

**ROMEO OLAEZ, ANTONIO M. ROSARIO, FRANCISCO EVANGELISTA,
MELENCIO MANGALO, SERAPIO CARPIO, VIRGILIO R. SUETTO,
FERNANDO S. CABAGSANG, MARCIANO ESTANDARTE, VICTOR
CARPIO, DEMETRIO...**

Ponente: CORALES, J.

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CORALES, J.:

This is a Petition for Review[1] under Rule 42 of the Rules of Court assailing the October 17, 2012 Decision[2] of the Regional Trial Court (RTC), Branch 35, Calamba City in Civil Case No. 4550-2012-C affirming the February 27, 2012 Decision[3] of the Municipal Trial Court in Cities (MTCC), Calamba City which directed petitioners to vacate the subject property, remove all improvements and structures thereon, surrender its possession to respondent Vesta Property Holdings, Inc. (Vesta)[4] and pay the latter reasonable compensation and attorney's fees.

The Antecedents

Vesta is the registered owner of a 6,251,237-square meter (sq.m.) land located in Barangays Canlubang and Majada, Calamba City, Laguna and covered by Transfer Certificate of Title (TCT) No. T-752319.[5] On October 13, 2011, Vesta filed a complaint[6] for ejectment against the 140 occupants of the subject property who were allegedly informal settlers therein having built their shanties and structures without the permission of the owner. Petitioners, except Adoracion Evangelista, Toribio Raminding and Arvin Antonio, were among the impleaded defendants whose possession were supposedly tolerated by Vesta because it had no particular need for the land at that time. The complaint further averred that the tolerance ended when Vesta informed the occupants of its plan to develop the property and demanded them to vacate within 15 days from receipt of notice. The demand letters entitled Paunawa na Umalis sa Lupa[7] were personally delivered to the occupants on September 23, 2011 and October 11, 2011 by Barangay Tanod Reynaldo Ona, Barangay representative and Visman Security Agency Officer Jose Amberon, and Visman Security Guard Johnry Carandang.[8] However, the occupants failed to vacate the property, hence, the suit.

Only seven (7) of the 140 defendants filed their Answer, viz., the group of Ponciano Edgar M. Mangubat, Marcelo L. Opeña, and Pablo M. Tapia, who were represented by Atty. Nestor M. Placer (Atty. Placer), and the group of Rodolfo Oña, Sr., Rodolfo Oña, Jr., Norberto Oña and Ernesto Custodio, represented by Atty. Noel M. Villanueva (Atty. Villanueva). The group of Atty. Placer claimed that they have been in adverse, open, continuous, and public possession of the land since time immemorial and the complaint is dismissible for failure to comply with the Katarungang Pambarangay Law. On the other hand, the group of Atty. Villanueva argued that Vesta's title was derived from an inexistent TCT, the subject property had already been declared as public land by the Department of Environment and Natural Resources (DENR), and that as farmers and farmworkers of Hacienda Yulo, Vesta's predecessor-in-interest, they did not abandon their claim for Agrarian Reform.[9]

On October 28, 2011, 79 defendants,[10] 65 of whom are among petitioners herein, moved for the dismissal of the

complaint on the ground of *litis pendentia* and lack of jurisdiction due to an existing agrarian dispute. According to these defendants, they are members of the Pesante-Hacienda Yulo Farmers Association (Pesante-Hacienda), Sitio Putol-Majada which is the petitioner in the Department of Agrarian Reform Adjudication Board (DARAB) Case No. R-0403-0012-11.[11]

In a November 16, 2011 Order,[12] the MTCC denied the Motion to Dismiss and gave the movants-defendants five (5) days within which to file their Answer. The MTCC held that the allegations in the complaint determine the jurisdiction of the court and Vesta's complaint clearly made out a case for unlawful detainer. It ruled against the existence of *litis pendentia* because there was no identity of parties considering that the petitioner in the DARAB was the Hacienda Yulo Farmers Association of Canlubang, Laguna and not Pesante-Hacienda. It also pointed out that the DARAB case had already been dismissed for the lack of verification and certification against forum shopping.

