

SPOUSES LOURDES V. RUTAQUIO AND LEONARDO LIWANAG, AND JULIAN VILLAFLOR, REPRESENTED BY HIS CHILDREN, ESTER V. PUJALTE, FILIPINA VILLAFLOR MARIA GEMMA VILLAFLOR AND REY CONSTANTI...

G.R. No. 143786. October 17, 2008

Ponente: NACHURA, J.

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NACHURA, J.:

Before us is a petition for review on certiorari under Rule 45 of the Rules of Court seeking to review and set aside the Resolution[1] of the Court of Appeals (CA), Former Ninth Division[2] dated June 23, 2000 in CA-G.R. CV No. 59290.

The antecedent facts are as follows:

This case stemmed from Civil Cases Nos. 8963 and 8964 instituted by private respondents on December 15, 1982 before the then Court of First Instance of Quezon, Ninth Judicial District, Lucena City, against Spouses Lourdes V. Rutaquio and Leonardo Liwanag, and Julian Villaflor, respectively. Later, the cases were transferred to the Regional Trial Court (RTC), Branch 65, Infanta, Quezon, and were docketed as Civil Cases Nos. 8-Inf. and 9-Inf., respectively.

Civil Case No. (8963) 8-Inf. is an action to declare the Free Patent and the Original Certificate of Title (OCT) No. P-6133 of the Register of Deeds of the Province of Quezon in the name of Lourdes V. Rutaquio null and void and to order the said Register of Deeds to cancel OCT No. P-6133. Civil Case No. (8964) 9-Inf., on the other hand, is an action to declare Free Patent No. 292246 and OCT No. P-12522 of the same Register of Deeds in the name of Julian Villaflor null and void and to order the Register of Deeds to cancel OCT No. P-12522.

These cases were anchored mainly on the Decision[3] dated May 2, 1970 of the then Court of First Instance of Quezon, Ninth Judicial District, Lucena City, in Civil Case No. 428, entitled "Maura Penamora, et al. v. Irene Rutaquio, et al.," the dispositive portion of which reads--

WHEREFORE, premises considered, judgment is rendered as follows:

(1) Declaring the document entitled "Kasulatan ng Bilihang Mabibiling Muli" dated August 21, 1931 an Equitable Mortgage;

(2) Declaring the plaintiffs, excluding Maura Penamora, co-owners and rightful possessors of the land in proportion of one-twenty fourth (1/24) for each of the plaintiffs Virginia, Carmen, Alicia, Purificacion, Esmenia, Elizabeth, Jorge and Jabes, all surnamed Penamora; one-twenty fourth (1/24) for each of the plaintiffs Gilda, Eulogio, Eugenia, Lorenzo, Felimon, Victor, Cipriano and Venancio, all surnamed Veluz; and one-twelfth (1/12) for each of the plaintiffs Modesto, Rolando, Isabelita and Griselda, all surnamed Lopez;

(3) Ordering the plaintiffs, in the proportion in which they succeed, to pay the defendants the mortgage loan of

P930.00 within thirty (30) days from the finality of this decision; and

(4) Dismissing the counterclaim of the defendants.

SO ORDERED.[4]

On appeal, docketed as CA-G.R. No. 49559-R, the CA affirmed in its Decision[5] dated October 16, 1979, the above Decision, but modified paragraph 3 thereof as follows:

We modify the above-quoted portion of the decision in the following manner:

3. Ordering the plaintiffs in the proportion in which they succeed, to pay the defendants the mortgage loan of P930.00 within ninety (90) days from the finality of this decision. If the plaintiff will fail to pay the said sum of P930.00 within the said period, the properties subject of the equitable mortgage shall be ordered sold at public auction, the proceeds of such sale to realize the sum of money aforesaid.[6]

The Decision in Civil Case No. 428, as modified by the CA, became final and executory on August 24, 1980 as shown by the Entry of Judgment[7] in CA-G.R. No. 49559-R.

