

**CARMELINO DADAY, MACARIO VICENTE, WILSON LIJAYAN, ET AL.,
PETITIONERS, VS. HON. PASTOR L. DE GUZMAN, AS JUDGE OF THE
COURT OF AGRARIAN RELATIONS AND SATURNINA PABILIAN
(ASSISTED...**

G.R. No. L-15938. June 30, 1965

Ponente: BENGZON, C.J.

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BENGZON, C.J.:

This is a petition to review the decision of Hon. Pastor de Guzman of the Court of Agrarian Relations, Seventh Regional District, in connection with a tenancy litigation instituted by Saturnina Pabilian against Carmelino Daday and others.

We gave due course to the petition and required the adverse parties to answer. Thereafter, the attorneys for the respondent judge raised the issue of timeliness of this petition. They say that it was filed beyond the fifteen-day period fixed by law.[1] They state that herein petitioners received copy of the decision on May 28, 1959; that they filed a motion to set it aside on June 11, 1959; that on September 2, 1959, they were notified of the denial of their motion; that on September 4, 1959, they filed this petition; and that, therefore, it was filed one day late. (May 28 to June 11 equals 14 days; September 2 to September 4 equals 2 days; total 16 days).

We find their computation to be correct. Furthermore, we have ascertained that September 3, 1959 (when petition should have been filed) was Thursday, and not a legal holiday.

To evade the effect of respondents' computation, the attorney for the petitioners alleges that he received copy of the decision on May 29, — not May 28. But he is contradicted by the records of the Agrarian Court now before us. Therein is found at the bottom of the page of the decision signed by the judge this notation (p. 510, Folio 2) :

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T. Calo, J. for respondent

May 28/59

Failure to appeal or to petition within the time prescribed by law is fatal. This makes it unnecessary to discuss the other point raised by respondent: failure to file a notice of appeal with the Agrarian Court as required by the Rules.

Wherefore, as this petition has been presented beyond the period prescribed by law, it is hereby dismissed with costs against petitioners. So ordered.

Reyes, J.B.L., Paredes, Dizon, Regala, Makalintal, Bengzon, J.P., and Zaldivar, JJ., concur.

Petition dismissed.

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

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