Subsequently, Vesta moved for the rendition of judgment against the non-answering defendants. On November 29, 2011, the group of Atty. Placer filed a Reiterative Motion to Dismiss with Manifestation[13] praying for the dismissal of the complaint on the ground of an existing agrarian dispute and for violation of the Katarungang Pambarangay Law. Meanwhile, the group of defendants who earlier moved for the dismissal of the complaint, did not file their Answer and instead sought the reconsideration of the November 16, 2011 Order.[14]

The MTCC acted on the foregoing incidents through its January 2, 2012 Order.[15] It denied the Reiterative Motion to Dismiss of the group of Atty. Placer as well as the motion for reconsideration of the non-answering defendants. According to the MTCC, the arguments raised in the Reiterative Motion to Dismiss and the issue of jurisdiction argued in the motion for reconsideration have already been addressed in its November 16, 2011 Order. It further held that a corporation like Vesta is exempted from complying with the Katarungang Pambarangay Law while a motion for reconsideration is a prohibited pleading under the Rules of Summary Procedure.

With respect to Vesta's motion, the MTCC decreed that pursuant to Section 6[16] of the Rules of Summary Procedure, it would render judgment against the non-answering defendants based on the facts alleged in the complaint. However, it deemed best to jointly decide the case of the non-answering and answering defendants.

The Ruling of the MTCC

On February 27, 2012, the MTCC rendered a Decision[17] in favor of Vesta. It upheld its jurisdiction over the complaint and ruled that defendants' bare allegations that they are farmworkers are not enough to prove agrarian dispute; the existence of tenancy relations between Vesta and defendants and the fact that the subject property is an agricultural land must be established. The MTCC is also convinced of Vesta's ownership of the land as shown by its TCT No. T-752319 and the possession by tolerance on the part of the defendants.

The dispositive portion of the MTCC's Decision reads:

WHEREFORE, in view of the foregoing, the Court hereby renders judgment in favor of plaintiff Vesta Property Holdings, Inc. and against defendants Eulogio Tapia, Antonio M. Rosario, Francisco Evangelista, Melencio Mangalo, Serapio Carpio, Virgilio R. Suelto, Fernando S. Cabagsang, Milo A. Maraveles, Marciano A. Escandarte, Victor A. Carpio, Demetrio Tolentino, Romeo M. Lumbres, Pablo Tapia, Andres B. Peria, Lucila Aquino, Roberto B. Rosario, Chrismor Calinog, Sherwin Lumbres, Francis Lumbres, Nerito V. Abad, Edmund Evangelista, Rodolfo Ona, Sr., Norberto Ona, Marcelino Opena, Rodolfo Ona, Jr., Cirela M. Doctora, Onofre Gapasin, Rodrigo Balba, Roman Austria, Vidal Mangubat, Teotimo Legaspi, Antonio Legaspi, Corazon Legaspi, Pedro Mague, Loreto Dimapilis, Felicisimo Doctora, Ernesto Custodio, Bonifacio Doctora, Crispin Oruga, Justino Oruga, Tomas Legaspi, Heirs of Procopio Olalez (DCSD), Anthony Lipata, Esperidion

Mangano, Mario Austria, Galen Vibar, Marlon Dalugdugan, Eduardo Mangubat, Noel Oruga, Bernabe Balaque, Romeo Gatdula, Christopher Balba, Edgar Mangubat, Faustino Panganiban, Andrea Austria, Romegio Austria, Florentina Panganiban, Lucila Dimapilis, Melicio Regocera, Braulio Dimapilis, Celestino Dimapilis, Efren Legaspi, Arcadio Lara, Luis Dimapilis, Servando Ramos, Antonio Dimapilis, Oliver Legaspi, Petronio Mabuyo, Luisito Odaya, Seveera Balba, Liberato Balba, Rodel Villa Flores, Domingo Mague, Eliseo Mague, Ricky Bawit, Ramon Castillo, Toribio Tamondong, Francisco Babadilla, Sr., Francisco Babadilla, Jr., Alfredo Doctora, Ronnie Leopoldo, Tolentino Enriquez, Gregorio Lucido, Michael Baraquia, Adoracion Lucido, Mario Lucido, William Asuncion, Fernando Asuncion, Romeo Olaz, Roy Olaz, Manuel Oruga, Carlos Oruga, Dennis Oruga, Margarita Oruga, Armenio Garcia, Tomas Oruga, Orlando Balaque, Josefa Asuncion, Allan Somera, Jose Asuncion, Jr., Alfredo Lipata, Jr., Danilo Austria, Florentino Castillo, Esmeraldo Ticman, Noel Aguillana, Albert Enriquez, Alma Balba, Armando Sta. Cruz, Analiza Rendaryo, Leonardo Dimapilis, Allan Legaspi, Kelly Dobles, Julito Balba, Eugenio Mague, Michael Dimapilis, Ronald Maligalig, Mario Olaz, Antonio Mangubat, Rhino Dela Vega, Paolo Yadao, Jess Estandarte, Erwin Lumbres, Jerson Burbos, Elmer Jimeno, Romeo Lipata, Michael Lachica, Rico Lacson, Domingo Doctora, Anthony Monterola, Benibentura Quinto, Ronnel Vibar, Juan Oruga, Jun Somera, Ruben Tabaldo, Anthony Tolentino, Nestor Tolentino, Gerry Sanita, Carmen Aldover, Arvin Austria, Joel Enriquez and all persons claiming rights under them to immediately VACATE and SURRENDER the possession to plaintiff of the premises covered by Transfer Certificate of Title No. T-752319 located at Barangay Canlubang and Majada, Calamba City, Laguna and to REMOVE all improvements and/or structures erected thereon.

