

**SPS. RICARDO AND EMETERIA TINDOY, PLAINTIFFS-APPELLANTS,
VS. HEIRS OF JOSE OBUNGEN, NAMELY: JOSE OBUNGEN, JR.,
CRISANTO A. OBUNGEN, LORENA OBUNGEN-PEREZ, JOSIE
OBUNGEN-LOPEZ AND...**

Ponente: SINGH, J.

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SINGH, J.:

For consideration is plaintiffs-appellants' Motion for Reconsideration[1] of the July 30, 2014 Decision[2] which affirmed the assailed Order of the Regional Trial Court of Butuan City in Civil Case No. 6243.

After due examination, the Court RESOLVES to DENY the Motion for having been filed out of time.

Section 1, Rule 52 of the Revised Rules of Court provides:

“SECTION 1. Period for filing. — A party may file a motion for reconsideration of a judgment or final resolution within fifteen (15) days from notice thereof, with proof of service on the adverse party.”

Records show that a copy of the Decision was received by plaintiffs-appellants on August 28, 2014.[3] Thus, plaintiffs-appellants had until September 12, 2014 within which to file a motion for reconsideration. When plaintiffs-appellants filed their Motion on September 23, 2014, or eleven (11) days beyond the reglementary period, this Court had already been divested of the authority to take judicial cognizance of the same. Consequently, as no timely motion for reconsideration was filed by plaintiffs-appellants, the assailed July 30, 2014 Decision is DEEMED to have attained finality.

WHEREFORE, premises considered, plaintiffs-appellants' Motion for Reconsideration is hereby DENIED. Let an Entry of Judgment be issued in this case.

SO ORDERED.

Borja, J., Ch., and Badelles, JJ., concur.

[1] Rollo, pp. 63-66.

[2] Id., pp. 40-50.

[3] Per Registry Return Receipt dated July 30, 2014.

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