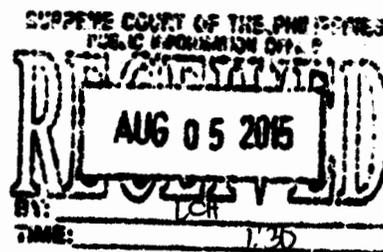




Republic of the Philippines
Supreme Court
 Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **June 17, 2015** which reads as follows:*

“G.R. No. 212625 (Cristina A. Carpio v. Universal Joint Network Technologies, Inc. and/or Francisco R. Floro). – The petitioner’s compliance, submitting a certified true copy of the Court of Appeals Resolution dated January 27, 2014 and the verified statement of the material dates of receipt of the assailed resolution and the filing of the motion for reconsideration is **NOTED**.

After a judicious review of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the January 27, 2014¹ and May 20, 2014² Resolutions of the Court of Appeals (CA) in CA-G.R. SP No. 133354 for failure of petitioner Cristina A. Carpio (petitioner) to show that the CA committed any reversible error in dismissing outright her petition for *certiorari* for being filed out of time.

In accordance with the amendment³ introduced by A.M. No. 07-7-12-SC,⁴ a petition for *certiorari* must be filed strictly within 60 days from the Notice of Judgment or from the Order denying a motion for

- over - three (3) pages

¹ *Rollo*, p. 18. Signed by Division Clerk of Court Anita Jamerlan Rey.

² *Id.* at 20-21. Penned by Associate Justice Normandie B. Pizarro with Presiding Justice Andres B. Reyes, Jr. and Associate Justice Manuel M. Barrios concurring.

³ Section 4, Rule 65 of the Rules of Court, as amended, provides:

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 petition shall be filed not later than sixty (60) days counted from notice of the denial of the motion.

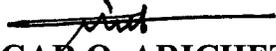
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⁴ Entitled “AMENDMENTS TO RULES 41, 45, 58, AND 65 OF THE RULES OF COURT” (December 27, 2007).

reconsideration, where no provision for the filing of a motion for extension to file a petition for *certiorari* exists. However, while there are exceptions⁵ to the strict application of the 60-day period rule, there should be an effort on the part of the litigant invoking liberality to satisfactorily explain why he or she was unable to abide by the rules.⁶ Here, the reason offered for availing of the motion for extension is the heavy workload of petitioner's counsel, which is hardly a compelling or meritorious reason. "It is settled jurisprudence that heavy pressure of work is not considered compelling reason to justify a request for an extension of time to file a petition for *certiorari*. 'Heavy workload is relative and often self-serving. Standing alone, it is not a sufficient reason to deviate from the 60-day rule.'"⁷

SO ORDERED."

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court

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⁵ "[s]ome of the exceptions to the strict application of the 60-day period rule, thus: there are recognized exceptions to their strict observance, 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 favoured 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. Thus, there should be an effort on the part of the party invoking liberality to advance a reasonable or meritorious explanation for his/her failure to comply with the rules (See *Thenamaris Philippines, Inc. v. CA*, G.R. No. 191215, February 3, 2014; citing *Labao v. Flores*, G.R. No. 187984, November 15, 2010, 634 SCRA 723, 732).

⁶ Id.

⁷ *Heirs of Ramon B. Gayares v. Pacific Asia Overseas Shipping Corporation*, G.R. No. 178477, July 16, 2012, 676 SCRA 450, 459; citation omitted.

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