

PIO C. GRANDE, RUFINO C. GRANDE, AIDA C. GRANDE, FLORENCIA GRANDE-SANTOS, TERESITA GRANDE-VIOLA, JOSEPHINE GRANDE DOMINGO, (REPRESENTING THE HEIRS OF CRISANTA, GRANDE-DOMINGO), ...

G.R. NO. 148456. September 15, 2006

Ponente: TINGA, J.

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TINGA, J.:

This treats of the "Petition for Annulment of Judgment" that seeks the annulment of the Decision of the Court of Appeals in CA- G.R. CV No. 44411 promulgated on 14 December 1999 and the Resolution issued on 24 February 2000 denying petitioners' motion for reconsideration.

The Court of Appeals in its Decision[1] dismissed the appeal interposed by petitioners from the decision of the Regional Trial Court (RTC) of Quezon City dismissing their complaint for recovery of ownership and reconveyance of the subject property on the ground of lack of cause of action. The RTC Decision[2] concluded that the subject property was covered by a Torrens title as early as 1914 and it was only in 1984, or 70 years after the issuance of the title, that petitioners filed their action for recovery of ownership and reconveyance. During the interregnum, ownership of the property was acquired by respondent University of the Philippines as an innocent purchaser for value, so the RTC found and the appellate court upheld.

Petitioners, through their former counsel, received a copy of the Court of Appeals' Decision on 28 December 1998, and a copy of the Resolution denying their motion for reconsideration on 17 March 2000. However, petitioners failed to elevate the rulings of the Court of Appeals to this Court. They claim that their former counsel had neglected to inform them of the receipt of the Resolution denying their motion for reconsideration.[3] As a result, the Decision of the Court of Appeals dated 14 December 1999 became final and executory as of 12 April 2000, with the corresponding entry of judgment duly issued.[4]

It was only on 29 June 2001, more than a year after the appellate court's rulings had become final, that petitioners filed with this Court the present "Petition for Annulment of Judgment," seeking the nullification of the rulings. Respondent points out that the procedure undertaken by petitioners finds no sanction under the Rules of Court.

We agree, and add more. Accordingly, we dismiss the petition.

The annulment of judgments, as a recourse, is equitable in character, allowed only in exceptional cases, as where there is no available or other adequate remedy.[5] It is generally governed by Rule 47 of the 1997 Rules of Civil Procedure. Section 1 thereof expressly states that the Rule "shall govern the annulment by the Court of Appeals of judgments or final orders and resolutions in civil action of Regional Trial Courts for which the ordinary remedies of new trial, appeal, petition for relief or other appropriate remedies are no longer available through no fault of the petitioner." [6] Clearly, Rule 47 applies only to petitions for the nullification of judgments rendered by regional trial courts filed with the Court of Appeals. It does not pertain to the nullification of decisions of the Court of

Appeals.

Petitioners argue that although Rule 47 is a newly-established rule, the procedure of annulment of judgments has long been recognized in this jurisdiction. That may be so, but this Court has no authority to take cognizance of an original action for annulment of judgment of any lower court. The only original cases cognizable before this Court are "petitions for certiorari, prohibition, mandamus, quo warranto, habeas corpus, disciplinary proceedings against members of the judiciary and attorneys, and cases affecting ambassadors, other public ministers and consuls." [7] Petitions for annulment of judgment are not among the cases originally cognizable by this Court.

Moreover, if what is desired is an appeal from a decision of the Court of Appeals, which petitioners could have been entitled to under ordinary circumstances, the only mode of appeal cognizable by this Court is "a petition for review on certiorari." [8] That is governed by and disposed of in accordance with the applicable provisions of the Constitution, laws, Rules 45; 48; Sections 1, 2, and 5 to 11 of Rules 51; 52; and 56. [9] Notably, Rule 47 on annulment of judgments has nothing to do with the provisions which govern petitions for review on certiorari. Thus, it is totally inappropriate to extend Rule 47 to the review of decisions of the Court of Appeals. Then too, appeals by certiorari to this Court must be filed within fifteen (15) days from notice of the judgment or the final order or resolution appealed from. [10] Even if we were to treat the petition for annulment of judgment as an appeal by certiorari, the same could not be given due course as it had been filed several months after the Court of Appeals decision had already lapsed to finality.

