

MILAGROS M. BARCO, AS THE NATURAL GUARDIAN AND GUARDIAN AD LITEM OF MARY JOY ANN GUSTILO, PETITIONER, VS. COURT OF APPEALS (SPECIAL SIXTEENTH DIVISION), REGIONAL TRIAL COURT (BR...*G.R. No. 120587. January 20, 2004*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-120587/>**TINGA, J.:**

The story behind the present petition is a portrait of dysfunction. The familial situation of the parties is complicated, to say the least. The judicial conferment of the status of illegitimacy on a daughter who is by law legitimate has created a tangled braid of various legal doctrines that, like the Gordian knot of yore, is in this case ultimately unbound through one fell swoop of the sword.

On 24 December 1970, private respondent Nadina Maravilla (“Nadina”) married Francisco Maravilla (“Francisco”). By February of 1977, the spouses had opted to live separately,[1] and in February of the following year they obtained an ecclesiastical annulment of marriage issued by the Catholic Diocese of Bacolod City.[2] On 9 June 1978, Nadina gave birth to a daughter named June Salvacion (“June”) in Makati, Metro Manila. June’s birth certificate listed Francisco Maravilla as the father, and Maravilla as the child’s surname.[3] Nadina signed the birth certificate shortly after it was accomplished.

Despite the notation in June’s birth certificate, Nadina subsequently claimed that all along, the real father of her child was Armando Gustilo (“Gustilo”), a former Congressman with whom she maintained a relationship. At the time of June’s birth, Gustilo was married to one Consuelo Caraycong, who would later perish in the MV Don Juan naval accident of 1981.[4] On 21 August 1982, Nadina and Gustilo were married in the United States.[5] This marriage took place two and a half years before Nadina’s marriage to Francisco was alleged to have been annulled in the Philippines. On 12 March 1985, Nadina apparently was able to obtain a judicial declaration annulling her marriage to Francisco.[6]

On 17 March 1983, Nadina filed in her own name a Petition for Correction of Entries in the Certificate of Birth of her daughter June with the Regional Trial Court (“RTC”) of Makati.[7] Therein, she alleged that she had been living separately from her lawful spouse Francisco since February of 1977, and that Gustilo was the real father of June.[8] She claimed that she did not allow Francisco to have any sexual congress with her within the first 20 days of the three hundred days preceding the birth of June.[9] She prayed that the Local Civil Registrar of Makati be directed to correct the birth certificate of June to the effect that the latter’s full name be made “June Salvacion C. Gustilo,” and that the name of her father be changed from “Francisco Maravilla” to “Armando Gustilo.” Notably, Francisco affixed his signature to the Petition signifying his conformity thereto.[10]

On 20 March 1983, Gustilo filed a “Constancia,” wherein he acknowledged June as his daughter with Nadina, and that he was posing no objection to Nadina’s petition.[11]

The Petition was docketed as SP Proc. No. M-130. On 26 July 1983, the RTC, in accordance with Rule 108 of the Rules of Court, issued an Order setting the case for hearing and directing that a copy of the order be published

once a week for three consecutive weeks in a newspaper of general circulation. On 7 September 1983, Nadina filed an Amended Petition,[12] this time impleading Francisco and Gustilo as respondents. Correspondingly, the RTC amended the Order on 22 September 1983 to reflect the additional impleaded parties.[13]

The Office of the Solicitor General filed a Motion to Dismiss the petition on the ground that the RTC “had no jurisdiction over the subject matter and/or the nature of th[e] suit.”[14] They cited various jurisprudence holding that only innocuous or clerical errors may be corrected under a Rule 108 petition for correction of entries, and that the Petition seeks changes “are substantial and controversial in character which directly affect the filiation and legitimacy of petitioner’s daughter.”[15] On 23 February 1984, the Motion to Dismiss was denied by the RTC, which also subsequently denied a Motion for Reconsideration thereto filed by the Solicitor General.

