

BIENVENIDA SALANDANAN, CATALINA SALANDANAN, AND HEIRS OF CONCEPCION SALANDANAN, PETITIONERS, VS. THE COURT OF APPEALS, HON. JUDGE LUIS TONGCO, REGIONAL TRIAL COURT OF BIÑAN, LAGU...

G.R. No. 127783. June 05, 1998

Ponente: MARTINEZ, J.

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MARTINEZ, J.:

This case illustrates the application of the legal precept that the law aids the vigilant, not those who slumber on their rights. *Vigilantibus, sed non dormientibus jura subverniant.*

The facts:

On September 14, 1955, Edilberta Pandinco filed a petition[1] for the settlement of the testate estate of Vicenta Alviar, before then Court of First Instance (now Regional Trial Court) of Biñan, Laguna, which was docketed as Special Proceeding No. 4749. The subject thereof for probate is the will[2] of Vicenta Alviar, portions of which read:

"xxx xxx xxx

'Aking sinasaysay at ipinaliliwanag na ako'y tatlo (3) ang naging anak sa nasirang asawa, MONICO PANDINCO, na ang mga pangalan ay itong sumusunod:

ELVIRA Pandinco, buhay pa;
LEONOR Pandinco, buhay pa; at
GADIOSA Pandinco, patay na.

Ang anak kong GADIOSA PANDINCO ay nagkaroon ng labing dalawang (12) anak na ang mga pangalan ay:

Edilberta Pandinco,
Catalina Salandanan,
Alfredo Salandanan,
Arsenio Salandanan,
Belen Salandanan,
Bienvenida Salandanan
Concepcion Salandanan,
Antonio Salandanan,
Natalia Salandanan,
Aurora Salandanan,
Melania Salandanan, at
Vedasto Salandanan.

Ako'y may apo sa tuhod na ang pangalan ay Ambrocio Salandanan, anak ni Belen Salandanan.

xxx xxx xxx

Ipinatatanto ko na sa kasalukuyan ay ako'y viuda, at ang aking mga taga pagmana ay wala kundi ang aking dalawang anak at mga apo na binabangit sa itaas."

The will was admitted to probate on July 8, 1957. Thereafter, a project of partition^[3] dated August 13, 1960, duly signed by all the heirs and acknowledged before a notary public, was approved by the probate court on August 29, 1960.^[4]

On September 17, 1966, the probate court approved and declared as valid the transfer of the petitioners' shares to their co-heir, respondent Elvira Pandinco, over the estate of Vicenta Alviar.

On August 18, 1995, petitioners filed a "Motion To Reopen The Case and Set Aside Partition with Preliminary Injunction" before the Regional Trial Court of Biñan, Laguna (Branch XXV). The motion alleged inter alia that petitioners never signed the project of partition or acknowledged the same before a notary public; that they never appeared or testified before the probate court to affirm their agreement to the partition; that they never sold their shares to Elvira Pandinco; that while Catalina Salandanan testified in the probate of the will, she did not testify regarding the sale; that they never received any order from the court approving the project of partition and the order finding valid and binding the transfer and sale of their shares to respondent Elvira Pandinco; and that they came to know of the Order of September 17, 1966 only in 1990 when they secured a copy thereof from the court.^[5]

The motion was opposed by private respondents who are the heirs of Elvira Pandinco.

On December 19, 1995, the lower court denied petitioners' motion on the ground of estoppel by laches ratiocinating thus:

"There is no showing that movants ever filed a Petition for Review on Appeal of the Court of Appeals' Resolution dated July 16, 1960 dismissing the appeal on the aforementioned first Order, or an Appeal on the second and third Orders, thereby making the triple Orders final and executory since twenty nine (29) years ago.

'It was only in August, 1995 or more than twenty nine (29) years from date of the above-stated Court Orders that herein movants filed the subject Motion to Reopen the above-entitled case, to Set Aside the project of partition which was already implemented in the light of its finality and to NULLIFY the sales and/or transfers to Elvira Pandinco.

'Jurisprudence on this matter is well-settled. Where a party sleeps on his rights and allows laches to set in, the same is fatal to his case (*Periquet, Jr. vs. Intermediate Appellate Court*, 238 SCRA 697). Laches had been defined as the failure or neglect for an unreasonable and unexplained length of time, to do that which by exercising due diligence could or should have been done earlier; it is negligence or omission to assert a right within a reasonable time, warranting a presumption that the party entitled to assert it either has abandoned it or declined to assert it (*Olizon vs. Court of Appeals*, 236 SCRA 148)."

Aggrieved, petitioners went to the Court of Appeals through a petition for certiorari alleging that the orders of the probate court are all contrary to law and were issued with grave abuse of discretion amounting to lack or excess of jurisdiction.^[6] On December 27, 1996, the respondent Court of Appeals dismissed the petition, ruling in this wise:

"The proper remedy then for herein petitioners would have been to file an appeal questioning the decree of distribution, within the reglementary period. However, the records reveal that they have not availed of such remedy and would only now belatedly raise a protest against matters which have become long ago settled, final and binding. Petitioners cannot be allowed to benefit from their inaction and neglect for an unreasonable length of time, by the simple expedient of bringing this special civil action for certiorari, allegedly on jurisdictional

grounds. It has been held time and again that certiorari may not be used as a substitute for a lost appeal."

