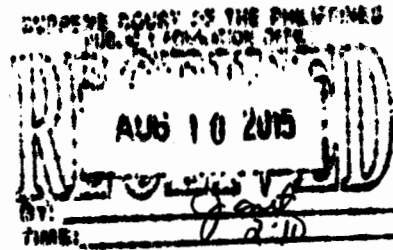




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated July 20, 2015 which reads as follows:

“G.R. No. 217696 (Amelito A. Flores v. Rizal Commercial Banking Corporation and/or Alfonso S. Yuchengco). – 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 instant petition and **AFFIRM** the January 9, 2015 Decision¹ and March 18, 2015 Resolution² of the Court of Appeals (CA) in CA-G.R. SP No. 134526 for failure of petitioner Amelito A. Flores (petitioner) to sufficiently show that the CA committed any reversible error in sustaining the dismissal by the National Labor Relations Commission (NLRC) of his appeal for having been filed out of time, rendering the Decision of the Labor Arbiter (LA) final and executory.

As correctly found by the CA, petitioner’s counsel received notice of the LA’s Decision on July 29, 2013. However, he only filed his appeal memorandum on September 30, 2013, or beyond the 10-day reglementary period to perfect the appeal, without offering any plausible explanation for such belated filing. It is a well-settled rule that the timely perfection of an appeal is a mandatory requirement, which cannot be trifled with as a “mere technicality” to suit the interest of a party. The rules on periods for filing

- over - two (2) pages

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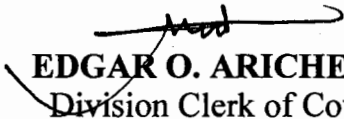
¹ *Rollo*, pp. 304-318. Penned by Associate Justice Fernanda Lampas-Peralta with Associate Justices Stephen C. Cruz and Nina G. Antonio-Valenzuela concurring.

² *Id.* at 331.

appeals are to be observed religiously, and parties who seek to avail themselves of the privilege must comply with the rules.³ Anyone seeking exemption from the application of the reglementary period for filing an appeal has the burden of proving the existence of exceptionally meritorious instances warranting such deviation.⁴ petitioner, however, failed to discharge this burden, thus warranting the consequent denial of his appeal.

SO ORDERED.” **SERENO, C.J.**, on official leave; **PERALTA, J.**, acting member per S.O. No. 2103 dated July 13, 2015. **LEONARDO-DE CASTRO, J.**, on official leave; **LEONEN, J.**, acting member per S.O. No. 2108 dated July 13, 2015.

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court ^{of the}

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(CA-G.R. SP No. 134526)

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³ *Calipay v. NLRC, et al.*, 640 Phil. 458, 466 (2010); citations omitted.

⁴ See *Prieto v. Alpadi Development Corporation*, G.R. No. 191025, July 31, 2013, 702 SCRA 736, 752; citation omitted.

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