SPOUSES RUFINO S. ONIOT AND GENEROSA G. ONIOT, PETITIONERS-APPELLANTS, VS. HEIRS OF DOMICIANO JAMITO, NAMELY: JOSEFINA J. SALVANA, EUFROCINA J. STRIKER, ANGELES J. BELTRAN, MERL...

Ponente: INTING, J.

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INTING, J.:

This is an APPEAL[1] filed under Rule 41 of the Rules of Civil Procedure assailing the Order[2] dated September 17, 2010 of the Regional Trial Court, Branch 34, Panabo City in Civil Case No. CC 41-2010 for "Annulment of Judgment".

The facts of the case are as follows:

Respondents-appellees, through their attorney-in-fact Justino Canico, filed a Complaint[3] for forcible entry against herein petitioners-appellants on July 24, 2008. The complaint alleged that respondents-appellees and their predecessors-in-interest had ownership, prior and physical occupation since 1950 of a certain parcel of land covered by Original Certificate of Title (OCT) No. P-20125[4] located in Brgy. Bobongon, Sto. Tomas, Davao del Norte. Respondents-appellees further alleged that their ownership and peaceful occupation were disturbed by petitioners-appellants by their illegal entry into the land during the first week of May 2008 by constructing there a residential house without the knowledge and consent of respondents-appellees. The respondents-appellees brought the matter against the petitioners-appellants to the Office of the Barangay Chairman but no settlement was reached. Respondents-appellees sent petitioners-appellants a demand to vacate on July 3, 2008 but the latter refused to do so.

Petitioners-appellants filed an Answer[5] to the complaint and countered that they are not occupying the subject land. Subsequently, respondents-appellees filed an Amended Complaint[6] with the same land covered by OCT No. P-20125 as the subject matter.

On March 31, 2009, the Municipal Circuit Trial Court (MCTC) rendered a Decision[7] in favor of herein respondents-appellees, the dispositive portion of which reads:

> WHEREFORE, judgment is hereby rendered in favor of plaintiffs, Heirs of Domiciano Jamito, namely: Eufrocina Angeles, Josefina Anancia (deceased) represented Merlinda Sarino and Mercy Canico, Eduardo (deceased) represented by Jose Jamito, Copernico (deceased) represented by his children, et. al., represented by their Attorney-in-fact Justino Canico against defendants Sps. Rufino and Generosa Oniot, ordering the latter and all persons acting in their behalf, to VACATE and remove all structures that they have constructed within the subject property situated in Bobongan, Sto. Tomas, Davao del Norte, covered by Original Certificate of Title No. C-4221, registered in the name of Josefina J. Salvana.
>
> Defendants are further directed to pay, jointly, the plaintiffs, the following amounts:
>
> - Five Thousand (P5,000.00) Pesos a month of as reasonable compensation for the use and occupation of

subject premises, starting from May, 2008 until they shall have fully vacated the same;

- Twenty Thousand (P20,000.00) Pesos as attorney's fees; and

- Seven Thousand (P7,000.00) Pesos as litigation expenses.

SO ORDERED.

Petitioners-appellants appealed the decision to the Regional Trial Court (RTC). However, while the case was pending, petitioners-appellants' counsel failed to file the appellant's memorandum which resulted in the dismissal of the appeal. On December 11, 2009, the RTC made an Entry of Final Judgment[8] which certified that it had issued an Order dated November 12, 2009 dismissing the appeal.

Aggrieved, petitioners-appellants sought for new legal representation. They alleged that they only learned of the dismissal sometime in March 2010. Accordingly, on March 22, 2010, they filed a petition for relief from judgment with the RTC on the ground that not only was the former counsel's negligence prejudicial to them, but that it also constituted a form of malpractice which deprived them of their day in court.

On May 4, 2010, the RTC issued an Order[9] dismissing the petition, the fallo of which reads:

WHEREFORE, in view of the foregoing the petition is hereby dismissed.

SO ORDERED.

Petitioners-appellants moved for reconsideration but the RTC denied it in its Order[10] dated August 4, 2010.

