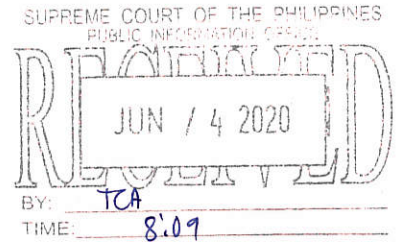




REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila



SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **17 February 2020** which reads as follows:

“G.R. No. 250792 (RMJ Contractor Maintenance and Service Corporation, represented by Ricardo M. Marquez v. Pedro J. Javier). – After a judicious study of the case, the Court resolves to **DISMISS** the instant petition<sup>1</sup> outright for being filed out of time.

Under Section 2,<sup>2</sup> Rule 45 of the Rules of Court, petitioner RMJ Contractor Maintenance and Service Corporation, represented by Ricardo M. Marquez (petitioner), had fifteen (15) days from receipt of the November 26, 2019 Resolution<sup>3</sup> of the Court of Appeals (CA Resolution), denying its motion for reconsideration within which to file its petition before the Court. Records reveal that petitioner received the CA Resolution on December 17, 2019;<sup>4</sup> thus, it had until January 1, 2020, which was a regular holiday, to file its petition. On January 2, 2020, petitioner filed a Motion for Extension of Time to File Petition for Review on *Certiorari*,<sup>5</sup> praying for an additional period of thirty (30) days within which to file its petition. In a Resolution dated January 22, 2020, this Court granted the above-mentioned motion, giving petitioner an extension of thirty (30) days from the expiration of the reglementary period, or until January 31, 2020, within which to file its petition.<sup>6</sup> However, petitioner belatedly filed the instant petition on February 3, 2020, erroneously counting the additional thirty (30) days to have commenced from January 2, 2020. Considering that the petition was filed out of time, the CA rulings have become final, executory, and unappealable.

<sup>1</sup> Rollo, pp. 13-31.

<sup>2</sup> Section 2. *Time for filing; extension.* — The petition shall be filed within fifteen (15) days from notice of the judgment or final order or resolution appealed from, or of the denial of the petitioner’s motion for new trial or reconsideration filed in due time after notice of the judgment. On motion duly filed and served, with full payment of the docket and other lawful fees and the deposit for costs before the expiration of the reglementary period, the Supreme Court may for justifiable reasons grant an extension of thirty (30) days only within which to file the petition. (Emphasis supplied)

<sup>3</sup> Rollo, pp. 7-8. Penned by Associate Justice Victoria Isabel A. Paredes with Associate Justices Ricardo R. Rosario and Tita Marilyn B. Payoyo-Villordon, concurring.

<sup>4</sup> See id. at 3.

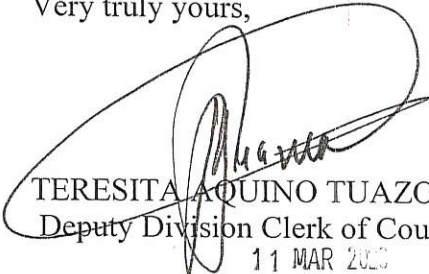
<sup>5</sup> Id. at 3-5.

<sup>6</sup> Id. at 11. Signed by Deputy Division Clerk of Court Teresita Aquino Tuazon.

In any event, records reveal that the CA did not commit any reversible error in affirming<sup>7</sup> the findings of the Labor Arbiter and the National Labor Relations Commission that respondent Pedro J. Javier (respondent) was illegally dismissed from employment. Petitioner's accusation that respondent violated its contract for maintenance works with Pavilion Mall, where he was assigned, was unsubstantiated. Moreover, as correctly ruled by the CA, there was no abandonment in the instant case since petitioner failed to notify respondent to report back for work, considering that the incident memo issued to him explicitly indicated that his suspension was indefinite.<sup>8</sup> Accordingly, the assailed CA rulings are affirmed *in toto*.

**SO ORDERED.”**

Very truly yours,

  
TERESITA AQUINO TUAZON  
Deputy Division Clerk of Court  
11 MAR 2020 p 3/11

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GR250792. 02/17/20(174)URES

<sup>7</sup> See id. at 42.

<sup>8</sup> See id. at 40-41.