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contention of petitioners is clearly untenable." (*Isip v. Gonzales*, 39 SCRA 263-264)

We reiterated this rule in *Bautista v. Navarro,*[11] and *Rojas v. People.*[12]

We find no sound and cogent reason to warrant a departure from the aforesaid rulings of this Court.

In consequence hereof, the petition for *certiorari* and prohibition is hereby dismissed, with costs against petitioners.

Fernando (Chairman), Barredo, Fernandez, and *Aquino, JJ.,* concur.

SECOND DIVISION

[G.R. No. L-28018. February 25, 1975]

MODESTA DAS SOLLORANO, CONRADO SOLLORANO, JR., CONCHITA SOLLORANO, ROSITA SOLLORANO, NORMA SOLLORANO, GLORIA SOLLORANO and ROBERTO SOLLORANO, *petitioners, vs.* **HON. COURT OF APPEALS, JUSTICES JULIO VILLAMOR, JESUS Y. PEREZ and RAMON O. NOLASCO, ANICETO BELMONTE and CONSUELO LUCIDO BELMONTE,** *respondents.*

SYLLABUS

REMEDIAL LAW; COURTS; INHERENT POWERS OF COURTS; EXERCISED IN CASE AT BAR.— The Court resolved to

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[11] L-35345, November 23, 1972, 48 SCRA 176.

[12] L-22237, May 31, 1974, 57 SCRA 248.

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RECONSIDER the resolution of September 13, 1967 and to DISMISS the petition without the need of an extended opinion, under the authority of *Arvisu vs. Vergara,* 90 Phil. 621 as well as its inherent powers to amend and control its processes and orders so as to make them conformable to law and justice (Sec. 5, Rule 135) and even to deviate from procedural rules which are not founded on public policy and when no substantial injury can be caused to any of the parties, particularly, when such deviation tends to achieve a more speedy and just administration of justice. (*Estrada vs. Sto. Domingo,* L-30570, July 29, 1969, 28 SCRA 890, citing *Ordoveza vs. Raymundo,* 63 Phil. 275.)

RESOLUTION

BARREDO, *J.:*

Petition for *certiorari* claiming that the Court of Appeals acted with grave abuse of discretion if not in excess of jurisdiction in reinstating the appeal of private respondents in CA-G.R. No. 38557-R, entitled *Aniceto Belmonte, et al., plaintiffs-appellants, vs. Modesta Das Sollorano, et al., defendants-appellees*, notwithstanding its having already dismissed the same on the ground that the fourth motion for extension of time filed by said respondents was filed two days after the third extension granted by the appellate court had already expired and the brief itself was filed three (3) days after the last extension requested, which was actually denied.

It appearing after a review of the record that in view of the undenied allegation in private respondents third motion for extension dated June 10, 1967 that the draft of the brief already prepared by their counsel was destroyed in the inundation of his office, which unfortunate and unforseen occurrence would have made the impossibility of his filing the brief on June 10, 1967 justifiable and the further extension of the period by twenty (20) days not unreasonable, the Court resolved to RECONSIDER the resolution of September 13, 1967 and to DISMISS the petition without the need of an extended opinion, under the authority of *Arvisu vs. Vergara*, 90 Phil. 621 as well as its inherent powers to amend and control its processes and orders so as to

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make them conformable to law and justice (Sec. 5, Rule 135) and even to deviate from procedural rules which are not founded on public policy and when no substantial injury can be caused to any of the parties, particularly, when such deviation tends to achieve a more speedy and just administration of justice. (*Estrada vs. Sto. Domingo*, L-30570, July 29, 1969, 28 SCRA 890, citing *Ordoveza vs. Raymundo,* 63 Phil. 275.)

Without costs.

Fernando (Chairman), Antonio, Fernandez, and *Aquino, JJ.*, concur.

SECOND DIVISION

[G.R. No. L-30825. February 25, 1975]

TEODORO V. JULIANO, in his capacity as Mayor of the City of Cotabato and NICOLAS ALIÑO, *petitioners, vs.* **ABELARDO SUBIDO, in his capacity as Commissioner of Civil Service and JOSE P. BARCELONA, in his capacity as Regional Director of the Civil Service Commission, Regional Office No. 7, City of Davao,** *respondents.*

SYLLABUS

1. **POLITICAL LAW; CIVIL SERVICE COMMISSION; COMMISSIONER OF THE CIVIL SERVICE CANNOT IMPOSE ADDITIONAL REQUIREMENT FOR ELIGIBILITY, ABSENT CONSTITUTIONAL OR STATUTORY AUTHORITY.** — In the absence of constitutional authority or enabling statute, the Commissioner of Civil Service may not require as a condition for eligibility additional indispensable qualifications to civil service, positions beyond that specified by law.