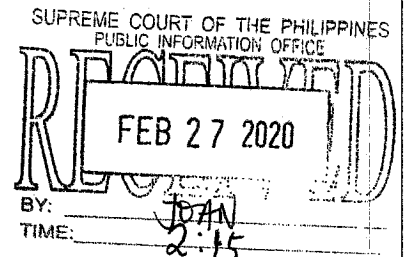




Republic of the Philippines  
Supreme Court  
Manila



FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated February 3, 2020 which reads as follows:*

**“G.R. No. 249604 – SPECTRUM GENERAL MERCHANDISE and/or ALEX CO vs. DEPARTMENT OF LABOR AND EMPLOYMENT, MIMAROPA, ET AL. -** The petitioner’s motion for an extension of fifteen (15) days within which to file a petition for review on certiorari is **GRANTED**, counted from the expiration of the reglementary period.

The petitioner’s second motion for an extension of fifteen (15) days within which to file a petition for review on certiorari is **DENIED** for late filing on November 5, 2019, due date being November 3, 2019.

The Court resolves to **DISMISS** the petition for review on certiorari for having been filed out of time.

On October 4, 2019, petitioner received the Resolution dated September 17, 2019. Under Rule 45 of the Rules of Court, petitions for review on *certiorari* shall be filed within fifteen (15) days from notice of the judgment, final order, or resolution appealed from, or from notice of the denial of petitioner’s motion for new trial or reconsideration.<sup>1</sup> Thus, petitioner had until October 19, 2019 within which to file its intended petition for review on certiorari.

Under Motion for Extension of Time to File Petition for Review<sup>2</sup> dated October 19, 2019, it sought fifteen (15) days or until November 5, 2019 (should be November 3, 2019) within which to file

- over – three (3) pages ...

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<sup>1</sup> Section 2, Rule 45, Rules of Court.

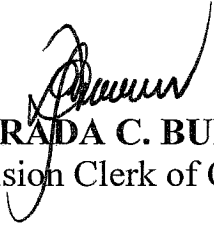
<sup>2</sup> *Rollo*, pp. 3-5.

the petition. Since October 19, 2019 fell on a Saturday, petitioner properly filed the motion on the next working day, October 21, 2019. But petitioner erred in computing the last day of the fifteen (15) days, for instead of reckoning it on November 3, 2019, it reckoned the same on November 5, 2019. Consequently, when petitioner filed its Second Motion for Extension of Time to File Petition for Review<sup>3</sup> on November 5, 2019, the first extension of fifteen days had in fact, already lapsed. There was no more period to extend. As a result, the assailed dispositions lapsed into finality.

A motion for extension of time to file a pleading must be filed before the expiration of the period sought to be extended. The court's discretion to grant a motion for extension is conditioned upon its timeliness such that the filing thereof beyond the period sought to be extended, renders the Court powerless to entertain or grant the same. Since petitioner's second motion for extension was actually filed after the first extension had already lapsed, the Court is powerless to entertain, let alone, grant it.<sup>4</sup> At any rate, even if we grant both motions for extension totaling thirty (30) days from October 19, 2019, the last day of filing should have been on November 18, 2019. Consequently, when the petition was filed only on November 20, 2019, or two days late, the petition should be dismissed outright.

**SO ORDERED.”**

Very truly yours,

  
**LIBRADA C. BUENA**  
Division Clerk of Court *mm/19*

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Spectrum General Merchandise/Mr.  
Alex Co  
Petitioner  
Tawiran, Calapan City  
5200 Oriental Mindoro

Court of Appeals (x)  
Manila  
(CA-G.R. SP No. 157815)

The Solicitor General  
134 Amorsolo Street, Legaspi Village  
1229 Makati City

- over -

<sup>3</sup> *Id.* at 11-15.

<sup>4</sup> See *Philippine National Bank v. Deang Marketing Corp.*, 593 Phil. 703, 710 (2008).

