

DANILO GALAPON FOR HIMSELF AND THE OTHER CO-HEIRS OF THE LATE SOTERO GALAPON, PETITIONERS, VS. HEIRS OF AGAPITA GALAPON, REP. BY SEVERINO ESPIRITU AND SEVERA CARGANILLA, HEIRS O...

Ponente: GARCIA, R.R., J.

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GARCIA, R.R., J.:

Before Us is a Petition for Annulment of Judgment[1] under Rule 47 of the Rules of Court seeking to annul and set aside the Decision[2] dated January 12, 2004 of public respondent Regional Trial Court (RTC), Branch 32, Guimba, Nueva Ecija in Civil Case No. 654-G which granted herein private respondents petition for the issuance of an owner's duplicate copy of OCT No. 0-4456 in the name of Flaviana Garganta Vda. de Galapon.

THE FACTS

The antecedents show that Flaviana Garganta Vda. de Galapon is the registered owner of a parcel of land covered by Original Certificate of Title (OCT) No. O-4456[3] of the Registry of Deeds of Guimba, Nueva Ecija. Upon her death on April 15, 1962, the parcel of land was inherited by her legitimate children and compulsory heirs Agapita, Juliana, Modesta, Sotero, Dionisio, Simeon, Felix, and Petronilo[4]. On January 23, 1990, the compulsory heirs executed an Extrajudicial Partition with Sale[5] dividing the parcel of land among themselves and at the same time selling a portion thereof to Eulalio Galapon and Enrique Padre.

On February 1, 1996[6], private respondents Agapita, Modesta, Juliana and Petronilo filed Civil Case No. 654-G which is a petition for the issuance or the replacement of lost owner's duplicate copy of OCT No. O-4456[7]. In the assailed Decision dated January 12, 2004, the court a quo granted the petition, the dispositive portion of which reads:

The court, finding the petition meritorious and in no way purposed to defraud any person, natural or artificial, or to defraud the government, hereby GRANTS the petition, and declares and directs:

1. That the owner's copy of OCT No. O-4456 registered in the name of Flaviana Garganta Vda. De Galapon resident of San Roque, Guimba, Province of Nueva Ecija which was lost, null and void;
2. The Register of Deeds of Talavera, Nueva Ecija, after payment of the required fees, to issue, in lieu of the lost title, a new owner's duplicate copy, which shall in all respect, be entitled to like faith and credit as the original duplicate copy, in accordance with the law.

SO ORDERED.[8]

The decision became final and executory and the corresponding entry of final judgment was issued by the court a quo on February 18, 2004.[9]

In 2005, the following transfer certificate of titles were issued in lieu of OCT No. O-4456, to wit: (1) TCT No. N-36383 (150 sq. m.) in the name of Sotero Galapon; (2) TCT No. N-36384 (1,553 sq. m.) in the name of Juliana

Galapon; (3) TCT No. N-36385 (1,553 sq. m.) in the name of Petronilo Galapon; (4) TCT No. N-36386 (1,553 sq. m.) in the name of Agapita Galapon; (5) TCT No. N- 363887 (1,553 sq. m.) in the name of Modesta Galapon; (6) TCT No. N-36388 (4,700 sq. m.) in the name of Eulalio Galapon; and (7) TCT No. N-36389 (4,900 sq. m.) in the name of Enrique Padre.[10]

On March 9, 2010, a certain Freddie Asierto filed Civil Case No. 4189 for unlawful detainer[11] against herein petitioner Danilo Galapon, the son of Sotero Galapon. The complaint alleged that Asierto is the new owner of a parcel of land covered by TCT No. N-36384[12] registered in the name of Juliana Galapon. Asierto claimed to have acquired ownership thereof by virtue of an Extrajudicial Settlement of Estate with Absolute Sale[13] dated January 13, 2010 executed by the heirs of Juliana Galapon in his favor. The lot, however, is being possessed by petitioner Danilo Galapon who refused to vacate the same despite oral and written demands from Asierto.

In a Decision[14] dated February 20, 2011, the Municipal Trial Court (MTC) of Guimba, Nueva Ecija ordered petitioner Danilo Galapon to vacate the subject premises and surrender its possession to Asierto. This was affirmed on appeal by the RTC, Branch 32, Guimba, Nueva Ecija in a Decision[15] dated November 7, 2011. This became final and executory and the corresponding Certificate of Finality[16] was issued by the RTC on January 24, 2012. Thereafter, a Writ of Execution[17] dated January 22, 2013 was issued by the MTC.

Meanwhile, on November 19, 2012, petitioner Danilo Galapon filed Civil Case No. 1718-G for Restoration of OCT No. O-4456 and Annulment of Subdivision Agreement against private respondents. This was, however, dismissed by the RTC, Branch 31, Guimba, Nueva Ecija.[18] The records failed to disclose whether an appeal thereon was made by petitioner Danilo Galapon.