On September 10, 2010, petitioners-appellants filed a petition for annulment of the decision dated March 31, 2009 of the MCTC of Sto. Tomas on the ground of lack of jurisdiction. They alleged that the subject matter of the complaint was the parcel of land covered by OCT No. P-20125, and yet the subject of the decision of the MCTC was the parcel of land covered by OCT No. C-4221. The case was raffled to Branch 34 of RTC Panabo City, the same court which dismissed petitioners-appellants' appeal docketed as Special Civil Case No. SCC-09-2009, and the same court which denied petitioners-appellants' petition for relief and the motion for reconsideration thereof.

On September 17, 2010, the court a quo issued an Order dismissing the petition for annulment of judgment, the fallo of which provides:

WHEREFORE, for lack of merit, the petition is hereby DISMISSED.

SO ORDERED.

Petitioners-appellants filed a motion for reconsideration[11] and motion for inhibition[12]. The court a quo denied the motions in an Order dated December 17, 2010.

Hence, the instant appeal.

Petitioners-appellants now come before Us raising the following assignment of errors[13]:

I.
THE COURT A QUO ERRED IN RULING THAT THE INSTANT REMEDY OF ANNULMENT IS ALREADY FORECLOSED BY REASON OF PRIOR AVAILMENT OF THE REMEDIES OF APPEAL AND PETITION FOR RELIEF.

II.
THE COURT A QUO ERRED IN APPLYING THE CASE OF CEREZO VS. TUAZON WHICH HAS NONE OF THE LEAST COMPARISON OR SIMILARITY TO THE CASE OF petitioners- APPELLANTS.

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> III.
> THE COURT A QUO ERRED IN NOT GIVING CREDENCE TO THE CERTIFICATION ISSUED BY THE BUREAU OF LANDS THAT LOT 2 IS SEPARATE AND DISTINCT FROM LOT 262.
>
> IV.
> THE COURT A QUO ERRED IN RULING THAT THE DECISION SOUGHT TO BE ANNULLED WAS MERELY AN ERROR OF JUDGMENT AND NOT AN ERROR OF JURISDICTION.
>
> V.
> THE HONORABLE PRESIDING JUDGE ERRED IN NOT INHIBITING OR DISQUALIFYING HIMSELF FROM THE INSTANT CASE FOR DELICADEZA, HAVING ALREADY RESOLVED THE PETITION FOR RELIEF.

The pivotal issue is whether or not the court a quo erred in dismissing petitioners-appellants' petition for annulment.

Our Ruling
The appeal is devoid of merit.

No doctrine is more sacrosanct than that judgment of courts or awards of quasi-judicial bodies, even if erroneous, must become final at a definite time appointed by law.[14] This doctrine of finality of judgments is the bedrock of every stable judicial system. However, the doctrine of finality of judgments permits certain equitable remedies; and one of them is a petition for annulment under Rule 47 of the Rules of Court.[15]

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, final order or final resolution sought to be annulled was rendered by a court lacking jurisdiction or through extrinsic fraud.[16] Yet, the remedy, being exceptional in character, is not allowed to be so easily and readily abused by parties aggrieved by the final judgments, orders or resolutions.[17] The Court has thus instituted safeguards by limiting the grounds for the annulment to lack of jurisdiction and extrinsic fraud, and by prescribing in Section 1 of Rule 47 of the Rules of Court that the petitioner should show that the ordinary remedies of new trial, appeal, petition for relief or other appropriate remedies are no longer available through no fault of the petitioner.[18] Nor can it be resorted to if petitioner has previously availed of any of the aforementioned remedies.[19]

In the case of Fraginal v. Toribia[20] citing Macalalag v. Ombudsman[21], the Supreme Court further explained, viz:

> xxx An action for annulment of judgment is a remedy in law independent of the case where the judgment sought to be annulled is rendered. The concern that the remedy could so easily be resorted to as an instrument to delay a final and executory judgment, has prompted safeguards to be put in place in order to avoid an abuse of the rule. Thus, the annulment of judgment may be based only on the grounds of extrinsic fraud and lack of jurisdiction, and 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. (Underscoring supplied).