Civil Cases Nos. 8-Inf. and 9-Inf. were tried jointly, the private respondents submitting the same set of testimonial and documentary evidence in both cases.

On August 5, 1997, the RTC, Branch 65, Infanta, Quezon, rendered its Decision[8] in favor of private respondents, disposing, as follows--

WHEREFORE, judgment is hereby rendered:

- Dismissing the counterclaims in the above-entitled cases;
- Ordering the Register of Deeds of Quezon, Infanta Branch, to cancel OCT No. 6133 in the name of Lourdes V. Rutaquio and OCT No. P-12522 in the name of Julian Villaflor;
- Declaring the plaintiffs [private respondents] owners and rightful possessors of the portions of land covered by OCT Nos. P-6133 and P-12522, in the proportion adjudged in Civil Case No. 428, Court of First Instance of Quezon, Ninth Judicial District, Lucena City, as modified by the decision of the Court of Appeals in CA-G.R. No. 49559-R;
- Ordering the plaintiffs and the defendant Julian Villaflor or his substitutes to exercise their options pursuant to Arts. 448, 546 and 547, New Civil Code, as enumerated above, within thirty (30) days from finality of the judgment;

Without costs.

SO ORDERED.[9]

Petitioners seasonably filed their respective Notices of Appeal. The Spouses Lourdes V. Rutaquio and Leonardo Liwanag filed their Appellants' Brief[10] on April 22, 1999. However, Julian Villaflor, as represented by his children, was only able to file his appellant's brief 82 days after the expiration of the reglementary period to file the same.

Consequently, the CA, in its Resolution[11] dated September 21, 1999 in CA-G.R. CV No. 59290, dismissed the appeal of Julian Villaflor and ordered his appellant's brief expunged from the records. In the same Resolution, the CA declared the appeal interposed by the Spouses Lourdes V. Rutaquio and Leonardo Liwanag already submitted for decision for their failure to file their reply-brief despite due notice.

Meanwhile, the law firm of Valdez-Sales & Associates, the counsel of Julian Villaflor, filed on October 13, 1999

its Notice of Withdrawal[12] as counsel for the latter and his representatives.

On the same day, Atty. Solomon L. Condenueno filed his Entry of Appearance[13] as counsel for Julian Villaflor. He likewise filed on that day a Motion for Reconsideration of the Resolution dated September 21, 1999.

On June 23, 2000, the CA denied the Motion for Reconsideration and affirmed its September 21, 1999 Resolution ordering the dismissal of Julian Villaflor's appeal for failure to file his appellant's brief on time. Hence, this petition raising the following issues--

I

THE PUBLIC RESPONDENT GRAVELY ERRED WHEN IT DISMISSED THE CASE PURELY ON TECHNICAL GROUNDS. THIS IS UNFAIR AND UNJUST SINCE THE PETITIONERS WILL LOSE THEIR TITLED PROPERTY PURELY ON A TECHNICALITY.

II

WHETHER OR NOT THE PUBLIC RESPONDENT EXERCISED GRAVE ABUSE OF DISCRETION WHEN IT AFFIRMED THE RULING OF THE TRIAL COURT THAT A PARTY IS BOUND BY A FINAL JUDGMENT (RENDERED IN CIVIL CASE NO. 428) ALTHOUGH HE IS NOT A PARTY THERETO.

III

WHETHER OR NOT THE RESPONDENT COURT COMMITTED GRAVE ERROR WHEN IT DISMISSED THE CASE THEREBY SUSTAINING AN ERRONEOUS RULING OF THE TRIAL COURT THAT PURSUANT TO THE DECISION RENDERED IN CIVIL CASE NO. 428, THE LAND IN QUESTION IS PRIVATE LAND. HENCE, THE DIRECTOR OF LANDS HAS NO JURISDICTION TO DISPOSE OF IT OR A PORTION THEREOF BY WAY OF FREE PATENT.