On 7 January 1985, the RTC issued an Order (“RTC Order”) granting the petition and ordering the requested corrections to be effected. The RTC considered the claim of Nadina that she had relied completely on her uncle William R. Veto[16] to facilitate the preparation of June’s birth certificate, that it was through his inadvertence that the mistaken entries were made, and that she was in intense physical discomfort when she had affixed her signature to the birth certificate containing the incorrect entries.[17] The RTC also noted that Francisco had signified his conformity to the action by signing the original petition, and that Gustilo had manifested through a Constancia dated 20 March 1983 that he was acknowledging June as his daughter and expressing no objection to the petition.[18]

Gustilo died in 19 December 1986.[19] Two estate proceedings arose from his death, one lodged in Makati,[20] the other in Harris County, Texas.[21] Among the participants in both estate proceedings was Jose Vicente Gustilo (“Jose Vicente”), allegedly a biological child of Gustilo.[22] On 5 March 1993, he filed with the Court of Appeals a Petition[23] seeking the annulment of the RTC Order of 7 January 1985 which had effected changes in the civil status of June. Jose Vicente amended his Petition in July of 1993 to implead Nadina as an indispensable party.[24] In her Comment, Nadina countered that Jose Vicente had not sufficiently proven that he was a child of Armando, and there was neither extrinsic fraud or lack of jurisdiction that would justify the annulment of the RTC Order.[25] Nadina also pointed out that the Makati intestate court had approved a compromise agreement wherein the parties had agreed that the only heirs of the decedent Armando are “the surviving spouse, Nadina G. Gustilo, the daughter, June Salvacion G. Gustilo, the son, Jose Vicente Gustilo III, and another daughter, Mary Joy Ann Gustilo.”[26] However, this compromise agreement was subsequently voided on petition by Jose Vicente to the Court of Appeals, on the ground that the Civil Code prohibited compromise as to the civil status of persons.[27]

After the Court of Appeals commenced hearings on the petition, petitioner Milagros Barco (“Barco”), on 11 January 1994, filed in her capacity as the natural guardian and/or guardian ad litem of her daughter, Mary Joy Ann Gustilo (“Mary Joy”), a Motion for Intervention with a Complaint-in-Intervention attached thereto.[28] Barco alleged that Mary Joy had a legal interest in the annulment of the RTC Order as she was likewise fathered by Gustilo. In her Complaint-in-Intervention, Barco claimed that she and Gustilo had maintained a relationship since 1967, and to them was born Mary Joy in 1977.[29] Barco also alleged that she actually moved in with Gustilo after the death of the latter’s wife in 1980, and maintained her affair with Gustilo until 1983, when she was purportedly supplanted by Nadina as Gustilo’s common-law companion after Gustilo had become gravely ill.[30]

After the parties had filed their respective memoranda, the Court of Appeals rendered a Decision on 13 March 1995, dismissing both the Petition and the Complaint-in-Intervention.[31] The appellate court held that neither Jose Vicente nor Barco were able to establish the existence of lack of jurisdiction and extrinsic fraud, the two grounds that would justify the annulment of a final judgment.[32] It ruled that while Jose Vicente and Barco had not been made parties in the Petition for Correction, the subsequent notice and publication of the Order setting the

case for hearing served as constructive notice to all parties who might have an interest to participate in the case. The publication of the Order conferred upon the RTC the jurisdiction to try and decide the case.[33] It also found no merit in Jose Vicente's claim that he learned of the RTC Order only in November of 1992, pointing out that as early as 1987, he filed a pleading with the intestate court alleging that June's birth certificate had been amended to record the name of her true father.[34]

Only the intervenor Barco filed a Motion for Reconsideration[35] of the Court of Appeals' Decision, which the appellate court denied on 16 May 1995.[36] Thus, Barco filed the present Petition for Review on Certiorari seeking the reversal of the Court of Appeals' Decision and the annulment of the 1985 RTC Order.

Before this Court, Barco assails that RTC Order on the ground of lack of jurisdiction. That was the same ground she invoked in the Court of Appeals. Specifically, she raises the following issues:

- 1) Barco should have been made a party to the Nadina's petition and the failure to implead her deprived the RTC of jurisdiction;
- 2) This RTC could not have entertained Nadina's petition, since the Court's ruling in a long line of cases, beginning with *Republic v. Valencia*,[37] that a petition for correction of entries in the civil register is not limited to innocuous or clerical mistakes, applies only to citizenship cases;
- 3) The petition for correction was filed out of time, as Article 263 of the Civil Code of 1950 sets a prescriptive period for impugning the legitimacy of a child which is one year from the recording of birth in the Civil Registry, if the husband should be in the same place, or in a proper case, any of his heirs;
- 4) Nadina's petition should have been treated as a petition for change of name, which can only be filed by the person whose name is sought to be changed;
- 5) The RTC Order contravenes the legal presumption that children born during the pendency of a marriage are legitimate and the rule that legitimate children cannot adopt the surname of a person who is not their father; and
- 6) The RTC should have excluded as hearsay the Constancia allegedly signed by Gustilo and that the surrounding circumstances under which it was issued gave reason to doubt its authenticity and credibility.