Admittedly, this Court has discretionary power to take cognizance of a petition over which it ordinarily has no jurisdiction "if compelling reasons, or the nature and importance of the issues raised, warrant the immediate exercise of its jurisdiction." [11] Hence, in *Del Mar v. Phil. Amusement and Gaming Corp.*, [12] the Court took cognizance of an original petition for injunction after determining that the allegations therein revealed that it was actually one for prohibition. We, however, cannot adopt that tack for purposes of this case. Ostensibly, even if the averments in the present petition sufficiently present the existence of grave abuse of discretion amounting to lack or excess of jurisdiction and on that basis it could be treated as a special civil action for certiorari under Rule 65, still it could not be given due course since it was filed way beyond the period for filing such special civil action. Moreover, certiorari can only lie if there is no appeal, nor any plain, speedy and adequate remedy in the ordinary course of law.

Our ruling in *Alabanzas v. Intermediate Appellate Court* [13] bears citation. Counsel for private respondent therein failed to file the appellant's brief with the Court of Appeals. The lapse led to the dismissal of the appeal and the subsequent finality of the lower court judgment. Disallowing the annulment of judgment sought by private respondent on the ground of negligence of her lawyer, this Court held:

It is well-settled that once a decision becomes final and executory, it is removed from the power or jurisdiction of the Court which rendered it to further amend, much less revoke it (*Turquieza v. Hernando*, 97 SCRA 483 [1980]; *Heirs of Patriaca v. CA*, 124 SCRA 410 [1983]; *Javier v. Madamba, Jr.*, 174 SCRA 495 [1989]; *Galindez v. Rural Bank of Llanera, Inc.*, 175 SCRA 132 [1989]; *Olympia International, Inc. v. CA*, 180 SCRA 353 [1989]). Decisions which have long become final and executory cannot be annulled by courts (*United CMC Textile Workers Union v. Labor Arbiter*, 149 SCRA 424 [1987]) and the appellate court is deprived of jurisdiction to alter the trial court's final judgment (*Carbonel v. CA*, 147 SCRA 656 [1987]; *Republic v. Reyes*, 155 SCRA 313 [1987]).

The doctrine of finality of judgment is grounded on fundamental considerations of public and sound practice that at the risk of occasional error, the judgments of the courts must become final at some definite date set by law (*Turquieza v. Hernando*, supra; *H[e]irs of Patriaca v. CA*, supra; *Edra v. Intermediate Appellate Court*, 179 SCRA 344 [1989]). Reopening of a case which has become final and executory is disallowed (*Philippine Rabbit Bus Lines, Inc. v. Arciaga*, 148 SCRA, [sic] 433 [1987]; *Edra v. Intermediate Court*, supra.). The

subsequent filing of a motion for reconsideration cannot disturb the finality of a judgment and restore jurisdiction which had already been lost (*Pfleider v. Victorino*, 98 SCRA 491 [1980]; *Heirs of Patriaca v. CA*, *supra*).

After the judgment has become final, no addition can be made thereto and nothing can be done therewith except its execution; otherwise, there can be no end to litigation, thus setting at naught the main role of Courts of Justice, which is to assist in the enforcement of the rule of law and the maintenance of peace and order, by settling justiciable controversies with finality (*Farescal Vda. de Emnas v. Emnas*, 95 SCRA 470 [1980]; *Heirs of Patriaca v. CA*, *supra*).