IV

WHETHER OR NOT THE ISSUANCE OF THE ORIGINAL CERTIFICATE OF TITLE IN FAVOR OF JULIAN VILLAFLOR (PETITIONER'S PREDECESSOR-IN-INTEREST) MAKES HIM THE ABSOLUTE OWNER THEREOF TO THE EXCLUSION OF ALL OTHERS ESPECIALLY BECAUSE A TITLE WAS ISSUED TO HIM AHEAD OF ANY OTHER CLAIMAINT ESPECIALLY BECAUSE:

a) THERE WAS NO ANNOTATION OF ANY LIS PENDENS OR ADVERSE CLAIM BY THE PRIVATE RESPONDENTS IN THE ORIGINAL CERTIFICATE OF TITLE ISSUED IN FAVOR OF PETITIONER'S PREDECESSOR-IN-INTEREST, JULIAN VILLAFLOR OVER THE SUBJECT PROPERTY.

b) THE PRIVATE RESPONDENTS ARE BOUND BY THE FINAL JUDGMENT RENDERED IN CIVIL CASE NO. 428.

c) THE LAND IN DISPUTE IS A PRIVATE LAND AT THE TIME IT WAS AWARDED TO PETITIONER'S PREDECESSOR-IN INTEREST, JULIAN VILLAFLOR, BY VIRTUE OF A FREE PATENT ISSUED BY THE DIRECTOR OF LANDS.[14]

At the outset, we would like to emphasize that while petitioner Julian Villaflor, as represented by his children herein, raised all the above issues in this petition, the Resolution dated June 23, 2000 sought to be reviewed and set aside in this appeal pertains only to the dismissal of his appellant's brief for having been filed 82 days late. We also note that upon the filing of this petition before us, the CA deferred acting upon the appeal of the Spouses Lourdes V. Rutaquio and Leonardo Liwanag for being premature.[15] Thus, we deem it proper to resolve this petition solely on the issue as to whether or not Julian Villaflor's appeal should be given due course by the appellate court despite being filed 82 days late. Deciding this petition on its merits would certainly pre-empt the

CA in deciding the appeal of the appellant spouses.

Petitioners advance the argument that technicalities must be overlooked when they result in the deprivation of one's property, citing several precedents to support their position.

Petitioners are correct.

The records of this case show that Julian Villaflor was not impleaded as one of the parties in Civil Case No. 428. The Decision in that case had become final and executory, and in turn, was the basis for the Decision of the trial court which is on appeal to the CA. He acquired his parcel of land from one of the defendants in the said Civil Case apparently without knowledge of any defect in the title of his predecessor-in-interest, after which he applied for a free patent. He was granted Free Patent No. 292246 by the Director of Lands and eventually was issued OCT No. P-12522 by the Register of Deeds of the Province of Quezon.

By reason of the negligence and mistake of his former counsel, Valdez-Sales & Associates and former handling lawyer Atty. Willie B. Sarmiento, petitioner is now bound to lose his opportunity to pursue his appeal before the CA.

In the Resolution dated June 23, 2000, the CA ruled--

Plaintiffs-appellees said it very well, indeed when they asserted that what the Valdez-Sales and Associates Law Offices might have been guilty of, if at all, was ordinary negligence, when it failed to monitor Atty. [Willie B.] Sarmiento's [who resigned from the law office four (4) days prior to the expiration of the reglementary period to file Julian Villaflor's appeal brief without properly turning over his case load to the firm] work, resulting in a violation of a basic rule of procedure relative to the seasonable filing of pleadings. To be sure, this is not one of those "transcendental matters" which outweigh "technicalities." More so where, as here, the Brief for the defendants-appellants J. Villaflor, et al. was filed some 82 days beyond/after the expiration of the extended reglementary period to do so.

