

## FIRST DIVISION

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

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

### R E S O L U T I O N

**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).<sup>[1]</sup> 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.<sup>[2]</sup> The motion alleged that, for reasons<sup>[3]</sup> stated therein, the petition could not be filed in the Court of Appeals within the prescribed 60-day period.<sup>[4]</sup> Thus, a 15-day extension period was prayed for.<sup>[5]</sup>

In a resolution dated August 7, 2008,<sup>[6]</sup> 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.<sup>[7]</sup> 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.<sup>[8]</sup> 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.<sup>[9]</sup>

In *De Los Santos v. Court of Appeals*,<sup>[10]</sup> 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,<sup>[11]</sup> 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.**<sup>[12]</sup>  
(emphasis supplied)

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