

AGUSTINA SENO TAN, PETITIONER, VS. PACITA GANLAG TAN, ASSISTED BY HER HUSBAND, TERESO TAN, RESPONDENT.

G.R. No. 133805. June 29, 2004

Ponente: SANDOVAL-GUTIERREZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-133805/>

SANDOVAL-GUTIERREZ, J.:

Before us is a petition for review on certiorari under Rule 45 of the 1997 Rules of Civil Procedure, as amended, assailing the Decision[1] dated November 28, 1997 and Resolution[2] dated May 20, 1998 of the Court of Appeals in CA-G.R. CV No. 47308, “Pacita Ganlag Tan vs. Heirs of Graciano Seno, namely: Virgilio Seno; Heirs of Pablo Seno, namely: Florencio Seno, Norma Basiga, Añana Basiga, Buenaventura Basiga, Constanca Ducao, and Hilario Seno; and Heirs of Roman Seno, namely: Miguel Seno, Eugenia Ramonal Codoy, Rosario L. Benoto, Manuel Lincaro; and Eugenio Codoy.”

The factual antecedents as borne by the records are:

On December 13, 1971, the Registry of Deeds of Mandaue City issued Transfer Certificate of Title (TCT) No. 673 in the name of Eustaquio Seno. This title covers a 673-square meter parcel of land (Lot 264-G) situated in Barrio Banilad, Mandaue City.

Immediately, Miguel Seno filed with the Mandaue City Registry of Deeds an adverse claim which was annotated by the same Register of Deeds as Entry No. 610-V-1-D.B. This adverse claim stemmed from his complaint for partition[3] filed with the Regional Trial Court (RTC), Branch 5, Cebu City against Eriberta Seno and Eustaquio Seno, docketed as Civil Case No. R-12114. In due course, the RTC rendered a Decision[4] dated January 4, 1972 ordering the parties therein as co-owners to partition Lot 264-F and the subject Lot 264-G.

Subsequently or on October 28, 1980, Eustaquio sold Lot 264-G to Antonio Albano for P80,000.00.[5] In turn, on December 15, 1980, Antonio sold the same lot to Pacita Ganlag Tan, respondent, for P120,000.00 as shown by a deed of sale registered on December 24, 1980. Forthwith, TCT No. 673 was cancelled by the same Register of Deeds and in lieu thereof, TCT No. 15376 was issued in the name of respondent Pacita Ganlag Tan.

On January 2, 1990, the heirs of Graciano Seno, including petitioner Agustina Seno Tan, filed with the RTC, Branch 5, Cebu City a petition for cancellation of respondent’s TCT No. 15376. They prayed for the issuance of a new TCT in their names.

This prompted respondent to file with the RTC, Branch 21, Cebu City a complaint for quieting of title and damages against the same heirs, docketed as Civil Case No. CEB-8682.

On April 15, 1994, the trial court rendered a Decision, the dispositive portion of which reads:

“WHEREFORE, the Court finds for plaintiff and hereby renders judgment ordering:

- Removal of all existing clouds of doubts on the validity of plaintiff’s title to Lot No. 264-G as covered by TCT No. 15376 in the name of plaintiff, Pacita Ganlag Tan, who is by this same token hereby also declared the

absolute owner and legally rightful possessor of said parcel of land, thus rendering said title rid of all such, similar and future doubts whatsoever that may tend to assail the validity of said title; thus, in short, declaring such title clean and quieted;

- The Register of Deeds of the City of Mandaue to note the foregoing Order of this Court;
- The defendants to pay plaintiff, jointly and severally, the sums of P50,000.00 in concept of nominal damages, P20,000.00 for attorney's fees, and P10,000.00 for litigation expenses;
- The dismissal of defendants' counterclaim; and
- The defendants to pay the costs.

SO ORDERED."

In finding for respondent Pacita Ganlag Tan, the trial court ruled that she is the rightful owner of Lot 264-G, being a buyer in good faith, thus:

"Now the fact is patent: when plaintiff bought property from Albano, the title to the property bares and bears no adverse claim or any notice of lis pendens or any other annotation that could arouse suspicion on the validity of said title. That plaintiff should have exercised prudence, and that prudence should have moved her to inquire or investigate to determine flaws in the title, or to especially ask Antonio Albano if, as seller, he had already had the title to the property, is too specious an argument to warrant any prolonged consideration. Crying over these supposed plaintiff's omissions does not prove that she indeed was guilty of imprudence as a buyer, much less evidences her being a buyer in bad faith.

As Annex B shows, plaintiff Pacita Ganlag was issued a Transfer Certificate of Title over Lot 264-G. A last inscription on the title, dated 21 July 1982 (3:00 p.m.), was a court order (CFI, Branch V) 'directing the Register of Deeds of Mandaue to cancel the annotation of adverse claim on this certificate of title ...' In short, it was a clean title. x x x.

x x x

And on this afore-discussed point the Court may only credit and declare plaintiff Pacita Ganlag Tan as a purchaser in good faith and for value.

But isn't plaintiff bound by the judgment in Civil Case No. 12114 of the Regional Trial Court of Cebu, Branch 5?

Said judgment, among other things, ordered the defendants therein, Eustaquio Seno and Eriberta Seno, to effect the partition of Lot No. 264, located in Banilad, Mandaue City. (Lot No. 264 covers an area of 14,043 square meters, according to said decision. Lot No. 264-G is a portion of Lot No. 264.)

x x x

And since plaintiff Pacita Ganlag Tan has not been a party in any way in Civil Case No. R-12114, judgment in said case should not, must not bind her.

x x x

Hence, plaintiff, who merely converted into an innocent purchaser for value of the land in question, should not be made subsequently liable in any way to defendants."

