitioner Laguna Metts Corporation (LMC).[1] The labor arbiter decided in favor of private respondents and found that they were illegally dismissed by LMC. On appeal, however, the National Labor Relations Commission (NLRC) reversed the decision of the labor arbiter in a decision dated February 21, 2008. Private respondents' motion for reconsideration was denied in a resolution dated April 30, 2008.

Counsel for private respondents received the April 30, 2008 resolution of the NLRC on May 26, 2008. On July 25, 2008, he filed a motion for extension of time to file petition for certiorari under Rule 65 of the Rules of Court.[2] The motion alleged that, for reasons[3] stated therein, the petition could not be filed in the Court of Appeals within the prescribed 60-day period.[4] Thus, a 15-day extension period was prayed for.[5]

In a resolution dated August 7, 2008,[6] the Court of Appeals granted the motion and gave private respondents a non-extendible period of 15 days within which to file their petition for certiorari. LMC moved for the reconsideration of the said resolution claiming that extensions of time to file a petition for certiorari are no longer allowed under Section 4, Rule 65 of the Rules of Court, as amended by A.M. No. 07-7-12-SC dated December 4, 2007.[7] This was denied in a resolution dated October 22, 2008. According to the appellate court, while the amendment of the third paragraph of Section 4, Rule 65 admittedly calls for stricter application to discourage the filing of unwarranted motions for extension of time, it did not strip the Court of Appeals of the discretionary power to grant a motion for extension in exceptional cases to serve the ends of justice.

Aggrieved, LMC now assails the resolutions dated August 7, 2008 and October 22, 2008 of the Court of Appeals in this petition for certiorari under Rule 65 of the Rules of Court. It contends that the Court of Appeals committed grave abuse of discretion when it granted private respondents' motion for extension of time to file petition for certiorari as the Court of Appeals had no power to grant something that had already been expressly deleted from the rules.

We agree.

Rules of procedure must be faithfully complied with and should not be discarded with the mere expediency of claiming substantial merit.[8] As a corollary, 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]

In *De Los Santos v. Court of Appeals*,[10] we ruled:

Section 4 of Rule 65 prescribes a period of 60 days within which to file a petition for certiorari. The 60-day period is deemed reasonable and sufficient time for a party to mull over and to prepare a petition asserting grave abuse of discretion by a lower court. The period was specifically set to avoid any unreasonable delay that would violate the constitutional rights of the parties to a speedy disposition of their case. (emphasis supplied)

While the proper courts previously had discretion to extend the period for filing a petition for certiorari beyond the 60-day period,[11] 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.

Section 4, Rule 65 previously read:

SEC. 4. When and where petition filed. - The petition shall be filed not later than sixty (60) days from notice of the judgment or resolution. In case a motion for reconsideration or new trial is timely filed, whether such motion is required or not, the sixty (60) day period shall be counted from notice of the denial of said motion.

The petition shall be filed in the Supreme Court or, if it relates to the acts or omissions of a lower court or of a corporation, board, officer or person, in the Regional Trial Court exercising jurisdiction over the territorial area as defined by the Supreme Court. It may also be filed in the Court of Appeals whether or not the same is in aid of its appellate jurisdiction, or in the Sandiganbayan if it is in aid of its appellate jurisdiction. If it involves the acts or omissions of a quasi-judicial agency, and unless otherwise provided by law or these rules, the petition shall be filed in and cognizable only by the Court of Appeals.

No extension of time to file the petition shall be granted except for compelling reason and in no case exceeding 15 days.[12] (emphasis supplied)

With its amendment under A.M. No. 07-7-12-SC, it now reads:

SEC. 4. When and where to file petition. - The petition shall be filed not later than sixty (60) days from notice of the judgment or resolution. In case a motion for reconsideration or new trial is timely filed, whether such motion is required or not, the sixty (60) day period shall be counted from the notice of the denial of the motion.

If the petition relates to an act or an omission of a municipal trial court or of a corporation, a board, an officer or a person, it shall be filed with the Regional Trial Court exercising jurisdiction over the territorial area as defined by the Supreme Court. It may also be filed in the Court of Appeals or with the Sandiganbayan, whether or not the same is in aid of the court's appellate jurisdiction. If the petition involves an act or an omission of a quasi-judicial agency, unless otherwise provided by law or these rules, the petition shall be filed with and be cognizable only by the Court of Appeals.

In election cases involving an act or omission of a municipal or a regional trial court, the petition shall be filed exclusively with the Commission on Elections, in aid of its appellate jurisdiction.

