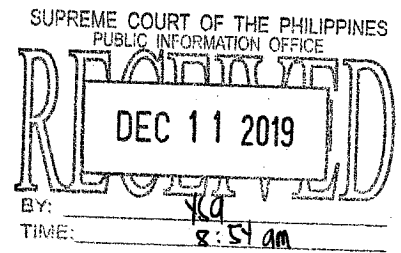




Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **October 16, 2019**, which reads as follows:

“G.R. No. 235707 (*Michael Joseph M. Delfino, Roberto Angelo M. Delfino, Marianne Joy M. Delfino and Christine Marie M. Delfino [for herself and as attorney-in-fact] v. Concepcion Millan*). – This is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court, with prayer for the issuance of a Temporary Restraining Order and/or Preliminary Injunction, seeking to set aside the Resolution² dated March 17, 2017 of the Court of Appeals (CA) in CA-G.R. SP No. 147748, which denied due course and dismissed petitioners’ Petition for Annulment of Judgment filed before the CA. The Resolution³ dated November 20, 2017 of the CA denied the reconsideration thereof.

The factual and procedural antecedents of the case are as follows:

At the core of the controversy is a parcel of land (subject property) covered by Transfer Certificate Title (TCT) No. T-483804. Michael Joseph M. Delfino, Roberto Angelo M. Delfino, Marianne Joy M. Delfino and Christine Marie M. Delfino (petitioners) are the heirs of Teodora Manguerra-Delfino (Teodora) who died intestate on July 3, 2005.⁴ Petitioners claimed to be the co-owners of the subject property. Petitioners also claimed to be in possession of the original owner’s duplicate title.⁵ On the other hand, Concepcion Millan (respondent) is the aunt of the petitioners.⁶

¹ *Rollo*, pp. 10-33.

² *Id.* at 34-37; penned by Associate Justice Zenaida T. Galapate-Laguilles with Associate Justices Japar B. Dimaampao and Franchito N. Diamante, concurring.

³ *Id.* at 38-39.

⁴ *Id.* at 12.

⁵ *Id.* at 15-16.

⁶ *Id.* at 12.

On March 7, 2014, respondent filed an affidavit of loss with the Registry of Deeds of the City of Biñan, Laguna, alleging that she is the true and lawful registered owner of three parcels of land, including the subject property.⁷ The affidavit of loss provided as basis for respondent to file a Petition for Reconstitution of Title before Branch 24, Regional Trial Court (RTC), City of Biñan, Laguna. On May 20, 2015, the RTC granted respondent's petition. It directed the issuance of new owner's copies of TCT Nos. T-482804, T-(68443) T-9447, and T-(24486) T-2609 before the Registry of Deeds of the City of Calamba, Laguna.⁸ On June 24, 2015, the RTC issued a Certificate of Finality,⁹ in effect, rendering the title to the subject property in the possession of herein petitioners null and void.

Aggrieved, the petitioners filed before the CA a Petition for Annulment of Judgment under Rule 47 of the 1997 Rules of Civil Procedures, assailing the Decision of the RTC for having been rendered without jurisdiction and in violation of due process.

According to the petitioners, the subject property was originally owned by their deceased mother Teodora and their aunt Estelita C. Manguerra (Estelita). On December 21, 2009, a Deed of Sale was executed, whereby Estelita conveyed her portion of the subject property to the petitioners, as duly reflected in the memorandum of encumbrances of the subject property. Petitioners were able to get a Certificate Authorizing Registration from the Bureau of Internal Revenue, but were not allowed to transfer the property in their names pending the settlement of the estate of Teodora.¹⁰ Thus, petitioners claimed to be the co-owners of the subject property covered by TCT No. T-483804 wherein their names appeared at the back of the said title.

Ruling of the CA

On March 17, 2017, the CA dismissed petitioners' petition for annulment of judgment. In its Resolution,¹¹ the CA held that not only did petitioners fail to avail themselves of the ordinary and appropriate remedies in assailing the questioned Resolution of the RTC, but they also failed to show to the satisfaction of the CA that they could not have availed themselves of the ordinary and appropriate remedies under the Rules.

⁷ *Id.* at 13.

⁸ *Id.* at 34.

⁹ *Id.* at 13.

¹⁰ *Id.* at 12.

¹¹ *Id.* at 34-37.

Undaunted, petitioners moved for reconsideration.¹² However, in its Resolution¹³ dated November 20, 2017, the CA denied petitioners' motion for reconsideration.

Hence, this petition.

According to petitioners, they were not impleaded in LRC Case No. B-6479 despite being co-owners of TCT No. 482804. They claimed that this intentional omission of the petitioners from the petition for reconstitution of title constitutes extrinsic fraud that warrants the annulment of the proceedings and any resulting ruling therefrom, since it effectively deprived them, as owners-in-fact, of their day in court.¹⁴ They further averred that the RTC Decision dated May 20, 2015 has already reached finality when they learned about the petition initiated by respondent. Hence, they contended that the CA erred in dismissing their petition.

Thereafter, this Court, in the Resolution¹⁵ dated February 21, 2018, required respondent to file a comment, however, the same was unserved. In a Resolution¹⁶ dated September 5, 2018, this Court resolved: (1) to consider the copy of the Resolution dated February 21, 2018, sent to respondent with notation, "RTS, unclaimed", as deemed served by substituted service pursuant to Section 8, Rule 13 of the 1997 Rules of Civil Procedure, as amended; and (2) to dispense with the comment of respondent.