Interestingly, the questions that Barco raised would tickle the fancies of erudite civilists yearning for a challenge. However, the ultimate resolution of this case hinges on whether the *de rigueur* requirements of the extraordinary remedy of annulment of judgment have been satisfied.

First, a brief revisit of the action to annul judgment.

The recourse is equitable in character, allowed only in exceptional cases, as where there is no available or other adequate remedy. Annulment of judgments is a remedy long authorized and sanctioned in our jurisdiction.[38] As far back as 1918, this Court in *Banco Español-Filipino v. Palanca*[39] recognized the availability of a direct attack of a final judgment on the ground that it is void for want of jurisdiction. In *Reyes v. Datu*[40] we held that the validity of a final judgment or order of the court may be attacked only by a direct action or proceeding or by motion in another case on the ground of lack of jurisdiction.

Yet, it was only in the 1997 Rules of Civil Procedure that for the first time the procedure for the annulment of judgments or final orders and resolutions in civil cases of regional trial courts, through a petition before the Court of Appeals, was formally provided. Rule 47 thereof under which the procedure was integrated incorporates settled jurisprudence on annulment of judgment.

Statutory basis for the remedy was laid way back in 1980, with the enactment of The Judiciary Reorganization

Act of 1980.[41] Section 9 thereof vests in the Court of Appeals exclusive original jurisdiction over actions for annulment of judgments of the lower courts.

Section 2, Rule 47 of the 1997 Rules of Civil Procedure explicitly provides only two grounds for annulment of judgment, namely: extrinsic fraud and lack of jurisdiction. This express limitation is significant since previous jurisprudence recognized other grounds as well.[42] The underlying reason is traceable to the notion that annulling final judgments goes against the grain of finality of judgment. Litigation must end and terminate sometime and somewhere, and it is essential to an effective administration of justice that once a judgment has become final the issue or cause involved therein should be laid to rest. The basic rule of finality of judgment is grounded on the fundamental principle of public policy and sound practice that at the risk of occasional error, the judgment of courts and the award of quasi-judicial agencies must become final at some definite date fixed by law.[43] Even if the rule on annulment of judgment is grounded on equity, the relief is of an extraordinary character, and not as readily available as the remedies obtaining to a judgment that is not yet final.

There are two aspects of jurisdiction which are vital for disposition of this case - jurisdiction over the nature of the action or subject matter, and jurisdiction over the parties.[44] Barco claims that the RTC failed to satisfy both aspects of jurisdiction. She opines that the RTC did not acquire jurisdiction over the parties due to the failure to implead her as a party to the petition for correction. On the other hand, the remaining issues that she raises as errors put into question whether the RTC had jurisdiction over the subject matter of Nadina's petition.

We shall first tackle the question of whether the RTC had acquired jurisdiction over Barco and all other indispensable parties to the petition for correction.

The essential requisite for allowing substantial corrections of entries in the civil registry is that the true facts be established in an appropriate adversarial proceeding. This is embodied in Section 3, Rule 108 of the Rules of Court, which states:

Section 3. Parties – When cancellation or correction of an entry in the civil register is sought, the civil registrar and all persons who have or claim any interest which would be affected thereby shall be made parties to the proceeding.

The Court of Appeals held that jurisdiction over the parties was properly acquired through the notice by publication effected in conformity with Section 4 of Rule 108. Barco assails this holding and claims that the failure to implead her as a party to the petition for correction deprived the RTC of jurisdiction.

Undoubtedly, Barco is among the parties referred to in Section 3 of Rule 108. Her interest was affected by the petition for correction, as any judicial determination that June was the daughter of Armando would affect her ward's share in the estate of her father. It cannot be established whether Nadina knew of Mary Joy's existence at the time she filed the petition for correction. Indeed, doubt may always be cast as to whether a petitioner under Rule 108 would know of all the parties whose interests may be affected by the granting of a petition. For example, a petitioner cannot be presumed to be aware of all the legitimate or illegitimate offsprings of his/her spouse or paramour. The fact that Nadina amended her petition to implead Francisco and Gustilo indicates earnest effort on her part to comply with Section 3 as quoted above.

