

SECOND DIVISION

[G.R. No. 159708, September 24, 2004]

**JAIME BELTRAN LUZ, PETITIONER, VS. NATIONAL AMNESTY
COMMISSION, RESPONDENT.**

D E C I S I O N

CALLEJO, SR., J.:

This is a petition for review of the Resolution^[1] of the Court of Appeals (CA) in CA-G.R. SP No. 74285 denying the second motion for extension to file petition for review of petitioner Jaime Beltran Luz and its resolution denying his motion for reconsideration of the first motion.

It appears that on July 18, 1988, the petitioner was charged with violation of Presidential Decree No. 1866 (illegal possession of firearms) in the Regional Trial Court of Makati City, docketed as Criminal Case No. 427.

On March 22, 2000, the petitioner filed an application for amnesty with the Local Amnesty Board for Metro Manila. In due course, the board denied the said application. On August 26, 2002, the National Amnesty Commission (NAC) issued a Resolution affirming that of the Local Amnesty Board. The motion for reconsideration thereof was denied by the NAC, per its Resolution dated November 13, 2002, a copy of which was received by the petitioner on November 22, 2002.

Under Rule III, Section 4 of NAC Administrative Order No. 2, Series of 1999, the petitioner had until December 7, 2002, a Saturday, within which to file a petition for review of the said resolution with the Court of Appeals. On December 9, 2002, the petitioner filed a motion in the appellate court for an extension of fifteen (15) days from December 9, 2002, or until December 24, 2002 within which to file his petition. The petitioner alleged therein that he had just engaged the services of counsel who needed additional time to study the case and draft the petition. However, the petitioner failed to file his petition for review.

December 24, 2002 was declared a national holiday; December 25, 2002 was also a holiday. On December 26, 2002, the petitioner filed a second motion for extension of fifteen (15) days from December 26, 2002 or until January 10, 2002, within which to file his petition. The petitioner filed his petition for review with the Court of Appeals on January 10, 2003.

On January 13, 2003, the CA issued a Resolution granting the petitioner's first motion for a fifteen-day extension counted from December 7, 2002 or until December 22, 2002, within which to file said petition. On February 20, 2003, the CA issued a Resolution denying petitioner's second motion for having been filed out of time. The petitioner filed a motion for reconsideration of the February 20, 2003 Resolution claiming that, since the last day to file his petition was a Saturday,

December 7, 2002, and the next day, December 8, 2002 was a Sunday, the last day for filing the petition was December 9, 2002. He reasoned that since he filed his motion for extension of time to file his petition for review on the said date, the said motion was timely filed.

On August 19, 2003, the CA issued a Resolution denying the petitioner's motion, relying on A.M. No. 00-2-14-SC issued on February 29, 2000, which provides that any extension of time to file the required pleading should be counted from the expiration of the period regardless of the fact that the said due date is a Saturday, Sunday, or legal holiday.

The threshold issue posed is whether or not the petitioner timely filed his second motion for extension of time to file his petition for review.

The petitioner asserts that the resolutions of the Court of Appeals are contrary to Rule 22, Section 1 of the Rules of Court and the ruling of this Court in *Labad v. University of Southeastern Philippines*,^[2] which was promulgated after the Court issued A.M. No. 00-2-14-SC. He avers that the rule in A.M. No. 00-2-14-SC should apply only where a motion for extension does not specifically state the reckoning date of the extension prayed for, such that the extension will be reckoned from the last day of the period, even if it was a Saturday, Sunday, or a legal holiday. He contends that even assuming that his second motion for extension was filed out of time, the Court of Appeals should have admitted his petition for review in the interest of justice.

In its comment to the petition, the respondent avers that the ruling of this Court in *Labad v. University of Southeastern Philippines*, has not voided, overturned nor vacated A.M. No. 00-2-14-SC; as such, the latter should prevail. It asserts that the petitioner should not have presumed that the CA would grant him an extension until December 24, 2002 within which to file his petition for review.

We agree with the appellate court that the petitioner's motion for a second extension of time to file his petition for review was filed out of time.

Section 1, Rule 22, of the 1997 Rules of Civil Procedure provides:

Section 1. How to compute time. – In computing any period of time prescribed or allowed by these Rules, or by order of the court, or by any applicable statute, the day of the act or event from which the designated period of time begins to run is to be excluded and the date of performance included. If the last day of the period, as thus computed, falls on a Saturday, a Sunday, or a legal holiday in the place where the court sits, the time shall not run until the next working day.^[3]

The Court clarified the provision when it issued A.M. No. 00-2-14-SC, which reads:

Whereas, the aforecited provision applies in the matter of filing of pleadings in courts when the due date falls on a Saturday, Sunday, or legal holiday, in which case, the filing of the said pleading on the next working day is deemed on time;

Whereas, the question has been raised if the period is extended *ipso jure*