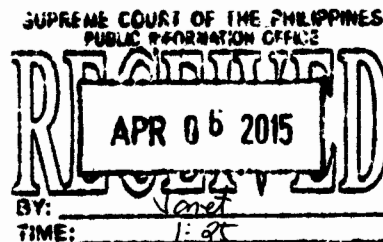




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **March 18, 2015** which reads as follows:*

“G.R. No. 215652 (Eufrocina D. Bernardino [deceased], as substituted by her daughter, Fe B. Viernes v. Spouses Ireneo and Helen Corpuz, as represented by their attorney-in-fact, Richard Corpuz). - The petitioner’s motion for an extension of thirty (30) days from the expiration of the reglementary period within which to file a petition for review on certiorari is **DENIED for failure to attach an affidavit of service of the motion that was notarized on or after January 5, 2015, the actual date of posting of copies of the motion upon the parties.**

After a careful perusal of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the March 20, 2014¹ and December 9, 2014² Resolutions of the Court of Appeals (CA) in CA-G.R. SP No. 134083 for failure of Eufrocina D. Bernardino, as substituted by her daughter, Fe B. Viernes (petitioner) to show any reversible error committed by the CA in dismissing her petition for annulment of judgment.

As the CA correctly pointed out, a petition for annulment of judgment under Rule 47 of the Rules of Court is a remedy granted only under exceptional circumstances where a party, without fault on her part, has failed to avail of the ordinary or other appropriate remedies provided by law. It may not be resorted to by a losing party to make a complete farce

- over - three (3) pages

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¹ Rollo, pp. 66-75. Penned by Associate Justice Marlene Gonzales-Sison with Associate Justices Michael P. Elbinias and Edwin D. Sorongon, concurring.

² Id. at 83-84. Penned by Associate Justice Marlene Gonzales-Sison with Associate Justices Amy C. Lazaro-Javier and Edwin D. Sorongon, concurring.

of a duly promulgated decision that has long become final and executory. Having completely entrusted the case to her former counsel, she has no one to blame but herself when it turned out that her appeal and opportunity to avail of other remedies from the adverse ruling of the Regional Trial Court (RTC) were lost due to said counsel's neglect. The Court has held that when a party retains the services of a lawyer, she is bound by her counsel's actions and decisions regarding the conduct of the case. There is no reason, therefore, to depart from the oft-repeated rule that an action for annulment of judgment cannot and is not a substitute for the lost remedy of appeal.³

Not only is the petition for annulment unavailing on the ground of petitioner's inaction or negligence to promptly resort to ordinary and other appropriate remedies, such as a petition for relief from judgment, petitioner likewise failed to establish the requisite elements for the filing of a petition for annulment on the grounds of extrinsic fraud or lack of jurisdiction. The alleged non-inclusion of other possessors of the subject lot, who are not indispensable parties to the case, could not have prevented petitioner from having a trial or from presenting her entire case to the court as to amount to extrinsic fraud. Moreover, since it is undisputed that respondents are in actual possession of the subject lot, their case for reconveyance was effectively an action for quieting of title, which is imprescriptible. Finally, petitioner is clutching at straws in arguing for the first time in the instant petition that it is the first level court, not the RTC, that has jurisdiction over the case *a quo*. Section 19 (2) of Batas Pambansa Bilang 129, as amended by Republic Act No. 7691, is clear that the RTC shall exercise jurisdiction "[i]n all civil actions which involve the title to, or possession of, real property, or any interest therein, where the assessed value of the property involved exceeds Twenty Thousand pesos (P20,000.00) x x x."⁴ Since the assessed value of the subject lot is P25,280.00, the case properly fell under the jurisdiction of the RTC.

SO ORDERED. SERENO, C.J., on official travel;
JARDELEZA, J., designated acting member per S.O. No. 1952 dated
March 18, 2015.

Very truly yours,



LIBRADA C. BUENA
Deputy Division Clerk of Court

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³ *Manila v. Manzo-Gallardo*, G.R. No. 163602, September 7, 2011, 657 SCRA 20, 29; citation omitted.

⁴ See *Heirs of Valeriano Concha, Sr. v. Sps. Lumocso*, 564 Phil. 580 (2007).

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Court of Appeals (x)
Manila
(CA-G.R. SP No. 134083)

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The Hon. Presiding Judge
Regional Trial Court, Br. 72
Olongapo City 2200 Zambales
(Civil Case No. 51-0-2004)

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