Moreover, it is an equally well-settled rule that the client is bound by his counsel's conduct, negligence and mistake in handling the case, and the client cannot be heard to complain that the result might have been different had his lawyer proceeded differently (*Vivero v. Santos*, 52 O.G. 1424; *Tupas v. CA*, 193 SCRA 597).

It is only in case of gross or palpable negligence of counsel when the courts must step in and accord relief to a client who suffered thereby. (*Legarda v. CA*, 195 SCRA 418). In the present case, the private respondents have not shown such carelessness or negligence in their lawyer's discharge of his duties to them as to justify a deviation from the rule that "clients should be bound by the acts of their counsel, including his mistakes." [14]

Petitioners cite quite a few cases in support of their claim that the purported negligence of their former counsel sufficiently justifies the annulment of the judgment of the Court of Appeals. We are not impressed. Only *Apex Mining, Inc. v. Court of Appeals* [15] involved a petition for annulment of judgment but the petition therein was regular and in order, assailing as it did a decision of the Regional Trial Court before the Court of Appeals. Unlike in *Apex*, the present petition is bereft of mooring under procedural law. Hence, *Apex* is not a governing precedent in this case.

It is also worthy of note that the challenge to the decisions of the Court of Appeals and the RTC ultimately involve questions of fact, even necessitating an examination of the boundaries of the subject property. Both the RTC and the Court of Appeals arrived at common findings on all decisive factual issues, and the Court is not wont to engage in another factual review. The original complaint was filed in 1984 and the judgment dismissing the complaint became final and executory in 2001. There is a need to lay the matter to rest once and for all. Entertaining the present petition, which bears no approbation under the Rules of Court in the first place, defeats the ends of justice and the principle of finality of judgment.

A last note. Since the filing of the petition, a collateral issue has arisen between the counsel who originally filed the petition in behalf of petitioners and the new counsel who subsequently entered his appearance allegedly in behalf of all petitioners. The former counsel had sought to record a contingent contract she had earlier forged with petitioners, assuring her of around one-third (1/3) of the value of the "recovery by petitioners in this case" as her contingent fee. This motion was opposed by the new counsel. No action need be taken on the motion, it having been mooted by this Decision. With the dismissal of the petition and reaffirmance of the final and executory judgment against petitioners, any inquiry into the contingent fee agreement has become a purely theoretical exercise.

WHEREFORE, the petition is DISMISSED. Costs against petitioners.

SO ORDERED.

Quisumbing (Chairperson), Carpio, Carpio Morales and Velasco, Jr., JJ., concur.

*Petitioner Estanislao Quibal, representing the heirs of Rosita Grande-Quibal, is also identified as Estanislao

Quibial, representing the heirs of Rosita-Qubial, in the decisions of the Court of Appeals and Regional Trial Court of Quezon City.

[1] Decision and Resolution penned by Associate Justice C. Ibay-Somera, concurred in by Associate Justices O. Agacoli and M. Umali; rollo, pp. 20-106..

[2]Penned by Judge Godofredo L. Legaspi; rollo, pp. 110-134.

[3] Rollo, pp. 3-4.

[4] Id. at 223.

[5] Barco v. Court of Appeals, G.R. No. 120587, 20 January 2004, 420 SCRA 162.

[6] See 1997 Rules of Civil Procedure, Rule 47, Sec. 1.

[7]1997 Rules of Civil Procedure, Rule 56, Sec. 1.

[8] See 1997 Rules of Civil Procedure, Rule 56, Sec. 3.

[9]See 1997 Rules of Civil Procedure, Rule 56, Sec. 4.

[10] See 1997 Rules of Civil Procedure , Rule 45, Sec. 2.

[11] See Del Mar v. Phil. Amusement and Gaming Corp., 400 Phil. 307, 326-327 (2000).

[12] Id.

[13] G.R. No. 74697, 29 November 1991, 204 SCRA 304.

[14] Id. at 307-309.

[15] 377 Phil. 482 (1999).

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