Defendants are likewise directed to PAY plaintiff the following amounts:

- P1,000.00 – per month per defendant as reasonable compensation for the use of the premises beginning September 23, 2011 and every month thereafter until the premises is finally vacated.
- P20,000.00 – attorney's fees; and
- The costs of suit. (Emphasis appears in the original text of the Decision)

On March 12, 2012, defendants Rodolfo Oña, Sr., Rodolfo Oña, Jr., Norberto Oña, Ernesto Custodio, Onofre Gapasin and Allan Somera, all represented by Atty. Gilbert S. Coronel, (collectively referred herein as Oña group) filed a Notice of Appeal from the MTCC's February 27, 2012 Decision.

On the other hand, Romeo Olaz (Olaz), claiming to represent the other defendants and represented by Atty. Vladimir R. Bugaring (Atty. Bugaring), moved for reconsideration of the February 27, 2012 MTCC Decision.[18] The MTCC denied this motion through its March 21, 2012 Order.[19]

Unfazed, Atty. Bugaring resorted to a petition for annulment of judgment which was dismissed by the RTC, Branch 35 on April 17, 2012.[20]

In the interim, Atty. Bugaring filed on April 12, 2012, a Notice of Appeal[21] for defendant Eulogio Tapia (Tapia) which was given due course by the MTCC.[22]

On May 18, 2012, the RTC received a Memorandum[23] signed by Atty. Bugaring on behalf of “defendants-appellants Romeo Olaz, Et, Al.” instead of defendant Tapia. This Memorandum largely reiterated the arguments as to the MTCC's lack of jurisdiction over the complaint for ejectment due to the existence of an agrarian dispute. It was also alleged that the date of receipt of the demand letter was not proven by Vesta and its complaint was filed beyond the one (1) year prescriptive period. The Memorandum also imputed grave abuse of discretion on the part of the MTCC in strictly adhering to the Rules of Summary Procedure and deciding the case based only on the allegations in the complaint. Notably, neither Tapia nor the Oña group filed the required memorandum on appeal.[24]

The Ruling of the RTC

In its assailed October 17, 2012 Decision,[25] the RTC affirmed the MTCC's findings that there is no evidence showing any tenancy or agrarian relationship between Vesta and the defendants below. It also noted that only six (6) of the 140 defendants below were able to file a Notice of Appeal but all of them failed to submit their memorandum on appeal. The RTC pointed out that the memorandum on record pertained to Olalez and some unnamed defendants who did not file any Notice of Appeal. Despite such observation, the RTC proceeded to discuss the merits of the arguments raised in the memorandum and disposed the case as follows:

WHEREFORE, the appeal is DISMISSED for lack of merit and the assailed decision of the trial court is affirmed in toto. (*Italics appears in the original text of the Decision*)

Not satisfied, Olalez and the other petitioners are now before Us via the instant petition for review raising the following issues:

- WHETHER OR NOT THE HONORABLE COURT OF REGIONAL TRIAL COURT BRANCH 35 OF CALAMBA LAGUNA GRAVELY ERRED AMOUNTING TO ABUSE OF DISCRETION IN ITS FINDING THAT THE HONORABLE COURT OF MUNICIPAL TRIAL COURT OF CITIES (COURT A QUO) HAS JURISDICTION OVER THE ORIGINAL FOR EJECTMENT CASE AT BAR.
- WHETHER OR NOT BOTH THE HONORABLE REGIONAL TRIAL COURT BRANCH 35 OF CALAMBA LAGUNA AND METROPOLITAN (sic) TRIAL COURT OF CITIES COMMITTED A GRAVE ERROR WHEN IT EXERCISED STRICT ADHERENCE TO THE RULES, AND IF IN THE AFFIRMATIVE, SUCH ERROR IS TANTAMOUNT TO GRAVE ABUSE OF DISCRETION.

This Court's Ruling

The petition warrants an outright dismissal.