Yet, even though Barco was not impleaded in the petition, the Court of Appeals correctly pointed out that the defect was cured by compliance with Section 4, Rule 108, which requires notice by publication, thus:

Section 4. Upon the filing of the petition, the court shall, by order, fix the time and place for the hearing of the same, and cause reasonable notice thereof to be given to the persons named in the petition. The court shall also cause the order to be published once a week for three (3) consecutive weeks in a newspaper of general circulation in the province.

The purpose precisely of Section 4, Rule 108 is to bind the whole world to the subsequent judgment on the petition. The sweep of the decision would cover even parties who should have been impleaded under Section 3, Rule 108, but were inadvertently left out. The Court of Appeals correctly noted:

The publication being ordered was in compliance with, and borne out by the Order of January 7, 1985. The actual publication of the September 22, 1983 Order, conferred jurisdiction upon the respondent court to try and decide the case. While “nobody appeared to oppose the instant petition” during the December 6, 1984 hearing, that did not divest the court from its jurisdiction over the case and of its authority to continue trying the case. For, the rule is well-settled, that jurisdiction, once acquired continues until termination of the case.[45]

Verily, a petition for correction is an action in rem, an action against a thing and not against a person.[46] The decision on the petition binds not only the parties thereto[47] but the whole world.[48] An in rem proceeding is validated essentially through publication.[49] Publication is notice to the whole world that the proceeding has for its object to bar indefinitely all who might be minded to make an objection of any sort against the right sought to be established.[50] It is the publication of such notice that brings in the whole world as a party in the case and vests the court with jurisdiction to hear and decide it.[51]

Since the RTC properly acquired jurisdiction over the parties, what remains for determination is whether it had acquired jurisdiction over Nadina’s cause of action. It should be emphasized that jurisdiction over the nature of the action or the subject matter is conferred by law. This Court’s recent holding in *Durisol Philippines, Inc. v. Court of Appeals*[52] is instructive in this regard:

[I]t should be stressed that in a petition for annulment of judgment based on lack of jurisdiction, petitioner must show not merely an abuse of jurisdictional discretion but an absolute lack of jurisdiction. Lack of jurisdiction means absence of or no jurisdiction, that is, the court should not have taken cognizance of the petition because the law does not vest it with jurisdiction over the subject matter.[53]

The question of whether a court has jurisdiction over the subject matter can be answered simply by determining if on the basis of the complaint or petition the court has, under the law, the power to hear and decide the case. Barco’s remaining arguments are to be tested against this standard.

One of Barco’s striking assertions is that the general rule still is that the jurisdiction of the court in the correction of entries in the civil register is limited to innocuous or clerical mistakes, as what she insinuates as the apparent contrary holding in *Republic v. Valencia*[54] applies only to citizenship cases.

Since the promulgation of the Valencia ruling in 1986 the Court has repeatedly ruled that even substantial errors in a civil registry may be corrected through a petition filed under Rule 108, with the true facts established and the parties aggrieved by the error availing themselves of the appropriate adversarial proceeding. Barco, by seeking to limit the application of the Valencia doctrine to citizenship cases, is flogging a dead horse. This argument was debunked in subsequent cases,[55] notably the recent case of *Lee v. Court of Appeals*. [56] The exhaustive disquisition therein of Justice Sabino de Leon should preclude any further arguments on the scope of Rule 108.

The Court in *Lee* acknowledged that there existed a line of decided cases, some of them decided after Valencia, stating that Rule 108 cannot be used to effect substantial corrections in entries of the civil register.[57] The doctrine was traced back to the 1954 case of *Ty Kong Tin v. Republic*, [58] the rationale of which the Court reevaluated in *Lee*:

We venture to say now that the above pronouncements proceed from a wrong premise, that is, the interpretation that Article 412 pertains only to clerical errors of a harmless or innocuous nature, effectively excluding from its domain, and the scope of its implementing rule, substantial changes that may affect nationality, status, filiation and the like. Why the limited scope of Article 412? Unfortunately, *Ty Kong Tin*

does not satisfactorily answer this question except to opine that the procedure contemplated in Article 412 is summary in nature and cannot, therefore, cover cases involving controversial issues. Subsequent cases have merely echoed the Ty Kong Tin doctrine without, however, shedding light on the matter.

The flaw in Ty Kong Tin lies in its theory that Article 412 contemplates a summary procedure.

First of all, Article 412 is a substantive law that provides as follows:

“No entry in a civil register shall be changed or corrected, without a judicial order.”