As a rule, an amendment by the deletion of certain words or phrases indicates an intention to change its meaning. It is presumed that the deletion would not have been made if there had been no intention to effect a change in the meaning of the law or rule. The amended law or rule should accordingly be given a construction different from that previous to its amendment.[13]

If the Court intended to retain the authority of the proper courts to grant extensions under Section 4 of Rule 65, the paragraph providing for such authority would have been preserved. The removal of the said paragraph under the amendment by A.M. No. 07-7-12-SC of Section 4, Rule 65 simply meant that there can no longer be any extension of the 60-day period within which to file a petition for certiorari.

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.

In granting the private respondents' motion for extension of time to file petition for certiorari, the Court of Appeals disregarded A.M. No. 07-7-12-SC. The action amounted to a modification, if not outright reversal, by the Court of Appeals of A.M. No. 07-7-12-SC. In so doing, the Court of Appeals arrogated to itself a power it did not possess, a power that only this Court may exercise.[14] For this reason, the challenged resolutions dated August 7, 2008 and October 22, 2008 were invalid as they were rendered by the Court of Appeals in excess of its jurisdiction.

Even assuming that the Court of Appeals retained the discretion to grant extensions of time to file a petition for certiorari for compelling reasons, the reasons proffered by private respondents' counsel did not qualify as compelling. Heavy workload is relative and often self-serving.[15] Standing alone, it is not a sufficient reason to deviate from the 60-day rule.[16]

As to the other ground cited by private respondents' counsel, suffice it to say that it was a bare allegation unsubstantiated by any proof or affidavit of merit. Besides, they could have filed the petition on time with a motion to be allowed to litigate in forma pauperis. While social justice requires that the law look tenderly on the disadvantaged sectors of society, neither the rich nor the poor has a license to disregard rules of procedure. The fundamental rule of human relations enjoins everyone, regardless of standing in life, to duly observe procedural rules as an aspect of acting with justice, giving everyone his due and observing honesty and good faith.[17] For indeed, while technicalities should not unduly hamper our quest for justice, orderly procedure is essential to the success of that quest to which all courts are devoted.[18]

WHEREFORE, the petition is hereby GRANTED. The resolutions dated August 7, 2008 and October 22, 2008 of the Court of Appeals in CA-G.R. SP No. 104510 are REVERSED and SET ASIDE and the petition in the said case is ordered DISMISSED for having been filed out of time.

SO ORDERED.

Puno, C.J., (Chairperson), Carpio, Leonardo-De Castro and Bersamin, JJ., concur.

[1] In particular, Caalam and Esguerra who were allegedly employed with LMC as a machine operator and an inspector, respectively, filed a case for illegal dismissal, regularization and non-payment of service incentive leave with claims for full backwages and payment of moral and exemplary damages and attorney's fees against LMC.

[2] Annex "D" of petition. Rollo, pp. 26-29.

[3] Specifically, the motion cited "lack of material time occasioned by voluminous pleadings that have to be written and numerous court appearances to be undertaken" by private respondents' counsel and "lack of funds" on the part of the private respondents as the reasons in support thereof. Id., pp. 26-27.

[4] The last day of the 60-day period was on July 25, 2008, the day the motion was filed.

[5] Supra note 2, p. 27. The case was docketed as CA-G.R. SP No. 104510.

[6] Penned by Associate Justice Normandie B. Pizarro and concurred in by Associate Justices Edgardo P. Cruz (retired) and Fernanda Lampas Peralta of the Seventh Division of the Court of Appeals. Rollo, p. 18.

- [7] The amendments took effect on December 27, 2007.
- [8] *Yutingco v. Court of Appeals*, 435 Phil. 83 (2002).
- [9] *Gonzales v. Torres*, A.M. No. MTJ-06-1653, 30 July 2007, 528 SCRA 490.
- [10] G.R. 147912, 26 April 2006, 488 SCRA 351, citing *Yutingco v. Court of Appeals*, *supra*.
- [11] Per A.M. No. 00-2-03-SC effective September 1, 2000.
- [12] *Id.*
- [13] See *Niere v. Court of First Instance of Negros Occidental*, Br. II, 153 Phil. 450 (1973).
- [14] See Section 5(5), Article VIII, Constitution.
- [15] *Yutingco v. Court of Appeals*, *supra*.
- [16] *Id.*
- [17] See Article 19, Civil Code.
- [18] *Yutingco v. Court of Appeals*, *supra*.

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