

HEIRS OF JUAN VISAYA, NAMELY: PEDRO PANGANIBAN, BASILIO PANGANIBAN, AND CATALINO PANGANIBAN, HEIRS OF DOMINGO VISAYA, REPRESENTED BY MARCELA VISAYA, PETITIONERS, V. HEIRS OF VIC...

Ponente: ELBINIAS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/ba0b43e03486/>

ELBINIAS, J.:

Before Us is the "Petition for Annulment of Judgment"[1] ("Petition" for brevity) filed by petitioners heirs of Juan Visaya, namely: Pedro Panganiban, Basilio Panganiban and Catalino Panganiban; and, heirs of Domingo Visaya, represented by Marcela Visaya ("petitioners" for brevity) under Rule 47 of the Rules of Court. The Petition assails the Order[2] dated September 26, 2008 of public respondent Department of Environment and Natural Resources - Land Management Bureau ("public respondent DENR-LMB" for brevity) in "LMB Case No. Sales Certificate No. 4858 Lot Nos. 1838 and 1848 CAD. 154-D, Brgy. Kay-Anlog, Calamba, Laguna".[3]

However, the Petition[4] at bench is defective and dismissible because only judgments or final orders and resolutions in civil actions of the Regional Trial Courts can be annulled by the Court of Appeals under Section 1, Rule 47 of the Rules of Court. Section 1, Rule 47 of the Rules of Court provides:

"Section 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 supplied)

That only such judgments or final orders and resolutions can be annulled by the Court of Appeals is also pursuant to the Supreme Court's declaration in *Valentin P. Fraginal, Tomas P. Fraginal and Angelina Fraginal-Quino vs. The Heirs of Toribia Belmonte Parañal*, represented by Pedro Parañal, Felisa Parañal, Abraham Parañal, Irene Acabado and Josefa Estoy[5], as follows:

"The Petition for Annulment of Judgment filed by Fraginal, et al. before the CA failed to meet the foregoing conditions.

First, it sought the annulment of the PARAD Decision when Section 1 of Rule 47 clearly limits the subject matter of petitions for annulment to final judgments and orders rendered by Regional Trial Courts in civil actions. Final judgments or orders of quasi-judicial tribunals or administrative bodies such as the National Labor Relations Commission, the Ombudsman, the Civil Service Commission, the Office of the President, and, in this case, the PARAD, are not susceptible to petitions for annulment under Rule 47.

Speaking through Justice Jose C. Vitug, the Court, in *Macalalag v. Ombudsman*, ratiocinated:

Rule 47, entitled 'Annulment of Judgments or Final Orders and Resolutions,' is a new provision under the 1997 Rules of Civil Procedure albeit the remedy has long been given imprimatur by the courts. The rule covers '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 could no longer be availed of through no fault of the petitioner.' 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." (Emphasis and underscoring supplied)

The rule is settled that an action for Annulment of Judgment is "an extraordinary remedy, which is not to be granted indiscriminately by the court"[6]. This is especially so, considering that "[i]t is a recourse equitable in character and allowed only in exceptional cases." [7]

GIVEN ALL THESE, the Petition at bench is DISMISSED.

SO ORDERED.

Didican (Chairman) and Paredes, JJ., concur.

[1] Rollo, pp. 3-18

[2] Rollo, pp. 25-28

[3] Rollo, pp. 25-28

[4] Rollo, pp. 3-18

[5] G.R. NO. 150207, February 23, 2007

[6] Andrew B. Nudo vs. Hon. Amado S. Caguioa, et. al., G.R. No. 176906, August 4, 2009

[7] Republic of the Philippines vs. Technological Advocates for Agro-Forest Programs Association, Inc., G.R. No. 165333, February 9, 2010

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.