It does not provide for a specific procedure of law to be followed except to say that the corrections or changes must be effected by judicial order. As such, it cannot be gleaned therefrom that the procedure contemplated for obtaining such judicial order is summary in nature.

Secondly, it is important to note that Article 412 uses both the terms “corrected” and “changed.” In its ordinary sense, to correct means “to make or set right;” “to remove the faults or errors from” while to change means “to replace something with something else of the same kind or with something that serves as a substitute”. The provision neither qualifies as to the kind of entry to be changed or corrected nor does it distinguish on the basis of the effect that the correction or change may have. Hence, it is proper to conclude that all entries in the civil register may be changed or corrected under Article 412. What are the entries in the civil register? We need not go further than Articles 407 and 408 of the same title to find the answer.

“Art. 407. Acts, events and judicial decrees concerning the civil status of persons shall be recorded in the civil register.”

“Art. 408. The following shall be entered in the civil register:

(1) Births; (2) marriages; (3) deaths; (4) legal separations; (5) annulments of marriage; (6) judgments declaring marriages void from the beginning; (7) legitimations; (8) adoptions; (9) acknowledgments of natural children; (10) naturalization; (11) loss, or (12) recovery of citizenship; (13) civil interdiction; (14) judicial determination of filiation; (15) voluntary emancipation of a minor; and (16) changes of name.”

It is beyond doubt that the specific matters covered by the preceding provisions include not only status but also nationality. Therefore, the Ty Kong Tin pronouncement that Article 412 does not contemplate matters that may affect civil status, nationality or citizenship is erroneous. This interpretation has the effect of isolating Article 412 from the rest of the articles in Title XVI, Book I of the New Civil Code, in clear contravention of the rule of statutory construction that a statute must always be construed as a whole such that the particular meaning to be attached to any word or phrase is ascertained from the context and the nature of the subject treated.[59]

Lee also points out that Republic Act No. 9048, enacted in 2001, has effectively changed the nature of a proceeding under Rule 108. Under this new law, “clerical or typographical errors and change of first name or nickname” may now be corrected or changed by the concerned city or municipal registrar or consul general, without need of any judicial order. The obvious effect is to remove from the ambit of Rule 108 the correction or changing of such errors in entries of the civil register. Hence, what is left for the scope of operation of Rule 108 are substantial changes and corrections in entries of the civil register.[60]

It may be very well said that Republic Act No. 9048 is Congress’s response to the confusion wrought by the failure to delineate as to what exactly is that so-called summary procedure for changes or corrections of a harmless or innocuous nature as distinguished from that appropriate adversary proceeding for changes or corrections of a substantial kind. For we must admit that though we have constantly referred to an appropriate adversary proceeding, we have failed to categorically state just what that procedure is. Republic Act No. 9048 now embodies that summary procedure while Rule 108 is that appropriate adversary proceeding. xxx[61]

Republic Act No. 9048 may not find application in this case, yet it is clearly another indicium of how entrenched the Valencia ruling is today. With the enactment of the law, the legislature acknowledged the potency of the ruling. To repeat, substantial corrections to the civil status of persons recorded in the civil registry may be effected through the filing of a petition under Rule 108. Any further attempt to limit the scope of application of Rule 108 runs against the wall of judicial precedent cemented by legislative affirmation.

Next, Barco argues that the petition for correction had prescribed under the Civil Code; and that the petition for correction should be treated as a petition for change of name which can only be filed by the person whose name is sought to be changed. These arguments can be decided jointly. They both are not well taken as they cannot allude to a lack of jurisdiction that would render the RTC Order subject to annulment.

Assuming *arguendo* that Nadina's petition for correction had prescribed and/or that the action seeking the change of name can only be filed by the party whose name is sought to be changed, this does not alter the reality that under the law the Makati RTC had jurisdiction over the subject matter of the petition for correction. The Judiciary Reorganization Act of 1980, the applicable law at the time, clearly conferred on the Makati RTC exclusive original jurisdiction in all civil actions in which the subject of the litigation is incapable of pecuniary estimation.[62] In complementation of grant of jurisdiction, Section 1 of Rule 108 provides that the verified petition to the cancellation or correction of any entry relating thereto should be filed with the Court of First Instance (now Regional Trial Court) of the province where the corresponding civil registry is located.

