

SECOND DIVISION

[G.R. No. 174034, March 09, 2011]

HEIRS OF MARILOU K. SANTIAGO, REPRESENTED BY DENNIS K. SANTIAGO, LOURDES K. SANTIAGO AND EUFEMIA K. SANTIAGO, PETITIONERS, VS. ALFONSO AGUILA, RESPONDENT.

D E C I S I O N

ABAD, J.:

This case is about the dismissal of a petition for review after it was filed within the 30-day extension that the petitioners originally asked since the appellate court later granted them only a 15-day extension.

The Facts and the Case

Petitioner heirs of Marilou K. Santiago owned a 25,309-square meter coconut land that respondent Alfonso Aguila (Aguila) tenanted. For allegedly cutting down five coconut trees in violation of the Coconut Preservation Act of 1995 and depriving the heirs of their share in the harvest, the latter filed an ejectment suit against him before the Provincial Agrarian Reform Adjudicator (PARAD). Aguila resisted the action.

On May 31, 2000 the PARAD ruled that Aguila deliberately failed to pay his rents. Thus, it terminated the tenancy relationship and ordered him to vacate the property and pay petitioners their past shares in the harvest. Aguila appealed on June 16, 2005 to the Department of Agrarian Reform Adjudication Board (DARAB), which set aside the PARAD's decision and ordered the execution of a new leasehold contract between the parties. On March 3, 2006 the DARAB denied petitioner heirs' motion for reconsideration.

Since petitioner heirs received a copy of the DARAB resolution denying their motion for reconsideration on March 6, 2006, they had until March 21 within which to file a petition for review with the Court of Appeals (CA). On March 15, 2006 they filed with the CA a motion for extension of 30 days or until April 20, 2006 within which to file their petition. The heirs filed their petition for review on April 20, 2006, the last day of the extension they sought.

Eight days later or on April 28, 2006 the CA granted petitioner heirs an extension of only 15 days or up to April 5, 2006 within which to file their petition.^[1] The consequence of this was that the petition they earlier filed went beyond the allowed extension. Further, the CA also found the special power of attorney (SPA) attached to the petition defective in that it empowered petitioner Eufemia K. Santiago (Eufemia) as attorney-in-fact of a Dennis Matubis, who was not a petitioner, when Eufemia was supposed to stand as attorney-in-fact for petitioner Dennis K. Santiago. For these reasons, the CA dismissed the petition. Petitioner heirs moved