This case centers on the issue of whether or not the CA erred in dismissing the petition for annulment of judgment.

The instant petition is denied.

The rule is that once a decision becomes final and executory, it is immutable and unalterable. This doctrine of finality of judgments is the bedrock of every stable judicial system.¹⁷ Hence, in the case of *Ngo Bun Tiong v. Judge Sayo*,¹⁸ this Court held that:

¹² *Id.* at 11.

¹³ *Id.* at 38-39.

¹⁴ *Id.* at 13.

¹⁵ *Id.* at 42-43.

¹⁶ *Id.* at 56-57.

¹⁷ See *Bañares II v. Balising*, 384 Phil. 567, 582 (2000).

¹⁸ 246 Phil. 245 (1988).

It is an important fundamental principle in Our judicial system that every litigation must come to an end. Access to the courts is guaranteed. But there must be a limit thereto. Once a litigant's rights have been adjudicated in a valid final judgment of a competent court, he should not be granted an unbridled license to come back for another try. The prevailing party should not be harassed by subsequent suits. For, if endless litigations were to be encouraged, unscrupulous litigants will multiply in number to the detriment of the administration of justice.¹⁹

By way of exception, annulment of judgment is a remedy in law independent of the case where the judgment sought to be annulled was rendered, where the purpose of such action is to have the final and executory judgment set aside so that there will be a renewal of litigation.²⁰ It is an exception to the final judgment rule, an extraordinary remedy, and it will not so easily and readily lend itself to abuse by parties aggrieved by final judgments.²¹ By virtue of its exceptional character, the action is restricted exclusively to the grounds specified in the rules, namely, (1) extrinsic fraud and (2) lack of jurisdiction.²² Further, the remedy may not be invoked (1) where the party has availed himself of the remedy of new trial, appeal, petition for relief or other appropriate remedy and lost therefrom, or (2) where he has failed to avail himself of those remedies through his own fault or negligence.²³

Section 1,²⁴ Rule 47 of the Rules of Court provides that a petition for annulment of judgment is available only when a party is precluded from filing a motion for new trial, an appeal or a petition for relief without fault on his part. In the instant case, the petitioners failed to allege in their petition in the CA that the ordinary remedies of new trial, appeal, and petition for relief, were no longer available through no fault of their own. As such, we quote with approval the CA Decision, viz.:

x x x It is important for the petitioners to explain why they failed to avail of such remedies through no fault of their own. Having failed to avail of any of the aforesaid remedies **without any justification**, petitioners are barred from resorting to the instant Petition, otherwise, they would benefit from

¹⁹ *Id.* at 253.

²⁰ *Alaban v. Court of Appeals*, 507 Phil. 682, 694 (2005), citing *Islamic Da'wah Council of the Philippines v. Court of Appeals*, 258 Phil. 802, 808 (1989).

²¹ *See Diona v. Balangue, et al.*, 701 Phil. 19, 30 (2013); see also *Fraginal v. The Heirs of Toribia Belmonte Parañal*, 545 Phil. 425, 432 (2007).

²² *Republic of the Phils. v. "G" Holdings Inc.*, 512 Phil. 253, 262 (2005).

²³ *Macalalag v. Ombudsman*, 468 Phil. 918, 923 (2004).

²⁴ Sec. 1. Coverage. — This Rule shall govern the annulment by the Court of Appeals of judgments or final orders and resolutions in civil actions of Regional Trial Courts for which the ordinary remedies of new trial, appeal, petition for relief or other appropriate remedies are no longer available through no fault of the petitioner. (Emphasis and underscoring supplied.)

their own inaction or negligence.²⁵ (Emphasis in the original.)

Given the above, this Court is left without any recourse, but to uphold the principle of immutability of final judgment. Hence, the petition for review on *certiorari* has no merit.

ACCORDINGLY, this Court resolves to **DENY** the petition for failure to show any reversible error in the Resolutions dated March 17, 2017 and November 20, 2017 of the Court of Appeals in CA-G.R. SP No. 147748 as to warrant the exercise by this Court of its discretionary appellate jurisdiction.

SO ORDERED." (Leonen, *J.*, on official leave)

Very truly yours,

Misael C. Batt
MISAELO DOMINGO C. BATTUNG III
Deputy Division Clerk of Court *9/21/19*

LIBROJO & ASSOCIATES LAW OFFICES
Counsel for Petitioners
Unit 2018, Jollibee Plaza
F. Ortigas, Jr. Road, Ortigas Center
1605 Pasig City

COURT OF APPEALS
CA G.R. CR HC No. 147748
1000 Manila

Ms. Concepcion Millan
Respondent
SM Compound, Tatlonghari Street
4026 Sta. Rosa City, Laguna

The Presiding Judge
REGIONAL TRIAL COURT
Branch 24, Bifian City, Laguna
(LRC Case No. B-6479)

REGISTER OF DEEDS CALAMBA
Jose P. Rizal St., Brgy. Poblacion
4027 Calamba, Laguna

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²⁵ *Rollo*, p. 36.