Prescription and lack of capacity to bring action cannot be ignored by a court of law in properly resolving an action, to the extent that a finding that any of these grounds exist will be sufficient to cause the dismissal of the action.[63] Yet, the existence of these grounds does not oust the court from its power to decide the case. Jurisdiction cannot be acquired through, waived, enlarged or diminished by any act or omission of the parties.[64] Contrariwise, lack of capacity to sue and prescriptions as grounds for dismissal of an action may generally be rendered unavailing, if not raised within the proper period.[65]

It thus follows that assuming that the petition for correction had prescribed, or that Nadina lacked the capacity to file the action which led to the change of her daughter's name, the fact that the RTC granted the Order despite the existence of these two grounds only characterizes the decision as erroneous. An erroneous judgment is one though rendered according to the course and practice of the court is contrary to law.[66] It is not a void judgment.[67]

As for Barco's remaining arguments, they similarly fail, as the worst they could establish is that the RTC Order is an erroneous judgment.

Barco correctly notes, however, that the RTC erred in directing that the name of Nadina's daughter be changed from "June Salvacion Maravilla" to "June Salvacion Gustilo." Following the trial court's determination that Gustilo was the father of June, but prescinding from the conclusive presumption of legitimacy for the nonce assuming it could be done, the child would obviously be illegitimate. The applicable laws mandate that June, as an illegitimate child, should bear the surname of her mother, and not the father.[68] From another perspective, the RTC's error in ordering the change of name is merely an error in the exercise of jurisdiction which neither affects the court's jurisdiction over Nadina's petition nor constitutes a ground for the annulment of a final judgment. As the seminal case of *Herrera v. Barretto*[69] explains:

xxx Jurisdiction should therefore be distinguished from the exercise of jurisdiction. The authority to decide a cause at all, and not the decision rendered therein, is what makes up jurisdiction. Where there is jurisdiction of the person and subject matter xxx the decision of all other questions arising in the case is but an exercise of that jurisdiction.[70]

In the same vein, it is of no moment that the RTC Order contravenes the legal presumption accorded June of

being the legitimate child of Francisco and Nadina.[71] A review of the records does indicate the insufficiency of the evidence offered to defeat the presumption, against which the only evidence admissible is the physical impossibility of the husband's having access to his wife within the first one hundred and twenty days of the three hundred which preceded the birth of the child.[72] It seems that the RTC relied primarily on the testimony of Nadina in adjudging that Gustilo, and not Francisco, was the father of June. Yet, Article 256 of the Civil Code renders ineffectual any pronouncement against legitimacy made by the mother.[73] The testimony proffered by the mother has no probative value as regards June's paternity. The RTC's cognizance of Gustilo's Constancia might likewise be subject to critical scrutiny.[74] But the Court is now precluded from reviewing the RTC's appreciation of the evidence, however erroneous it may be, because the Order is already final. The RTC's possible misappreciation of evidence is again at most, an error in the exercise of jurisdiction, which is different from lack of jurisdiction. These purported errors do not extend to the competence of the RTC to decide the matter and as such does not constitute a valid ground to annul the final order.

The law sanctions the annulment of certain judgments which, though final, are ultimately void. Annulment of judgment is an equitable principle not because it allows a party-litigant another opportunity to reopen a judgment that has long lapsed into finality but because it enables him to be discharged from the burden of being bound to a judgment that is an absolute nullity to begin with. The inevitable conclusion is that the RTC Order, despite its apparent flaws, is not null and void, and thus cannot be annulled. Consequently, the Court of Appeals committed no reversible error in issuing the assailed decision.

This Court has been constrained in the past to leave erroneous decisions as they were.[75] Our fealty to justice in its pristine form – the upholding of “right” over “wrong” – is equipoised with our adherence to due process, and the rules that emanate from that principle. The Court takes great care in drafting rules of procedure so that the axioms that govern the legal battleground may live up to Justice Frankfurter's approximation of due process as “the embodiment of the sporting idea of fair play.”[76] Due process dictates that litigants be afforded a reasonable opportunity to attack erroneous judgments and be shielded from the adverse effects of void judgments. Due process likewise demands that a party, after trekking the long road of litigation should be permitted to enjoy the fruits of an auspicious final judgment. Absent any convincing demonstration that the RTC Order is patently null and void, there is no reason under law and jurisprudence to upset it, given the reality that it has long become final.

WHEREFORE, the above premises considered, the Petition is hereby dismissed for lack of merit. Costs against petitioner.

SO ORDERED.