Petitioners now come to us seeking the nullification of the respondent Court of Appeal's decision contending that it erred or committed grave abuse of discretion: (1) in sustaining the probate court's Orders dated August 29, 1960, September 17, 1966 and December 19, 1995; (2) in finding that the proper remedy in assailing the said Orders is an appeal; and (3) in finding them guilty of laches.

The petition must fail.

Petitioners cannot now assail the orders of the probate court as the same had already attained finality. The project of partition was executed on August 16, 1960. It was approved on August 29, 1960 or thirty-eight (38) years ago. Since no appeal was filed by the petitioners, the assailed orders, by operation of law, became final. The said orders cannot, therefore, by a mere motion, be set aside.

As we have enunciated in *Vda. De Kilayko vs. Tengco*:^[7]

"A final decree of distribution of the estate of a deceased person vests title to the land of the estate in the distributees. If the decree is erroneous, it should be corrected by opportune appeal, for once it becomes final, its binding effect is like any other judgment in rem, unless properly set aside for lack of jurisdiction or fraud. Where court has validly issued a decree of distribution and the same has become final, the validity or invalidity of the project partition becomes irrelevant."

Similarly, petitioners cannot seek the re-opening of the probate proceedings which had long been terminated. They cannot, in the same manner, question the order validating the transfer and/or sale of their shares in favor of respondent Elvira Pandinco which was issued on September 17, 1966, or thirty-two (32) years ago.

It is a fundamental principle of public policy in every jural system that at the risk of occasional errors, judgments of courts should become final at some definite time fixed by law (*interest rei publicae ut finis sit litum*). "The very object of which the courts were constituted was to put an end to controversies."^[8] Once a judgment or an order of a court has become final, the issues raised therein should be laid to rest.^[9]

Moreover, petitioners' long delayed action in assailing the Orders of the probate court is fatal to their cause of action as laches has already set in.

Laches is the failure or neglect, for an unreasonable length of time to do that which by exercising due diligence could or should have been done earlier; it is negligence or omission to assert a right within a reasonable time warranting a presumption that the party entitled to assert it has either abandoned it or has declined to assert it.^[10] It has also been defined as such neglect or omission to assert a right taken in conjunction with the lapse of time and other circumstances causing prejudice to an adverse party, as will operate as a bar in equity.^[11]

We have ruled in *Catholic Bishop of Balanga vs Court of Appeals*,^[12] that:

"The principle of laches is a creation of equity which, as such, is applied not really to penalize neglect or sleeping upon one's right, but rather to avoid recognizing a right when to do so would result in a clearly inequitable situation. As an equitable defense, laches does not concern itself with the character of the defendant's title, but only with whether or not by reason of the plaintiff's long inaction or inexcusable neglect, he should be barred from asserting this claim at all, because to allow him to do so would be inequitable and unjust to the defendant.

"The doctrine of laches or stale demands is based upon grounds of public policy which requires, for the peace of society, the discouragement of stale claims and x x x is principally a question of the inequity or unfairness of permitting a right or claim to be enforced or asserted."

The time-honored rule anchored on public policy is that relief will be denied to a litigant whose claim or demand has become 'stale' or who has acquiesced for an unreasonable length of time, or who has not been vigilant or who has slept on his rights either by negligence, folly or inattention. In other words, public policy requires, for the peace of society, the discouragement of claims grown stale for non-assertion; thus laches is an impediment to the assertion or enforcement of a right which has become, under the circumstances, inequitable or unfair to permit."

Petitioners' neglect or omission to assert a supposed right for more than thirty (30) years is too long a time as to warrant the presumption that they had either abandoned such right or had conceded the correctness of the assailed Orders. Indeed, the law helps the vigilant but not those who sleep on their rights. For time is a means of destroying obligations and actions, because time runs against the slothful and contemners of their own rights.[13]

WHEREFORE, the petition is hereby DENIED.

SO ORDERED.

Regalado, Puno, and Mendoza, JJ., concur.

Melo, J., on leave.

[1] Annex "B," p. 35, Rollo.1

[2] Annex "C," pp. 38-42, id.

[3] Annex "D," pp. 4346, Rollo.

[4] Annex "E," p. 48, id.

[5] Annex "E", p. 48, Rollo.

[6] Annex "L", pp. 63-80, id.

[7] 207 SCRA 612-613, March 27, 1992; cited by respondent court in its Decision of Dec. 27, 1996.

[8] Vda. De Kilayko vs. Tengco, supra.

[9] Garbo vs. Court of Appeals, 226 SCRA 250.

[10] Cormero vs. Court of Appeals, et.al., 247 SCRA 291 [1995]; Bailon-Casilao vs. Court of Appeals, 160 SCRA 738 [1988]; Villamor vs. Court of Appeals, 126 SCRA 574 [1988]; Marcelino vs. Court of Appeals, 210 SCRA 444, 447 [1992]; Ching vs. court of Appeals, 181 SCRA 9, 17 [1990]

[11] Heirs of Bationg-Lacamen vs Heirs of Laruan, 65 SCRA 125 [1975]; Victoriano vs Court of Appeals, 194 SCRA 19, 24 [1991]; Jacob vs. Court of Appeals, 224 SCRA 189, 196 [1993]

[12] 264 SCRA 193

[13] Gonzales vs. Intermediate Appellate Court, 157 SCRA 597, January 29, 1988.

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