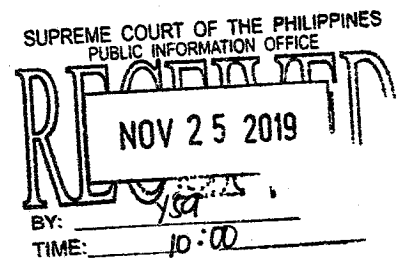




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila



SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **13 November 2019** which reads as follows:*

“**G.R. No. 241267** (*Maria P. Mendoza v. Republic of the Philippines*). – This is a Petition for Review¹ under Rule 45 of the Rules of Court, seeking to annul and set aside the Decision² dated January 29, 2018 and Resolution³ dated August 3, 2018 of the Court of Appeals (CA) in CA-G.R. SP No. 150234. The CA found that the RTC gravely abused its discretion when it denied the Office of the Solicitor General’s (OSG) Motion to Resolve the Motion for Reconsideration.

The Facts

On May 29, 1997, Maria Mendoza (petitioner) filed an application for judicial confirmation of title over five parcels of land with a total area of 17.5 hectares in *Barangay Lantic, Carmona, Cavite*.⁴ This was opposed by the State represented by the OSG, and the heirs of Eugenio Austria and Vicente Panganiban (private oppositors).⁵

After trial, on November 28, 2000, the Regional Trial Court (RTC) issued a Decision confirming the title of the petitioner over the five parcels of land.⁶ Both the OSG and the private oppositors filed a motion for reconsideration of the RTC’s Decision.⁷

¹ *Rollo*, pp. 12-37.

² Penned by Associate Justice Mario V. Lopez and concurred in by Associate Justices Romeo F. Barza and Victoria Isabel A. Paredes; id. at 43-52.

³ Id. at 54-58.

⁴ Id. at 43.

⁵ Id. at 44.

⁶ Id. at 44-45.

⁷ Id. at 45.

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However, on July 17, 2001, the RTC issued an Order denying the motion for reconsideration without specifying if it was for the private oppositors, OSG or both.⁸

It appears that only the private oppositors filed an appeal before the CA.⁹ Nonetheless, on January 23, 2003, the CA denied the private oppositors' appeal for failure to file their Appellant's Brief.¹⁰ Subsequently, this denial became final and executory and an Entry of Judgment was issued on July 4, 2003.¹¹

Moreover, on September 25, 2003, the RTC issued an Order declaring the November 28, 2000 Decision final and executory.¹² Later, on November 13, 2003, another Order was rendered for the issuance of the Decree of Registration.¹³

However, on April 20, 2014, this controversy arose when the OSG filed a manifestation with motion to resolve the motion for reconsideration it filed 13 years earlier.¹⁴ A second motion to resolve was filed by the OSG on August 14, 2014.¹⁵ According to the OSG, it discovered the unresolved motion while updating their case inventory.¹⁶

The RTC issued a September 18, 2014 Order denying the OSG's motion for having been previously decided and, likewise, denied in the July 17, 2001 Order.¹⁷ The RTC explained that the November 28, 2000 Decision can no longer be changed because it has become immutable. Furthermore, it cited the July 17, 2001 Order, to wit:

Before the Court is a Motion for Reconsideration of the Decision dated November 28, 2000 of this Court in the above-entitled case filed by the oppositors and the Opposition thereto by the applicant, there being no new issue(s) raised by the oppositors which has not been passed upon by the Court in its questioned decision, and there being no sufficient basis to warrant the reversal of the questioned decision, the Motion for Reconsideration is hereby DENIED for lack of merit.¹⁸

Undeterred, the OSG filed with the RTC a notice of appeal on November 4, 2014,¹⁹ and an Omnibus Motion to Vacate Order Directing Issuance of Decree of Registration, Cancel Original Certificates of title and their Derivatives and Give Due Course to Notice of Appeal on March 10, 2016.²⁰

⁸ Id. at 132.

⁹ Id. at 45.

¹⁰ Id. at 135.

¹¹ Id. at 136.

¹² Id. at 45.

¹³ Id.

¹⁴ Id. at 46.

¹⁵ Id.

¹⁶ Id.

¹⁷ Id. at 167.

¹⁸ Id. See also id. at 132,

¹⁹ Id. at 162.

²⁰ Id. at 158-176.

The OSG alleged that the November 28, 2000 Decision could not have attained finality because its motion for reconsideration has not yet been resolved.²¹ Apparently, there is no proof that the July 27, 2001 Order was served and received by the OSG.²² Moreover, the OSG argued that if it received the Order it is still not binding and effective because the RTC did not resolve the issues raised in its motion for reconsideration.

Thus, the OSG sought the correction of the September 25, 2003 Order which declared the November 28, 2000 Decision final and directed the issuance of a decree of registration.²³ It also asked for its notice of appeal to be given due course since it is not a party to the denied appeal of the private oppositors.²⁴

Petitioner opposed the omnibus motion arguing that the motion for reconsideration has already been resolved in the July 17, 2001 order.²⁵ She pointed out that the OSG has received the CA's dismissal of the private oppositors' appeal and the July 4, 2003 Entry of Judgment.²⁶ Thus, its failure to follow up on the case for 13 years is a clear act of gross negligence of its duties. Moreover, the respondent's motion will greatly delay the administration of justice and violate the constitutional rights of petitioner.²⁷

The Ruling of the RTC

On January 9, 2017, the RTC issued an Order denying the notice of appeal and omnibus motion of the OSG.²⁸ The dispositive portion reads:

The Court has already amply discussed above that the motion for reconsideration of the OSG had already been resolved a long time ago although the records are bereft of any proof that a copy of the order of denial was received by the OSG.