Thereafter or on June 23, 2014, petitioner Danilo Galapon, for himself and the heirs of Sotero Galapon, filed the instant Petition for Annulment of Judgment[19] seeking the nullity of the Decision dated January 12, 2004 of the court a quo in Civil Case No. 654-G which granted the issuance of an owner's duplicate copy of OCT No. O-4456. Petitioner alleged that the decision was rendered without jurisdiction considering that the title was not actually lost but the same is in his possession, having been entrusted with the same by his late father Sotero Galapon. Petitioner further alleged that the execution of the Extrajudicial Partition with Sale on January 23, 1990, initiated by private respondents Agapita, Juliana, Modesta and Petronilo, was without the consent of the other heirs of Flaviana Garganta Vda. de Galapon, particularly his father Sotero Galapon. The signature appearing thereon as that of Sotero Galapon was spurious since the latter was not aware of the said partition and sale until his death on August 1, 2006. Petitioner further claimed that he was not aware of the filing of Civil Case No. 654-G and that he only came to know of the same when an unlawful detainer case was filed against him by Asierto.[20]

In a Resolution[21] dated July 2, 2014, this Court, without necessarily giving due course to the petition, required petitioners to rectify certain infirmities in their petition, and for private respondents to file a comment on the petition.

In their comment[22], private respondents contended that the instant petition is already barred by laches considering that as early as January 23, 1990, the entire property covered by OCT No. O-4456 was already partitioned by the heirs of Flaviana Garganta Vda. de Galapon including petitioner Danilo Galapon's father Sotero Galapon. In fact, several titles had already been issued as a result of the partition which included TCT No. N-36383 in the name of petitioner's father covering the portion of the lot allotted to him. The petition for the issuance of an owner's duplicate copy of OCT No. O-4456 was filed way back in 1996 and neither Sotero Galapon nor petitioner Danilo Galapon has raised an opposition to the same if indeed the owner's copy of OCT No. O-4456 was in their possession. It would also be highly improbable for them not to be notified of the

proceedings considering that the petition has duly complied with the jurisdictional requirement of posting. Even until the death of Sotero sometime in 2006, he never questioned the extrajudicial partition and the petition filed by private respondents. It was only when petitioner Danilo Galapon lost in the ejectment case filed against him by Asierto that he now assails the final and executory decision of the court a quo granting the petition for the issuance of an owner's duplicate copy of OCT No. O-4456.[23]

THE ISSUE

At the core of the present petition for annulment of judgment is the issue of whether or not the Decision dated January 12, 2004 of the court a quo in Civil Case No. 654-G should be declared null and void on the ground of lack of jurisdiction under Rule 47 of the Rules of Court.

THE COURT'S RULING

The petition lacks merit.

Prefatorily, We find that the petition suffers from procedural infirmity in that it lacks pleadings and documents relevant or pertinent thereto, as required under Section 4, Rule 47 of the Rules of Court. In fact, petitioners failed to comply with this Court's Resolution[24] dated July 2, 2014 requiring them to rectify the said infirmity by submitting the pertinent pleadings and documents in relation to Civil Case No. 1718-G for Restoration of OCT No. O-4456 and Annulment of Subdivision Agreement filed before the RTC, Branch 31, Guimba, Nueva Ecija. It then bears to stress that the rules of procedure are tools designed to promote efficiency and orderliness, as well as, to facilitate attainment of justice, such that strict adherence thereto is required.[25] While litigation is not a game of technicalities, and that the rules of procedure should not be enforced strictly at the cost of substantial justice, still, it does not follow that the Rules may be ignored at will to the prejudice of the orderly presentation, assessment and resolution of the issues involved. Procedural rules should not be belittled. Like all rules, they are to be followed and may be relaxed only for compelling reasons[26], which is not present in the instant case.

In any event, even if We are to disregard the above procedural infirmity and proceed to review the propriety of the assailed Decision dated January 12, 2004 of the court a quo, We still find no substantial merit in the instant petition.

Section 3, Rule 47 of the Rules of Court expressly provides that a petition for annulment of judgment based on lack of jurisdiction must be filed before it is barred by laches or estoppel. Hence, it has been held that while jurisdiction over the subject matter of a case may be raised at any time of the proceedings, this rule presupposes that laches or estoppel has not yet supervened.[27] Laches has been defined as the failure or neglect for an unreasonable and unexplained length of time, to do that which, by exercising due diligence, could or should have been done earlier, warranting presumption that the party entitled to assert it has abandoned it or declined to assert it.[28] This inaction or neglect to assert a right converts a valid claim into a stale demand.[29]

Here, it is noted that as early as January 23, 1990, the entire property covered by OCT No. O-4456 was already partitioned by way of an Extrajudicial Partition with Sale[30] executed by the heirs of Flaviana Garganta Vda. de Galapon, which included Sotero Galapon, petitioner Danilo Galapon's father. In 1996, private respondents who are siblings of Sotero Galapon filed a petition for the issuance and replacement of a lost owner's duplicate copy of OCT No. O-4456. This was granted by the court a quo in the assailed Decision dated January 12, 2004 after private respondents had complied with the jurisdictional requirement of posting and after a trial on the merits. If indeed the owner's duplicate copy of OCT No. O-4456 was in Sotero Galapon's possession, he should have opposed right away the petition filed by his siblings. This he failed to do. Besides, there is no allegation in the instant petition nor proof to show that Sotero Galapon was not duly notified of the proceedings in Civil Case No.

