

MARCELO VITAL, PETITIONER, VS. PASTOR MAGTOTO, ET AL., RESPONDENTS.

G. R. No. L-12948. December 23, 1959

Ponente: BENGZON, J.

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BENGZON, J.:

This is a petition for certiorari to review and reverse the decision of the respondent Court of Agrarian Relations of August 20, 1957, requiring Marcial Vital to reinstate Pastor Magtoto as tenant of a certain piece of land owned by the former in Mexico, Pampanga.

We find such petition to be out of time, because: (a) petitioner received copy of the decision on August 26, 1957; (b) he moved for reconsideration on September 9, 1957, which motion was denied on September 20, 1957; (c) he received notice of the denial on October 1, 1957; but he filed this petition only on October 7, 1957; i.e. five days late. The law requires these petitions to be filed within fifteen (15) days from notice of decision.[1] Supposing the motion for reconsideration suspended the period, this is the computation: From August 26 to October 7, forty- two days elapsed; and from September 9 to October 1, twenty-two days. Deducting the latter period (22) (time when motion for reconsideration was pending) from the total number of days (42), the result is twenty days.[2] Therefore, this petition for review was presented twenty days after August 26. Very late; and this Court has no jurisdiction to revise the proceedings.

Petition dismissed, with costs against petitioner.

Paras, C. J., Padilla, Montemayor, Bautista Angelo, Labrador, Concepcion, Endencia, Barrera and Gutierrez David, JJ., concur.

[1] Sec. 13, Republic Act 1267 as amended by Republic Act 1409.

[2] Federal Films vs. Judge of First Instance, 78 Phil., 472.

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