On appeal, the Court of Appeals rendered the assailed Decision dated November 28, 1997 affirming the RTC Decision with modification in the sense that the award of nominal damages to respondent is reduced to P5,000.00 and the attorney's fees is deleted, thus:

"WHEREFORE, in view of the foregoing, the appealed Decision is AFFIRMED but MODIFIED as follows:

the award of nominal damages of P50,000.00 is reduced to P5,000.00 while the attorney's fees is deleted.

SO ORDERED.”

Petitioner then filed a motion for reconsideration but was denied by the Appellate Court in its Resolution dated May 20, 1998 on the ground that it was filed beyond the 15 day reglementary period.

Hence, this petition for review on certiorari alleging that the Court of Appeals erred (1) in denying her motion for reconsideration for being late; (2) in holding that respondent is a purchaser in good faith; and (3) in awarding respondent nominal damages and litigation expenses.

As earlier mentioned, petitioner's motion for reconsideration of the assailed Court of Appeals Decision was denied for having been filed beyond the 15 day reglementary period. For her predicament, she blamed her former lawyer, Atty. Eutiquio A. Cajés. Petitioner should have known that “the client is bound by the acts of his counsel, even his mistakes and negligence.”[6] We observe though that she is not entirely blameless for the denial of her motion for reconsideration. In *Producers Bank of the Philippines vs. Court of Appeals*,[7] we held that “litigants, represented by counsel, should not expect that all they need to do is sit back, relax and await the outcome of their case.” Indeed, it is their duty as litigants to keep in constant touch with their counsel so as to be posted on the status of their case.[8]

At any rate, we are not concerned with the lawyer's duty to his client but with the timeliness of the filing of petitioner's motion for reconsideration with the Court of Appeals.

Records show that her former counsel received a copy of the assailed Decision on December 4, 1997. Thus, he had until December 19, 1997 within which to file the motion for reconsideration. But it was filed only on April 29, 1998, or more than 4 months late. Thus, the Appellate Court did not err in denying the motion for being late.

Section 1, Rule 52 of the 1997 Rules of Civil Procedure, as amended, provides:

“Section 1. Period for filing. – A party may file a motion for reconsideration of a judgment or final resolution within fifteen (15) days from notice thereof, with proof of service on the adverse.”

In *Basco vs. Court of Appeals*,[9] we held:

“Rules of court prescribing the time within which certain acts must be done, or certain proceedings taken, are absolutely indispensable to the prevention of needless delays and the orderly and speedy discharge of judicial business. Strict compliance with such rules is mandatory and imperative.”

Even granting that petitioner's motion was seasonably filed with the Court of Appeals, still we have to deny the instant petition. It may be recalled that petitioner poses the following issues: whether petitioner's motion for reconsideration was seasonably filed with the Court of Appeals; whether or not respondent is a purchaser in good faith; and whether she is entitled to an award of nominal damages and litigation expenses. Evidently, these are factual issues.

In *Bolinao Security and Investigation Service, Inc. vs. Toston*,[10] we held that “the jurisdiction of this Court in a petition for review on certiorari is limited to reviewing only errors of law, not of fact, unless the factual findings being assailed are not supported by evidence on record or the impugned judgment is based on a misapprehension of facts.” These exceptions are not present here.

We have consistently ruled that findings of fact of the trial court, particularly when affirmed by the Court of Appeals, are generally binding on this Court.[11]

WHEREFORE, the petition is DENIED. The assailed Decision dated November 28, 1997 and Resolution dated

May 20, 1998 of the Court of Appeals in CA-G.R. CV No. 47308 are hereby AFFIRMED IN TOTO.

Costs against petitioner.

SO ORDERED.

Corona, and Carpio-Morales, JJ., concur.

Vitug, (Chairman), J., on official leave.

[1] Annex “H”, Petition for Review, Rollo at 125-131.

[2] Annex “I”, id. at 140-141.

[3] The complaint alleges that the parties’ predecessors were the registered owners of Lot 264 covered by Original Certificate of Title (OCT) No. RO-9788 consisting of Lots 264-G and 264-F with an aggregate area of 14,043 square meters.

[4] On appeal, the Court of Appeals affirmed in toto the RTC Decision and thereafter, issued, on October 18, 1978, its entry of judgment. Eventually, on May 14, 1980, the RTC issued a writ of execution.

[5] The deed of sale was registered on December 24, 1980.

[6] *Amatorio vs. People*, G.R. No. 150453, February 14, 2003, 397 SCRA 445, 455.

[7] G.R. No. 126620, April 17, 2002, 381 SCRA 185, 199, citing *Bernardo vs. Court of Appeals*, 275 SCRA 413 (1997); and *Greenhills Airconditioning and Services, Inc. vs. NLRC*, 245 SCRA 384 (1995).

[8] *Pallada vs. Regional Trial Court of Kalibo, Aklan, Br. 1*, .R. No. 129442, March 10, 1999, 304 SCRA 440, 445, citing *B.R. Sebastian Enterprises, Inc. vs. Court of Appeals*, 206 SCRA 28 (1992); and *Manila Electric Company vs. Court of Appeals*, 187 SCRA 200 (1990).

[9] G.R. No. 125290, August 9, 2000, 337 SCRA 472, 484, citing *FJR Garments Industries vs. CA*, 130 SCRA 216 (1984).

[10] G.R. No. 139135, January 29, 2004 at 9, citing *Cosmos Bottling Corporation vs. NLRC*, G.R. No. 146397, July 1, 2003 at 7; and *De Rama vs. Court of Appeals*, 351 SCRA 94 (2001).

[11] *Rosario Textile Mills vs. Court of Appeals*, G.R. No. 137326, August 25, 2003.

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.