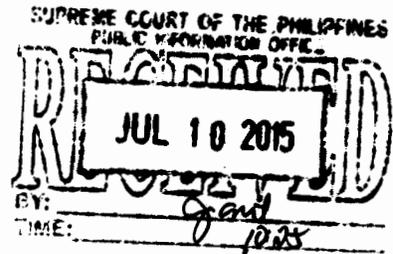




Republic of the Philippines
Supreme Court
Manila

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. 216658 (Jinky Pabon v. Leopoldo Dellosa). – The petitioner’s motion for an extension of thirty (30) days within which to file a petition for review on certiorari is **GRANTED**, counted from the expiration of the reglementary period.

After a judicious review of the records, the Court resolves to **DENY** the Petition and **AFFIRM** the Court of Appeals Resolutions dated 19 July 2013 and 23 December 2014 in CA-G.R. SP No. 07699 for failure to show that the CA committed a reversible error in dismissing the appeal. Moreover, the timeliness of an appeal is a factual issue that is generally beyond the ambit of a petition for review on *certiorari*.¹

Under Section 3, Rule 13 of the Rules of Court, the date of filing is determinable from two sources: from the post office stamp on the envelope or from the registry receipt, either of which may suffice to prove the timeliness of the filing of the pleadings. If the date stamped on one is earlier than that on the other, the former may be accepted as the date of filing. This rule presupposes, though, that the envelope or registry receipt and the date appearing thereon are duly authenticated before the tribunal where they are presented.²

The purported registry receipt³ submitted by petitioner is not a conclusive proof of the timeliness of her appeal. The receipt is a mere photocopy that contains an unexplained erasure of the mail number, i.e.,

- over - two (2) pages

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¹ *GSIS v. NLRC*, G.R. No. 180045, 17 November 2010, 635 SCRA 251.

² *Supra*.

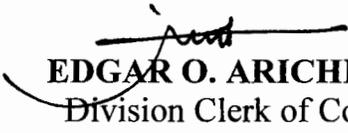
³ *Rollo*, pp. 161 (Annex “H” of the Petition), 191 (Annex “A” of Annex “J” of the Petition).

6421. The erasure naturally casts doubt on the authenticity of the receipt, yet petitioner did not present the original of the receipt, which was supposedly in possession of her counsel. Therefore, the CA correctly relied on the date appearing in the post office stamp on the mailing envelope and in holding that petitioner's appeal was time-barred.⁴

The Certification⁵ issued by Bacolod City acting Postmaster Richie P. Cardiel is likewise inconclusive, as it merely states – that Registered Mail No. 6421 was posted by petitioner's counsel on 25 June 2013, and that the mail was addressed to the CA. There is no indication, however, that the subject registered mail pertains to petitioner's appeal to the CA.

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court

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⁴ See *San Miguel Corporation v. NLRC*, 259 Phil. 765, 769 (1989).

⁵ *Rollo*, p. 197 (Annex “L” of the Petition).