Puno, (Chairman), Quisumbing, Austria-Martinez, and Callejo, Sr., JJ., concur.

[1] Records, p. 26.

[2] *Id.*, p. 128.

[3] *Id.*, p. 20.

[4] Rollo, p. 97.

[5] See Rollo, p. 87.

[6] *Ibid.*

[7] Presided by Judge Rosario Veloso.

- [8] Records, p. 16.
- [9] Id., p. 15
- [10] Id., p. 18.
- [11] Id., p. 22
- [12] Id., p. 24.
- [13] Records, p. 30.
- [14] Id., p. 138.
- [15] Id., p. 139.
- [16] The same William R. Veto is likewise counsel for Nadina in the present case.
- [17] Records, p. 12.
- [18] Id., at 13.
- [19] Rollo, p. 7.
- [20] Docketed as SP. PRCC No. M-1356, with the Regional Trial Court of Makati, Branch 138. See Records, p. 204.
- [21] Docketed as No. 214,659-401 in Probate Court No. 1, Harris County, Texas. See Records, p. 558.
- [22] Records, p. 3.
- [23] Ibid.
- [24] Records, p. 107.
- [25] Id., p. 177.
- [26] Id., p. 180.
- [27] See Article 2035, Civil Code. The compromise agreement was declared void by the Court of Appeals Seventh Division in a Decision on CA G.R. Sp. No. 28626, promulgated on 16 February 1993. This Decision was penned by Justice A. Austria-Martinez and concurred in by Justices N. de Pano, Jr. and N. Lapena, Jr. Records, pp. 261-269. This Court of Appeals Decision was upheld by this Court in a Resolution dated 26 January 1994. Records, p. 417.
- [28] Records, pp. 318, 322.
- [29] Id., p. 324.
- [30] Id., p. 325.
- [31] The decision was rendered by Justice A. Luna, and concurred in by Justices H. Hofilena and B.A. Adefuin-dela Cruz.
- [32] Rollo, p. 26.
- [33] Id., pp. 26-27.
- [34] Id., pp. 28-32.

[35] Records, p. 688.

[36] Rollo, p. 34.

[37] 225 Phil. 408 (1986).

[38] Regalado, I Remedial Law Compendium 556.

[39] 37 Phil. 921, 949 (1918). “[T]he motion attacks the judgment of the court as void for want of jurisdiction over the defendant. The idea underlying the motion therefore is that inasmuch as the judgment is a nullity it can be attacked in any way and at any time. If the judgment were in fact void upon its face, that is, if it were shown to be a nullity by virtue of its own recitals, there might be possibly be something in this. Where a judgment or judicial order is void in this sense it may be said to be a lawless thing, which can be treated as an outlaw and slain at sight, or ignored wherever and whenever it exhibits its head.”

[40] Reyes v. Datu, 94 Phil. 446, 448 (1954).

[41] Batas Pambansa Blg. 129 (1980), as amended.

[42] Previous jurisprudence on the matter reveals sometimes divergent views in the Court’s holdings on the proper grounds for annulment of judgment. On one extreme, the Court held in *Canlas v. Court of Appeals*; “Annulment of judgment, we have had occasion to rule, rests on a single ground: extrinsic fraud.” *Canlas v. Court of Appeals*, G.R. No. L-77691, 8 August 1988, 164 SCRA 160, 170. On the other hand, a far more liberal attitude was exhibited in *Panlilio v. Garcia*, wherein the Court held, “[A] final judgment may be annulled on the ground of lack of jurisdiction, fraud, or that it is contrary to law.” *Panlilio v. Garcia*, G.R. L-29038, 27 December 1982, 119 SCRA 387, 391. The clarity now provided under Section 2, Rule 47 of the 1997 Rules of Civil Procedure proves valuable and definitive, and should preclude subsequent confusion as to the available grounds for annulment of judgment.

[43] Reyes v. Court of Appeals, G.R. No. 120817, 4 November 1996, 264 SCRA 35, 45.

[44] See *Arcelona v. Court of Appeals*, 345 Phil. 250, 266-267 (1997).

[45] Rollo, p. 28.

[46] *Paderanga v. Buissan*, G.R. No. 49475, 28 September 1993, 226 SCRA 786, 790, citing *Hernandez v. Rural Bank of Lucena*, G.R. No. L-29791, 10 January 1978, 81 SCRA 75, 84-85.

