

**EUFEMIO P. CAPARAS AND HEIRS OF HONORATO DE LEON,
REPRESENTED BY AMBROCIO DE LEON, PETITIONERS-APPELLANTS,
VS. COURT OF APPEALS, JOSE CATACUTAN, PABLO FAJARDO, RITA
VIVAR FAJARD...**

G.R. Nos. 56772-84. July 09, 1981

Ponente: AQUINO, J.

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AQUINO, J.:

The decision of the Court of Appeals in these thirteen agrarian cases, which was promulgated on March 25, 1981, was served upon the petitioners on March 31, 1981. They had the reglementary period of thirty days or up to April 30, 1981 within which to appeal to this Court from that decision.

On April 30 or the last day of that period, the petitioners filed a motion for an extension of thirty days within which to file their petition for review. That motion was granted in this Court's resolution of May 13, 1981.

The petition for certiorari was filed on May 29. The private respondents filed on June 17 a motion to dismiss the petition on the ground that the thirty-day period is non-extendible and, therefore, the petition was filed late. They cited the following provisions of Presidential Decree No. 946 which reorganized the Courts of Agrarian Relations:

"SEC. 18. Appeals. - x x x x x x x x

"The decisions or orders of the Court of Appeals may be appealed to the Supreme Court by petition for review on certiorari only on questions of law, within a non-extendible period of thirty (30) days from receipt by the appellant of a copy of the decision or order."

Section 13 of Republic Act No. 1267, which took effect on June 14, 1955 and which created the agrarian courts, originally provided that "the Supreme Court, in any civil case involving questions of law, upon petition of the party aggrieved by an order or decision of the Court of Agrarian Relations, and under the rules and conditions that it may prescribe, may require by certiorari that said case be certified to it for review and determination". No period was fixed for the filing of the petition for certiorari.

Republic Act No. 1409, which took effect on September 9, 1955, amended section 13 of Republic Act No. 1267, by providing that the petition for the review of the decision or order of the CAR may be filed with this Court within fifteen days from receipt of the notice of such decision or order. This provision is included in section 4, Rule 43 of the Rules of Court.

Section 156 of the Agricultural Land Reform Code (Code of Agrarian Reforms, Republic Act No. 3844), which took effect on August 8, 1963, provides that "appeals from an order or decision of the Courts of Agrarian Relations may be taken to the Court of Appeals on questions of fact and of fact and law or to the Supreme Court on pure questions of law, as the case may be, in accordance with rules governing appeals from the Court of First Instance as provided in the Rules of Court". (See Rule 42, Rules of Court.)

Section 1 of Republic Act No. 5434, which took effect on September 9, 1968, provides that from a final judgment of the Court of Appeals in an agrarian case, the aggrieved party may appeal by certiorari to the Supreme Court as provided in Rule 45 of the Rules of Court, or within a fifteen day period which is extendible.

Section 1 of Republic Act No. 5434 was superseded by the last paragraph of section 18 of Presidential Decree No. 946 quoted above. That decree took effect on June 17, 1976.

In view of the peremptory nature of the provision of section 18 that the thirty-day reglementary period is non-extendible and of the manifest legislative intention not to prolong the period for appealing to the Supreme Court, it follows that the petitioners herein were not entitled to an extension of time within which to file their petition for review. *Dura lex, sed lex*.

The thirty-day extension was granted to them through oversight in this Court's resolution of May 13 which is hereby set aside. Private respondents' motion to dismiss is well-taken.

The obvious intention of the lawmaking body is to avoid delays in the disposition of agrarian cases, a policy adopted also with respect to labor cases. Such delays are detrimental to both tenants and landlords.

WHEREFORE, the petition is denied. No costs.

SO ORDERED.

Barredo, (Chairman), Concepcion, Jr., Abad Santos, and De Castro, JJ., concur.

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