In the case at bar, it must be recalled that petitioners-appellants filed an appeal to the RTC of the decision of the MCTC dated March 31, 2009. However, for failure to file the appellant's brief, the case was dismissed by the RTC on November 12, 2009. The RTC issued an Entry of Judgment on December 11, 2009.

It is petitioners-appellants' allegation that they only learned of the dismissal sometime in March 2010. Consequently, they filed a petition for relief on March 22, 2010. However, it was dismissed by the RTC on technical grounds as well as on the ground that, other than petitioners-appellants' declaration of the ignorance of

the law, not a single explanation was given by them as to why their former counsel did not file the required memorandum. Neither did petitioners-appellants give an explanation in their motion for reconsideration.

Under Section 1, Rule 38 of the Rules of Court, in a petition for relief from judgment, the negligence must be excusable and generally imputable to the party because if it is imputable to the counsel, it is binding on the client.[22] It is settled that a party is bound by the mistakes, negligence and omission of his counsel. To follow a contrary rule and allow a party to disown his counsel's conduct would render proceedings indefinite, tentative, and subject to reopening by the mere subterfuge of replacing counsel. What the aggrieved litigant should do is seek administrative sanctions against the erring counsel and not ask for the reversal of the court's ruling.[23] What is more, petitioners-appellants dismally failed to substantiate their allegation of negligence of their former counsel. Their petition for relief lacked the requisite affidavits showing the excusable negligence relied upon, and the facts constituting their good and substantial cause of action.[24]

Verily, petitioners-appellants had all the opportunity to question and assail the decision of the MCTC. They were able to make use of the remedies of appeal as well as of a petition for relief. The fact that these actions were dismissed were all attributable to no one else but petitioners-appellants' own fault. Moreover, the availment of these remedies bars the filing of the instant petition. As held by the Supreme Court, the remedy may not be invoked where the party has availed himself of the remedy of new trial, appeal, petition for relief or other appropriate remedy and lost therefrom. A petition for annulment of decision should never be resorted to as a substitute for a party's own neglect in not promptly availing of the ordinary or other appropriate remedies.[25] The attitude of judicial reluctance towards the annulment of a judgment, final order or final resolution is understandable, for the remedy disregards the time-honored doctrine of immutability and unalterability of final judgments, a solid corner stone in the dispensation of justice by the courts.[26]

From the foregoing disquisition, it is thus clear that the court a quo committed no error in dismissing the instant case. There is, therefore, no longer any need to consider the other issues raised in the petition.

WHEREFORE, the petition is DENIED. The Order dated September 17, 2010 of the Regional Trial Court, Branch 34, Panabo City in Civil Case No. CC 41-2010 is AFFIRMED.

SO ORDERED.

[*]Borja, (Chairperson), and Perez, JJ., concur.

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[*] Designated Member vice J. Camello, per Raffle dated June 18, 2014

[1] Rollo, pp. 11-39

[2] Records, pp. 64-66, penned by Hon. Judge Dax Gonzaga Xenes

[3] Records, pp. 16-20

[4] Records, pp. 23-25

[5] Records, pp. 26-29

[6] Records, pp. 33-37

[7] Records, pp. 42-50

[8] Records, p. 52

[9] Records, pp. 53-54

[10] Records, pp. 55-56

[11] Records, pp. 77-95

[12] Records, pp. 98-102

[13] Rollo, pp. 14-15

[14] Fraginal v. Toribia, G.R. No. 150207, February 23, 2007

[15] Supra

[16] Dare Adventure Farm Corp. v. Court of Appeals, G.R. No. 161122, September 24, 2012

[17] Supra

[18] Supra

[19] Heirs of Rodrigo Yacapin v. Balida, G.R. No. 171669, December 14, 2009

[20] G.R. No. 150207, February 23, 2007

[21] G.R. No. 147995, March 4, 2004

[22] Lynx Industries Contractor, Inc. v. Tala, G.R. No. 164333, August 24, 2007

[23] Supra

[24] Supra

[25] Republic v. Castro, G.R. No. 189724, February 7, 2011

[26] Supra Note No. 16

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