[47] Rule 108, Section 3 of the Rules of Court requires that the civil registrar and all persons who have or claim any interest which would be affected thereby shall be made parties to the proceeding.

[48] *Meneses v. Court of Appeals*, G.R. No. 82220, 14 July 1995, 246 SCRA 162, 171.

[49] *Director of Lands v. Court of Appeals*, G.R. No. 102858, 28 July 1997, 276 SCRA 270, 285.

[50] *Republic v. Honorable Judge of Branch III*, G.R. No. L-35605, 11 October 1984, 132 SCRA 462, 467.

[51] *Adez Realty v. Court of Appeals*, G.R. No. 100643, 14 August 1992, 22 SCRA 623, 628, citing *Register of Deeds v. RTC*, G.R. No. 88623, 5 February 1990, 181 SCRA 788.

[52] G.R. No. 121106, 20 February 2002, 377 SCRA 353.

[53] *Durisol Philippines v. Court of Appeals*, G.R. No. 121106, 20 February 2002, 377 SCRA 353, 358.

[54] 225 Phil. 408, 413. (1986)

[55] See e.g., *Chiao Ben Lim v. Zosa*, 146 SCRA 366; *Labayo-Rowe v. Republic*, G.R. No. L-53417, 8 December 1988, 166 SCRA 294; *Republic v. Flojo*, G.R. No. L-49703, 31 July 1987, 152 SCRA 550.

[56] 419 Phil. 392 (2001).

[57] In particular, the Lee decision notes the cases of *Leonor v. Court of Appeals* and *Republic v. Labrador*, decided in 1996 and 1999 respectively.

[58] 94 Phil. 321 (1954).

[59] *Lee v. Court of Appeals*, 419 Phil. 392, 413-415 (2001).

[60] *Id.*, at 415.

[61] *Id.*, at 416.

[62] Section 19, B.P. Blg. 129, "The Judiciary Reorganization Act of 1980," as amended.

[63] See Rule 16, Section 1, pars. (d), (f), Rules of Court, which lays down the grounds for a motion to dismiss.

[64] *Modern Paper Products, Inc. v. Court of Appeals*, 350 Phil., 405, 410 (1998) citing *Chung Ka Bio v. IAC*, 163 SCRA 534 (1988).

[65] See *Obando v. Figueras*, 379 Phil. 150, 161 (2000).

[66] 49 C.J.S. 32.

[67] See *De la Cruz v. Ejercito*, G.R. No. L-40895, 6 November 1975, 68 SCRA 1, 3 citing *Chereau v. Fuentebella*, 43 Phil. 216 (1922). See also *People v. Gatward*, G.R. No. 119772, 7 February 1997, 267 SCRA 785, 804.

[68] Article 368 of the New Civil Code requires that illegitimate children bear the surname of the mother. Natural children, as defined under the Civil Code provisions subsequently repealed by the Family Code, may adopt the surname of the father. However, assuming that Gustilo was indeed the father of June, the latter cannot be considered as a "natural child," as her purported parents were not capacitated to marry each other at the time of her birth. See Arts. 269, 287, New Civil Code.

[69] 25 Phil. 245 (1913).

[70] 25 Phil. 245, 251 (1913).

[71] Such presumption is established under Article 255 of the Civil Code since June was born one hundred and eighty days following the celebration of the marriage of Nadina and Francisco, and before three hundred days following its dissolution or the separation of the spouses Maravilla.

[72] Art. 255, New Civil Code.

[73] Art. 256, New Civil Code. The child shall be presumed legitimate, although the mother may have declared against its legitimacy or may have been sentenced as an adulteress.

[74] The Constancia allegedly signed by Gustilo acknowledges June to be the former's daughter. However, Gustilo was not presented as a witness by Nadina in S.P. No. M-130. Barco alleges that the document cannot be considered an act or declaration about pedigree because "such acts and declarations, to be admissible, must have been made before the controversy." See *Rollo*, p. 89.

[75] “Where the court has jurisdiction over the parties and the subject matter, and the court commits errors of judgment in the exercise of its jurisdiction, said errors are mere errors of judgment, correctible and reviewable only by appeal, and if no appeal is taken, the decision, erroneous or not, becomes final and executory, and is valid and binding upon the parties.” *Araneta v. Commonwealth Ins. Co.*, 103 Phil. 522 (1958).

[76] *Ynot v. Court of Appeals*, G.R. No. L-74457, 20 March 1987, 148 SCRA 663, 667-668.

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