WHEREFORE, the motion for reconsideration filed by the new counsel for defendants-appellants Julian Villaflor, et al. must be, as it hereby, is DENIED. Our Resolution of September 21, 1999 STANDS.[16]

We disagree. What the Valdez-Sales & Associates law office committed was not only ordinary negligence. The counsel's failure to file the appellant's brief within the reglementary period constitutes gross negligence in violation of the Code of Professional Responsibility.[17]

An attorney is bound to protect his client's interest to the best of his ability and with utmost diligence. A failure to file brief for his client certainly constitutes inexcusable negligence on his part. The respondent has indeed committed a serious lapse in the duty owed by him to his client as well as to the Court not to delay litigation and to aid in the speedy administration of justice.[18]

Thus, we take exception to the general rule that the mistakes and negligence of counsel binds the client.[19] In view of the circumstances surrounding this case, we opt for liberality in the application of the rules considering that - First, the rule that negligence of counsel binds the client may be relaxed where adherence thereto would result in outright deprivation of the client's liberty or property, or where the interests of justice so require, and Second, this Court is not a slave to technical rules, shorn of judicial discretion. In rendering justice, it is guided by the norm that on the balance, technicalities take a backseat against substantive rights. Accordingly, if the application of the rules tends to frustrate rather than promote justice, it is always within this Court's power to suspend the rules or except a particular case from its application.[20]

In this light, we hold that petitioner Julian Villaflor should be given his chance to be heard on appeal. Nevertheless, we do not countenance the inexcusable negligence committed by his former counsel Valdez-Sales

& Associates and the former handling lawyer Atty. Willie B. Sarmiento for failing to file the appellant's brief on time, and warn them to be more conscientious in the discharge of their duties to their clients.

WHEREFORE, the Resolution of the Court of Appeals in CA-G.R. CV No. 59290 dated June 23, 2000 is REVERSED and SET ASIDE. The appeal interposed by petitioners Julian Villaflor, et al. is REINSTATED. The Court of Appeals is directed to decide the appeal of all appellants in the said case with dispatch. Valdez-Sales & Associates and Atty. Willie B. Sarmiento are directed to SHOW CAUSE within ten (10) inextendible days from receipt of this Decision why they should not be disciplinarily dealt with for gross negligence arising from their failure to file Julian Villaflor's appellant's brief on time.

SO ORDERED.

Ynares-Santiago, (Chairperson), Azcuna[*], Chico-Nazario, and Velasco, Jr.[**], JJ., concur.

[*] Additional member replacing Associate Justice Ruben T. Reyes per Special Order No. 521 dated September 29, 2008.

[**] Additional member replacing Associate Justice Ma. Alicia Austria-Martinez, who concurred with the CA resolution under consideration when she was still a member of that Court, per Raffle dated October 15, 2008.

[1] Rollo, pp. 27-30.

[2] Composed of Associate Justices Renato C. Dacudao (ponente), Ma. Alicia Austria-Martinez (now a member of this Court), and Salvador J. Valdez, Jr.

[3] Folder of Exhibits, pp. 18-30.

[4] Id. at 29-30.

[5] Id. at 31-40.

[6] Id. at 39.

[7] Id. at 41.

[8] CA rollo, pp. 68-82.

[9] Id. at 82.

[10] Id. at 65-67.

[11] Id. at 144-145.

[12] Id. at 146-147.

[13] Id. at 148-149.

[14] Rollo, pp. 14-15.

[15] CA rollo, p. 183.

[16] Rollo, p. 30. (Emphasis supplied.)

[17] Villaflor v. Limos, A.C. No. 7504, November 23, 2007, 538 SCRA 140, 150; Ginete v. Court of Appeals, G.R. No. 127596, September 24, 1998, 296 SCRA 38.

- [18] *Perla Compania de Seguros, Inc. v. Atty. Benedicto G. Saquilabon*, 337 Phil. 555, 558 (1997).
- [19] *Tan v. Tan*, G.R. No. 133805, June 29, 2004, 433 SCRA 44, 48.
- [20] *Magallanes v. Sun Yat Sen Elementary School*, G.R. No. 160876, January 18, 2008, 542 SCRA 78, 85.

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