Preliminarily, the Court notes that herein petitioners Adoracion Evangelista, Arvin Antonio and Toribio Raminding have no legal standing in this petition for review. As shown in the records, they are neither impleaded as defendants in the unlawful detainer case filed by Vesta nor included in the dispositive portion of the MTCC's February 27, 2012 Decision. They are therefore considered as strangers to this petition especially in the absence of evidence indicating their interest to the affirmance or reversal of the MTCC and RTC's decision.

We also echo the RTC's observation that the Notice of Appeal filed by Atty. Bugaring pertained only to Tapia and not to any of the named respondents in the Memorandum submitted before it. Notably, petitioners never bothered to explain the discrepancy. Given these circumstances, it is crystal clear that herein petitioners failed to file a Notice of Appeal from the February 27, 2012 Decision of the MTCC. Accordingly, they already lost their standing to challenge the validity of this decision and as to them, the judgment rendered by the MTCC is considered final and executory.

Even on the assumption that Olalez and the rest of the petitioners herein were among the defendants referred to in the Notice of Appeal filed by Atty. Bugaring, the RTC as well as this Court have no more authority to act on their appeal. It must be remembered that Olalez, claiming to be the representative of the defendants below, moved for reconsideration of the February 27, 2012 MTCC Decision. Pursuant to Section 13,[26] Rule 70 of the Rules of Court, Olalez' motion for reconsideration is a prohibited pleading[27] which cannot be given any legal effect.[28] Consequently, the filing of this prohibited motion did not suspend the running of the period to appeal.[29] Based on the records, Olalez and the rest of defendants below received a copy of the MTCC Decision on March 6, 2012;[30] thus, they only have until March 21, 2012 to perfect their appeal but the Notice of Appeal was filed only on April 12, 2012 or more than fifteen (15) days from receipt of the MTCC decision. Such failure to timely

perfect an appeal rendered the February 27, 2012 Decision of the MTCC final and executory. The ruling in *Land Bank of the Philippines v. Ascot Holdings And Equities, Inc.*,^[31] is instructive on this matter:

Petitioner insists, however, that the CA committed grave abuse of discretion in denying its motion for extension because the prohibited pleading it filed in the trial court was still sufficient to suspend the running of the reglementary period to appeal “in the interest of substantial justice.” Unfortunately, there is a scarcity of law or jurisprudence to support petitioner’s novel theory. It is obvious that a prohibited pleading cannot toll the running of the period to appeal since such pleading cannot be given any legal effect precisely because of its being prohibited.

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Procedural rules setting the period for perfecting an appeal or filing an appellate petition are generally inviolable. It is doctrinally entrenched that appeal is not a constitutional right but a mere statutory privilege. Hence, parties who seek to avail of the privilege must comply with the statutes or rules allowing it. The requirements for perfecting an appeal within the reglementary period specified in the law must, as a rule, be strictly followed. Such requirements are considered indispensable interdictions against needless delays, and are necessary for the orderly discharge of the judicial business. For sure, the perfection of an appeal in the manner and within the period set by law is not only mandatory, but jurisdictional as well. Failure to perfect an appeal renders the judgment appealed from final and executory. (Emphasis supplied)

Finality becomes a fact when the reglementary period to appeal lapses and no appeal is perfected within such period. As a consequence, no court can exercise appellate jurisdiction to review a case or modify a decision that has become final.^[32] Nothing is more settled in law than the principle that once a judgment attains finality it thereby becomes immutable and unalterable.^[33] It may no longer be modified in any respect, even if the modification is meant to correct what is perceived to be an erroneous conclusion of fact or law, and regardless of whether the modification is attempted to be made by the court rendering it or by the highest court of the land. Litigation must at some time end, even at the risk of occasional errors. Public policy dictates that once a judgment becomes final, executory and unappealable, the prevailing party should not be denied the fruits of his victory by some subterfuge devised by the losing party.^[34] Thus, the February 27, 2012 MTCC Decision, even if allegedly erroneous, could no longer be modified. Accordingly, this Court no longer needs to delve on the issues raised herein by petitioners.

WHEREFORE, the petition is DISMISSED.

SO ORDERED.

Villon (Chairperson) and Macalino, JJ., concur.

[1] Rollo, pages 3-14.

[2] Penned by Judge Gregorio M. Velasquez, *ibid.*, pages 111-114.

[3] Penned by Judge Carolina C. Icasiano-Sison, *ibid.*, pages 133-151.

[4] Vesta is also referred to as Viesta in other parts of the rollo.

[5] Rollo, pages 168-173.

[6] *Ibid.*, pages 158-165.

[7] *Ibid.*, pages 299-312.

[8] See Joint Affidavit of Service, *ibid.*, pages 313-318.

