ROSITO MIRASOL, MARCELO PACLA, CORNELIO PACLA, SOTERO MABBAYAD, PELAGIO MALTA, EUGENIO MALTA, EDWIN MEMBERS: MIRASOL, HENRY CANCERAN AND JUAN ALINGOD, REPRESENTED BY CECILIA GAZ...

Ponente: LAMPAS PERALTA, J.

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LAMPAS PERALTA, J.:

The present petition filed under Rule 65, 1997 Rules of Civil Procedure assails the Order dated August 27, 2014 of the trial court denying petitioners' motion for reconsideration of the Decision dated August 9, 2006 in favor of private respondents. Pertinent portions of the Order dated August 27, 2014 read:

> Considering that this instant Motion for Reconsideration effectively is third Motion for Reconsideration from the Decision of the Court on the merits which has already become final and executory. The Court finds no valid reason for it to GRANT the instant Motion for Reconsideration.[1]

Clearly, the present special civil action of certiorari is an improper remedy, as petitioner should have filed an appeal under Rule 41, Rules of Court from the trial court's Decision dated August 9, 2006 and Order dated August 27, 2014. Instead of filing a timely appeal, petitioners filed three (3) successive motions for reconsideration, resulting in the finality of the Decision dated August 9, 2006, per Entry of Judgment dated September 5, 2006.[2]

It is basic that certiorari may only be availed of when "there is no appeal, or any plain, speedy and adequate remedy in the ordinary course of law."[3] Verily, the present petition for certiorari cannot be a substitute for a lost appeal.[4]

WHEREFORE, the petition is dismissed outright.

Acosta, and Garcia-Fernandez, JJ., concur.

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[1] p. 59, Rollo

[2] p. 67, Ibid.

[3] Section 1, Rule 65, 1997 Rules of Civil Procedure

[4] Lobete vs. Sundiam, 123 SCRA 95 (1983)

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