654-G. Verily, laches had set in barring Sotero Galapon and his successors-in-interest from seeking the annulment of the proceedings in Civil Case No. 654-G.

It is also worthy to note that in the year 2005, the heirs of Flaviana Garganta Vda. de Galapon applied for a partition of the lot covered by OCT No. O-4456 and from which several titles have been issued including TCT No. N-36383 in the name Sotero Galapon covering the portion of the lot allotted to him. Even until his death sometime in 2006, Sotero Galapon never questioned the extrajudicial partition, the petition for the issuance of an owner's duplicate copy of OCT No. O-4456 filed by private respondents, as well as, the issuance of TCT No. N-36383 in his name. Verily, Sotero Galapon's failure to assert his purported possession of the owner's duplicate copy of OCT No. O-4456 for ten (10) years from the time of the filing of Civil Case No. 654-G in 1996 until his death in 2006, as well as, his acceptance of TCT No. N-36383 covering the portion of the lot allotted to him, give rise to the presumption that he had abandoned the idea of seeking the annulment of the proceedings in Civil Case No. 654-G. It is then absurd that petitioner Danilo Galapon, who merely tacks his right over the property from his father, will now seek the annulment of the proceedings in Civil Case No. 654-G, after his father had obviously abandoned such right or declined to assert the same.

Moreover, the instant petition for annulment of judgment was belatedly resorted to by petitioner Danilo Galapon as last recourse after he lost in Civil Case No. 4189 for unlawful detainer filed by Freddie Asierto against him; and after the dismissal of Civil Case No. 1718-G for Restoration of OCT No. O-4456 and Annulment of Subdivision Agreement which he filed against private respondents before the RTC, Branch 31, Guimba, Nueva Ecija. By participating in the ejectment case and initiating the legal possession case against private respondents, petitioner Danilo Galapon is deemed to have chosen the said remedies over the annulment of judgment in Civil Case No. 654-G in order to assert his purported rights over the disputed property. These give rise to the presumption that he had already abandoned the idea of seeking the annulment of the proceedings in Civil Case No. 654-G and had opted to seek other actions to establish his rights over the subject property. Besides, petitioner Danilo Galapon alleged that he came to know of Civil Case No. 654-G when an ejectment case was filed against him by Asierto in 2010. Despite such knowledge, it took him four (4) years before he resorted to the instant petition for annulment of judgment. Laches had clearly set in barring petitioner from seeking the annulment of the proceedings in Civil Case No. 654-G.

In fine, a petition for annulment of judgment is a remedy in equity so exceptional in nature that it may be availed of only when other remedies are wanting and only if the judgment sought to be annulled was rendered by a court lacking jurisdiction or through proceedings attended by extrinsic fraud.^[31] We find neither lack of jurisdiction nor extrinsic fraud in the instant case.

WHEREFORE, the instant Petition for Annulment of Judgment is hereby DISMISSED.

SO ORDERED.

Salazar-Fernando, R.A., (Chairperson) and Bueser, D. Q., JJ., concur.

[1] Rollo, pp. 3-12.

[2] Rollo, pp. 82-84.

[3] Rollo, pp. 19-22.

[4] Vide: Petition, Rollo, p. 6.

[5] Rollo, pp. 23-24.

- [6] Date as alleged by private respondents, while the petition bears the date January 19, 1996.
- [7] Rollo, pp. 30-31.
- [8] Rollo, p. 84.
- [9] Rollo, p. 60.
- [10] Vide: Comment, Rollo, p. 101.
- [11] Rollo, pp. 61-63.
- [12] Rollo, pp. 65-68.
- [13] Rollo, pp. 69-70.
- [14] Vide: Writ of Execution dated January 22, 2013, Rollo, pp. 71-72.
- [15] Id.
- [16] Id.
- [17] Id.
- [18] Vide: Comment, Rollo, p. 101; Compliance to Order, Rollo, p. 88.
- [19] Supra at Note 1.
- [20] Rollo, pp. 3-12.
- [21] Rollo, pp. 86-87.
- [22] Rollo, pp. 94-104.
- [23] Id.
- [24] Rollo, pp. 86-87
- [25] *Lustaña v. Jimena-Lazo*, G.R. No. 143558, August 19, 2005.
- [26] *Pyro Copper Mining Corp. v. Mines Adjudication Board – DENR, et al.*, G.R. No. 179674, July 28, 2009.
- [27] *Durisol Philippines, Inc. v. Court of Appeals*, G.R. No. 121106, February 20, 2002.
- [28] *Orbeta v. Sendiong*, G.R. No. 155236, July 8, 2005.
- [29] *Stilianopulos v. City of Legaspi*, G.R. No. 133913, October 12, 1999.
- [30] Rollo, pp. 23-24.
- [31] *People v. Bitanga*, G.R. No. 159222, June 26, 2007

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