

**ENCARNACION BANOOGON, ZOZIMA MUNOZ, AND DAVIDINA MUNOZ,
PETITIONERS, VS. MELCHOR ZERNA, CONSEJO ZERNA DE
CORNELIO, FRANCISCO ZERNA, AND THE HON. CIPRIANO
VAMENTA, JR., JUDGE OF T...**

G.R. No. L-35469. October 09, 1987

Ponente: CRUZ, J.

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CRUZ, J.:

It's unbelievable. The original decision in this case was rendered by the cadastral court way back on February 9, 1926, sixty one years ago. A motion to amend that decision was filed on March 6, 1957, thirty one years later. This was followed by an amended petition for review of the judgment on March 18, 1957, and an opposition thereto on March 26, 1957. On October 11, 1971, or after fourteen years, a motion to dismiss the petition was filed. The petition was dismissed on December 8, 1971, and the motion for reconsideration was denied on February 14, 1972.[1] The petitioners then came to us on certiorari to question the orders of the respondent judge.[2]

These dates are not typographical errors. What is involved here are errors of law and lawyers.

The respondent court dismissed the petition for review of the decision rendered in 1926 on the ground that it had been filed out of time, indeed thirty one years too late. Laches, it was held, had operated against the petitioners.[3]

The petitioners contend that the said judgment had not yet become final and executory because the land in dispute had not yet been registered in favor of the private respondents. The said judgment would become so only after one year from the issuance of the decree of registration. If any one was guilty of laches, it was the private respondents who had failed to enforce the judgment by having the land registered in their name pursuant thereto.[4]

For their part, the private respondents argue that the decision of February 9, 1926, became final and executory after 30 days, same not having been appealed by the petitioners during that period. They slept on their rights for thirty one years before it occurred to them to question the judgment of the cadastral court. In fact, their alleged predecessor-in-interest, Filomeno Banogon, lived for nineteen more years after the 1926 decision and did not see fit to challenge it until his death in 1945. The herein petitioners themselves waited another twelve years, or until 1957, to file their petition for review.[5]

While arguing that they were not guilty of laches because the 1926 decision had not yet become final and executory because the land subject thereof had not yet been registered, the petitioners rationalize: "If an aggrieved party is allowed the remedy of re-opening the case within one year after the issuance of the decree, why should the same party be denied this remedy before the decree is issued?"[6]

Why not indeed? Why then did they not file their petition earlier? Why do they now pretend that they have all the time in the world because the land has not yet been registered and the one-year reglementary period has not yet expired?

Thinking to support their position, the petitioners cite *Rivera v. Moran*,^[7] where it was held:

"x x x. It is conceded that no decree of registration has been entered and section 38 of the Land Registration Act provides that a petition for review of such a decree on the grounds of fraud must be filed 'within one year after entry of the decree.' Giving this provision a literal interpretation, it may at first blush seem that the petition for review cannot be presented until the final decree has been entered. But on further reflection, it is obvious that such could not have been the intention of the Legislature and that what it meant would have been better expressed by stating that such petitions must be presented before the expiration of one year from the entry of the decree. Statutes must be given a reasonable construction and there can be no possible reason for requiring the complaining party to wait until the final decree is entered before urging his claim of fraud. We therefore hold that a petition for review under section 38, *supra*, may be filed at any time after the rendition of the court's decision and before the expiration of one year from the entry of the final decree of registration." (Underscoring supplied).

A reading thereof will show that it is against their contentions and that under this doctrine they should not have delayed in asserting their claim of fraud. Their delay was not only for thirty one days but for thirty one years. Laches bars their petition now. Their position is clearly contrary to law and logic and to even ordinary common sense.

This Court has repeatedly reminded litigants and lawyers alike:

"Litigation must end and terminate sometime and somewhere, and it is essential to an effective and efficient administration of justice that, once a judgment has become final, the winning party be not, through a mere subterfuge, deprived of the fruits of the verdict. Courts must therefore guard against any scheme calculated to bring about that result. Constituted as they are to put an end to controversies, courts should frown upon any attempt to prolong them."^[8]

"There should be a greater awareness on the part of litigants that the time of the judiciary, much more so of this Court, is too valuable to be wasted or frittered away by efforts, far from commendable, to evade the operation of a decision final and executory, especially so, where, as shown in this case, the clear and manifest absence of any right calling for vindication, is quite obvious and indisputable."^[9]

"This appeal, moreover, should fail, predicated as it is on an insubstantial objection bereft of any persuasive force. Defendants had to display ingenuity to conjure a technicality. From *Alonso v. Villamor*, a 1910 decision, we have left no doubt as to our disapproval of such a practice. The aim of a lawsuit is to render justice to the parties according to law. Procedural rules are precisely designed to accomplish such a worthy objective. Necessarily, therefore, any attempt to pervert the ends for which they are intended deserves condemnation. We have done so before. We do so again."^[10]

Regarding the argument that the private respondents took fourteen years to move for the dismissal of the petition for review, it suffices to point out that an opposition thereto had been made as early as March 26, 1957, or nine days after the filing of the petition.^[11] Moreover, it was for the petitioners to move for the hearing of the petition instead of waiting for the private respondents to ask for its dismissal. After all, they were the parties asking for relief, and it was the private respondents who were in possession of the land in dispute.

One reason why there is a degree of public distrust for lawyers is the way some of them misinterpret the law to the point of distortion in a cunning effort to achieve their purposes. By doing so, they frustrate the ends of justice and at the same time lessen popular faith in the legal profession as the sworn upholders of the law. While this is not to say that every wrong interpretation of the law is to be condemned, as indeed most of them are only honest errors, this Court must express its disapproval of the adroit and intentional misreading designed precisely to circumvent or violate it.

As officers of the court, lawyers have a responsibility to assist in the proper administration of justice. They do not discharge this duty by filing pointless petitions that only add to the workload of the judiciary, especially this Court, which is burdened enough as it is. A judicious study of the facts and the law should advise them when a case, such as this, should not be permitted to be filed to merely clutter the already congested judicial dockets. They do not advance the cause of law or their clients by commencing litigations that for sheer lack of merit do not deserve the attention of the courts.

This petition is DISMISSED, with costs against the petitioners. This decision is immediately executory. It is so ordered.

Teehankee, C.J., Narvasa, and Paras, JJ., concur.

Gancayco, J., on leave.

[1] Rollo, pp. 41-43; pp. 44-45.

[2] Ibid., pp. 10-17.

[3] Id., pp. 42-43.

[4] Id., p. 15.

[5] Id., p. 28.

[6] Id., pp. 12-14.

[7] 48 Phil. 836.

[8] Li Kim Tho v. Go Siu Kao, et al., 82 SCRA 776; Aguinaldo v. Aguinaldo, 36 SCRA 137.

[9] Villaflor v. Reyes, 22 SCRA 394.

[10] Aguinaldo v. Aguinaldo, 36 SCRA 141.

[11] Rollo, p. 11.

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