[9] Copy of the Answers were not attached in the petition but see the narration of antecedents in the February 27, 2012 MTCC Decision, *ibid.*, page 136.

[10] Antonio Rosario, Francisco Evangelista, Melencio Manglo, Serapio Carpio, Virgilio R. Suetto, Fernando S. Cabagsang, Marciano Estandarte, Victor Carpio, Demetrio Tolentino, Romeo M. Lumbres, Andres B. Peria, Lucila Aquino, Roberto Rosario, Chrismor Calinog, Sherwin Lumbres, Francis Lumbres, Nerito V. Abad, Jerson Burbos, Cirela M. Doctora, Rodrigo Balba, Roman Austria, Teotimo Legaspi, Corazon Legaspi, Loreto Dimapilis, Bonifacio Doctora, Crispin Oruga, Tomas Legaspi, Justino Oruga, Esperidion Mangano, Mario Austria, Galen Vibar, Noel Oruga, Bernabe Bulaque, Romeo Gatlula, Christopher Balba, Romegio Austria, Florentino Panganiban, Braulio Dimapilis, Efren Legaspi, Arcadio Lara, Servando Ramos, Oliver Legaspi, Domingo Maigne, Eleseo Maigne, Toribio Tamondong, Francisco Babadilla, Sr., Francisco Babadilla, Jr., Alfredo Doctora, Ronnie Leopoldo, Tolentino Enriquez, Gregorio Lucido, Mario Lucido, William Asuncion, Romeo Olaez, Roy Olaez, Manuel Oruga, Carlos Oruga, Dennis Oruga, Margarita Oruga, Armenio Garcia, Tomas Oruga, Orlando Balaque, Jose Asuncion, Danilo Austria, Esmiraldo Ticman, Noel Aguillana, Albert Enriquez, Alma Balba, Allan Legaspi, Michael Dimapilis, Ronald Maligalig, Mario Olaez, Domingo Doctora, Ronnel Vibar, Juan Oruga, Nestor Tolentino, Arvin Austria, and Antonio Legaspi.

[11] See page 5 of the February 27, 2012 MTCC Decision, *ibid.*, page 137.

[12] See pages 5-8 of the February 27, 2012 MTCC Decision, *ibid.*, pages 137-140.

[13] *Ibid.*, pages 319-323.

[14] See pages 9-10 of the February 27, 2012 MTCC Decision, *ibid.*, pages 141-142.

[15] *Ibid.*, pages 17-22.

[16] SEC. 6. Effect of failure to answer. - Should the defendant fail to answer the complaint within the period above provided, the court, *motu proprio*, or on motion of the plaintiff, shall render judgment as may be warranted by the facts alleged in the complaint and limited to what is prayed for therein. Provided, however, That the court may in its discretion reduce the amount of damages and attorney's fees claimed for being excessive or otherwise unconscionable. This is without prejudice to the applicability of Section 4, Rule 18 of the Rules of Court, if there are two or more defendants.

[17] *Supra*, at note 3.

[18] See Motion for Reconsideration filed on March 21, 2012 before the MTCC, *rollo*, pages 35-44.

[19] As stated in the Notice of Appeal dated April 10, 2012, *ibid.*, pages 60.

[20] See April 17, 2012 Order, *ibid.*, pages 403-405.

[21] *Supra*, at note 19.

[22] See May 18, 2012 Order, *rollo*, page 63.

[23] *Ibid.*, pages 72-82.

[24] As discussed in the October 17, 2012 RTC Decision which was not disputed by the parties herein, *ibid.*, page 112.

[25] *Supra*, at note 2.

[26] Rule 70. SEC. 13. Prohibited pleadings and motions. — The following petitions, motions or pleadings shall not be allowed:

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(c) Motion for new trial, or for reconsideration of a judgment, or for reopening of trial;

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[27] See *Edillo v. Spouses Duplina*, G.R. No. 188360. January 21, 2010.

[28] See *Land Bank of the Philippines v. Ascot Holdings And Equities, Inc.*, G.R. No. 175163. October 19, 2007.

[29] *Edillo v. Spouses Duplina*, *supra*, at note 27.

[30] Date of receipt of the MTCC's Decision was stated in Olaez' Motion for Reconsideration, *supra*, at note 18.

[31] *Supra*, at note 28.

[32] See *SSS v. Isip*, G.R. No. 165417. April 4, 2007.

[33] See *Holy Trinity Realty Development Corporation v. Spouses Abacan*, G.R. No. 183858. April 17, 2013.

[34] See *Edillo v. Spouses Duplina*, *supra*, at note 27.

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