

VICENTE S. DEL ROSARIO, CEFERINA LLAMAS VDA, DE DEL ROSARIO, TERESITA REYES & DIOSDADO LARRA-ZABAL, PETITIONERS, VS. THE COURT OF INDUSTRIAL RELATIONS & THE PHILIP-PINE LAND-AIR...

G.R. No. L-23133. July 29, 1968

Ponente: DIZON, J.

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DIZON, J.:

On July 13, 1967 judgment was rendered in the above-entitled case, a copy of which was served upon and received by petitioners on July 28 of the same year. On August 22, they filed a motion for recon-sideration in connection with which, by our resolution of August 25 of the same year, they were granted leave to file a supporting memorandum. On September 2, 1967, they filed SUPPLEMENTAL ARGUMENTS IN SUPPORT OF THE MOTION FOR RECONSIDERATION which ended praying "that the decision promulgated on July 13, 1967 in this case be set aside".

On September 2, 1967, the respondents filed a written opposition to the motion for reconsideration.

On September 8, 1967, We passed a resolution denying, among others, the reconsideration prayed for in the abovementioned Supplemental Arguments in Support of the Motion for Reconsideration.

On October 13, 1967 entry of judgment was made.

But on April 23, 1968, petitioners filed another motion for reconsideration claiming that the decision rendered in the case was not in accordance with settled jurisprudence on the matter. This motion We denied on May 3, 1968, for the reason that final judgment had already been entered in the case on October 13, 1967.

On June 27, 1968, petitioners again came with a motion for reconsideration claiming (a) that there is as yet no resolution on the basic motion for reconsideration and that, therefore, the entry of judgment was premature, null and void, and that (b) their motion for reconsideration (presumably the last) was meritorious.

We find no merit in petitioners' contention that their basic motion for reconsideration has not yet been resolved. As stated heretofore, in their supplemental arguments in support of their basic motion for recon-sideration, they prayed precisely that our decision of July 13, 1967 be set aside. This is what We denied, inter alia, by our resolution of September 8, 1967, a copy of which was received by petitioners' counsel on October 6, 1967. It is, therefore, clear that the decision of this court had already become final and executory when the entry of judgment was made.

IN VIEW OF THE FOREGOING, the last motion for reconsideration filed by petitioner's on July 27 1968 can no longer be considered.

Concepcion, C.J., Reyes, JBL, Makalintal, Sanchez, Ruiz Castro, Angeles, and Fernando, JJ., concur.
Zaldivar, J. took no part.

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