

**CORBAN COMMUNITY FARMS, INCORPORATED, PETITIONER, VS.
HON. INOCENCIO M. JAURIQUE, PRESIDING JUDGE, REGIONAL
TRIAL COURT BRANCH 44, MAMBURAO, OCCIDENTAL MINDORO,
EFREN AVILA, ENR...**

Ponente: BARRIOS, J.

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BARRIOS, J.:

By this petition for certiorari, prohibition and mandamus, Corban Community Farms, Incorporated (or hereafter Corban Farms) pleads that the Orders dated May 20, 2002 and July 25, 2002 issued by the Regional Trial Court of Mindoro (or RTC) in LRC Case N-99 entitled In Re: Application for Registration of Title, Corban Community Farms, Inc., be reversed and set aside for having been issued with grave abuse of discretion.

The said application for registration was filed a quo by Corban Farms and opposed by the respondents Efren Avila, Enrique Avila, Willie Otano, Rodel Medallo, Saturnino Bulak, Renato Non, Henry Aguilar, Jesus Hael, Pablo Castillo, Herminio De Lima, Henry Tindugan, Quirino Medallo, Romeo Hael, Bernie de la Cruz, Elpidio Payong, Hipolito Cantor, Eduardo Castillo, Venancio de la Cruz, Romeo Medallo, Amado Bersamina, Edgar Payong and Efipanio Avila (or the respondents) as well as the Republic of the Philippines.

The respondents moved to dismiss the application as it was sans certification and verification of non-forum shopping. This was granted in the Order dated December 17, 1999 disposing that:

WHEREFORE, in view of the foregoing, Oppositors' Motion to Dismiss is hereby GRANTED. The application for registration of title is hereby DISMISSED.

SO ORDERED. (p. 27, rollo)

Corban Farms sought the reconsideration of this. Also, it assailed the personality of the respondents to oppose its petition since they are not claiming or occupying a specific portion of the property. In the Order of April 4, 2000 it was held that:

. . . this Court rules that Oppositors have no legal standing in this proceedings.

With regard to the Order dated December 17, 1999, this Court finds cogent reason to reconsider and set aside the same.

It was ruled that, Certificate of non-forum shopping is mandatory but not jurisdictional. (Petron Development Corporation vs. Judge Quitain, G.R. No. 135042, September 23, 1999). Thus, whether the Certificate applies on land registration proceedings or not, this Court can only mandate the applicant to attach the said certification. Hence, the motion to attach certificate of non-forum shopping is GRANTED.

Accordingly, let this case be reset on May 9, 2000 at 8:30 o'clock in the morning for the Applicant's presentation of its evidence.

SO ORDERED. (pp. 23-24)

Realizing that the Court has committed an error which need to be corrected once and for all, the assailed Order of May 20, 2002 was issued decreeing that:

ACCORDINGLY, the Orders dated April 04, 2000 is hereby SET ASIDE and the Order orally issued by the Court on February 12, 2002 allowing Oppositors, thru counsel, to participate in all proceedings is hereby REITERATED, and let this case be set for hearing on July 02, 2002 at 8:30 o'clock in the morning.

SO ORDERED. (p. 19, rollo)

Insisting that the respondents have no legal standing to oppose the application and claiming that the trial court committed no error in rendering the Order dated April 4, 2000, Corban Farms moved for the reconsideration of the first assailed Order dated May 20, 2002 but this was denied for lack of merit in the other assailed Order dated July 25, 2002 (p. 21, rollo).

This prompted Corban Farms to file this petition for certiorari, prohibition and mandamus, positing this sole issue for Our resolution:

. . .whether or not the Honorable Presiding Judge of the Regional Trial Court of Branch 44, Mamburao, Occ. Mindoro, has committed grave abuse of discretion in issuing the Order of May 20, 2002, lifting in setting aside a long in place and final Order of April 04, 2002, which removed the right of litigants to oppose and participate in the proceedings in the application a quo which he reinstated after previously dismissing their right to litigate as such oppositors, without violating petitioner's right to due process. . . (pp. 10-11, rollo)

We rule in the negative and against Corban Farms.

Contrary to what Corban Farms wants to portray, the Order of April 4, 2000 is not a final but an interlocutory order which did not finally dispose of the case. As such, it could never become final in the sense of becoming unchangeable and impervious to impugnation after expiration of the period prescribed for taking an appeal from the final judgment (*Tomacruz-Lactao vs. Espejo*, G. R. No. 144410, July 21, 2004). It is always under the control of the court and may be modified or rescinded upon sufficient grounds shown at any time before judgment. This prescinds from a court's inherent powers to amend and control its processes and orders so as to make them conformable to law and justice (*Ley Construction and Development Corporation vs. Union Bank of the Philippines*, G. R. No. 133801, June 27, 2000). The power of the court to control its processes includes the right to reverse itself, especially when in its honest opinion it has committed an error or mistake in judgment, and that to adhere to its decision will cause injustice to a party litigant (*Tocao vs. Court of Appeals*, G. R. No. 127305, September 20, 2001).

In issuing the Order dated May 20, 2002, it was ratiocinated:

In the interest of justice and fair play, this Court carefully examined the records of the above entitled case and found out that in an Order dated April 04, 2000, the court has committed an error which need to be corrected once and for all.

In said Order, The Court stated that Oppositors have no legal personality sin(c)e they are not claiming nor occupying the land subject of the instant case.

However, when the Court reexamined the entire records, it found out that in an Opposition filed by the Oppositors, thru counsel, on May 24, 1996, Oppositors successfully alleged that for several years they are occupants of the land applied for, cultivating the said land and devoting the same to the production of palay and other vegetable crops... (p. 19, rollo)

There was thus a palpable mistake which the trial court found necessary and proper to correct, and such by no stretch can be deemed as grave abuse of discretion. This is specially so because the application for registration covers twenty three (23) parcels of land with a combined area of 187,685 square meters which allegedly were previously cultivated by the respondents. It is but just and proper to afford them their right to be heard on this.

The plea of denial of due process has to be rejected too. It is a long settled doctrine that a plea of denial of procedural due process does not lie where the alleged aggrieved party had the opportunity to be heard on a motion for reconsideration, giving sufficient opportunity for him to inform the tribunal concerned of his side of the controversy (Roxas vs. Vasquez, G. R. No. 114944, June 19, 2001). No grave abuse of discretion, as the term is understood, can thus be imputed in the assailed Orders.

To controvert the petition, the Office of the Solicitor General (or OSG) also filed its Comment (pp. 81-96). Therein, it discussed the propriety of the lifting of the order of general default by the trial court. But a scrutiny of the petition and the record before Us reveals that Corban Farms is not assailing the propriety of the lifting of the general default order. The arguments raised by the OSG are thus clearly irrelevant, and with this We do not see the need to discuss whether the court a quo acted whimsically in lifting the default.

WHEREFORE, the petition is DENIED DUE COURSE and DISMISSED.

SO ORDERED.

Guariña, III and Romilla-Lontok, JJ., concur.

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