ACCORDINGLY, the Notice of Appeal filed by the Office of the Solicitor General is denied.

x x x x

Likewise, the Omnibus Motion to Vacate Order Directing Issuance of Decree of Registration, Cancel Original Certificates of Title and Their Derivatives and Give Due Course to Notice of Appeal dated 10 March 2016 filed by the Office of the Solicitor General is denied.

SO ORDERED.²⁹

21 Id. at 168.
22 Id. at 168.
23 Id. at 168.
24 Id. at 97.
25 Id. at 47.
26 Id.
27 Id.
28 Id.
29 Id.

This prompted the OSG to file a petition for *certiorari* before the CA arguing that the November 28, 2000 Decision has not yet become final and executory, and its appeal should be given due course.

The Ruling of the CA

On January 29, 2018, the CA issued a decision granting the respondent's petition for *certiorari* and remanding the case to the RTC for the resolution of the pending motion for reconsideration.³⁰ The dispositive portion reads:

WHEREFORE, the petition for certiorari is GRANTED. The case is REMANDED to the Regional Trial Court of Bacoor City, Branch 89, for the proper resolution of the petitioner Republic of the Philippines' Motion for Reconsideration.³¹

The CA found that the OSG's motion for reconsideration has not been resolved yet.³² The November 28, 2000 Decision did not address the issues raised by the OSG.³³ It only addressed the issues raised by the private oppositors.³⁴ Thus, it is only meant to resolve the private oppositors' motion for reconsideration.³⁵ Moreover, considering the pending motion for reconsideration, the September 25, 2003 Entry of Judgment and November 13, 2003 Order issuing the Decree of registration are nullified.³⁶

While the CA recognized petitioner's right to speedy trial and early disposition of her case, the delay to be caused cannot be held against the state.³⁷ It is well settled that the Republic is not estopped by the mistake or error on the part of its officials or agents.³⁸ Moreover, the failure to serve a copy of the July 17, 2001, September 25, 2003 and November 13, 2003 Orders to the OSG has violated the Republic's right to due process.³⁹

Dissatisfied with the CA Decision, petitioner filed the instant case.

The Issue

The sole issue to be resolved is whether or not the CA erred in granting the respondent's petition.

³⁰ Id. at 51

³¹ Id.

³² Id. at 48.

³³ Id.

³⁴ Id.

³⁵ Id.

³⁶ Id. at 49.

³⁷ Id. at 47.

³⁸ Id.

³⁹ Id. at 49.

The Court's Ruling

The petition is bereft of merit.

It is well-settled that judgments or orders become final and executory by operation of law and not by judicial declaration.⁴⁰ The finality of a judgment becomes a fact upon the lapse of the reglementary period of appeal if no appeal is perfected or no motion for reconsideration or new trial is filed.⁴¹ The court need not even pronounce the finality of the order as the same becomes final by operation of law.⁴²

In this case, it is undisputed that the respondent timely filed its motion for reconsideration on January 12, 2001, and no resolution on such motion for reconsideration was served and received by the OSG. Even the July 17, 2001 Order of the RTC, which allegedly resolved the respondent's motion for reconsideration, was not furnished to the respondent. Moreover, as the CA has properly ruled, a careful perusal of the July 17, 2001 Order shows that it was solely intended to address the motion for reconsideration filed by the private oppositors to the exclusion of the OSG.⁴³ In fact, only the claims of the private oppositors were addressed in the said order.⁴⁴

Considering the pending motion for reconsideration of the OSG, it is clear that there is no final and immutable judgment in this case to speak of. Instead, for many years, the pending appeal of the OSG has deprived it of the opportunity to review the unfavorable Decision dated November 28, 2000, without fault on its part.

Moreover, it is crucial to note that the matter involved in this reclamation case is 17.5 hectares of land. Under the Regalian doctrine embodied in the Constitution, all lands of the public domain belong to the State, which is the source of any asserted right to any ownership of land.⁴⁵ Accordingly, substantial justice and fair play will be served in a decision on the merits of the motion.

Thus, the CA committed no reversible error in remanding the case to the RTC for the resolution of the respondent's motion for reconsideration.

WHEREFORE, the Petition is **DENIED**. The assailed Decision dated January 29, 2018 and Resolution dated August 3, 2018 of the Court of Appeals in CA-G.R. SP No. 150234 are **AFFIRMED**.

⁴⁰ *Philippine Savings Bank v. Papa*, January 15, 2018, G.R. No. 200469, 851 SCRA 164, 176.

⁴¹ *Id.*

⁴² *Id.*

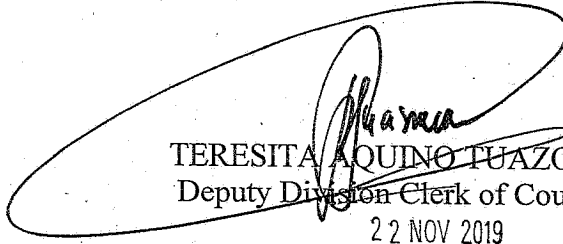
⁴³ *Rollo*, p. 48.

⁴⁴ *Id.*

⁴⁵ *Rep. of the Phils. v. Medida*, 692 Phil. 454, 463 (2012).

SO ORDERED.” (*J. Inting, on official leave; J. Zalameda, additional Member per S.O. No. 2727, dated October 25, 2019*) (adv118)

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court
22 NOV 2019

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