

VALENTIN P. FRAGINAL, TOMAS P. FRAGINAL AND ANGELINA FRAGINAL-QUINO, PETITIONERS, VS. THE HEIRS OF TORIBIA BELMONTE PARAÑAL, REPRESENTED BY PEDRO PARAÑAL, FELISA PARAÑAL, ABRAHA...

G.R. NO. 150207. February 23, 2007

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

Before us is a Petition for Review on Certiorari under Rule 45 of the Rules of Court assailing the April 24, 2001 and September 3, 2001 Resolutions[1] of the Court of Appeals (CA) in CA-G.R. SP No. 64174.[2]

The material facts follow.

The heirs of Toribia Belmonte Parañal namely: Felisa Parañal, Abraham Parañal, Pedro Parañal, Irene Acabado and Josefa Estoy (Heirs of Toribia Parañal), filed with the Office of the Provincial Agrarian Reform Adjudicator (PARAD) of the Department of Agrarian Reform Adjudication Board (DARAB), Camarines Sur, a Complaint for Termination of Tenancy Relationship, Ejectment, and Collection of Arrear Rentals and Damages,[3] docketed as PARAD Case No. R-0503-306-'98, against Valentin Fragonal, Tomas P. Fragonal and Angelina Fragonal-Quino (Fraginal, et al.).

Fraginal, et al. filed an Answer questioning the jurisdiction of the PARAD on the ground that they are not tenants of the Heirs of Toribia Parañal, for the land they are tilling is a 1.1408-hectare public agricultural land within the exclusive jurisdiction of the Department of Environment and Natural Resources.[4]

The PARAD issued a Decision on October 8, 1998 ordering the ejectment of Fragonal, et al., thus:

x x x x

Our perusal of [the] records shows that the defendants so-called documentary evidence as proof that the landholding cultivated by them is classified as public land contrary to the claims of herein plaintiffs is a mere scrap of paper. First, although it states that a certain area situated at Pili, Camarines Sur is declared as alienable and disposable for cropland and other purposes, yet, it does not specifically state through technical description or whatever the exact area of coverage, its location as well as the boundaries, hence, we cannot be sure or we have no way of knowing whether the subject property is part and parcel of that covered area. Second, it states that the list of occupants or claimants therein is attached to said document, however, a close scrutiny of the same reveals that it contains only one page without any attachment particularly the alleged list of claimants. Therefore, there is no proof that defendants are indeed one of the claimants listed therein. From here it can be inferred that such document was presented merely to confuse the Board in their attempt to gain favorable judgment. Moreover, we are far from convinced that defendants' other allegations are tenable not only because they are self-serving but also for being irrelevant to the issue at bar. The same allegations and arguments have been raised or asserted merely to resist the demands of the plaintiffs particularly on their ejectment from the questioned landholding especially that all the evidence submitted by the plaintiffs have never been effectively

refuted by the defendants.

x x x x

WHEREFORE, premises considered, judgment is hereby rendered as follows:

- 1) Ordering the termination of the Agricultural Leasehold Contract (Contrata sa Pag-Arquila nin Dagang Agricultural) dated January 7, 1997 entered into by and between herein parties;
- 2) Ordering all the defendants, their heirs and assigns to vacate the premises immediately upon receipt of this decision;
- 3) Ordering the defendants to pay plaintiffs the total of 54 cavans of palay at 46 kls. per cavan representing the arrear rentals for the entire year of 1997 until the filing of this case on June 26, 1998, including succeeding lease rentals as it falls due until they finally vacate the premises; and
- 4) Ordering the defendants to desist from further disturbing [the] herein plaintiffs in their peaceful possession and cultivation of their landholdings subject of the instant action.

SO ORDERED.[5]

On April 5, 2001, two years from issuance of the PARAD Decision, Friginal, et al. filed with the CA a Petition for Annulment of Judgment with Prayer for Issuance of Preliminary Injunction and/or Restraining Order.[6] They insisted that the PARAD Decision is void as it was issued without jurisdiction.

Unimpressed, the CA dismissed the Petition in its April 24, 2001 Resolution,[7] thus:

A petition for annulment of judgment under Rule 47 of the Revised Rules of Court may be availed of to have judgments or final orders and resolutions in civil actions of Regional Trial Courts annulled. Also, Rule 47 requires that recourse thereto may be had only when the ordinary remedies of new trial, appeal, petition for relief or other appropriate remedies are no longer available through no fault of the petitioner.

The petitioners ratiocinated [sic] this instant recourse for their failure to avail of the remedy provided for under Rule 65 of the Revised Rules of Court, without fault (Rollo, p. 4). However, the petition fails to offer any explanation as to how it lost that remedy except for its claim that they failed to avail of Rule 65 without any fault on their part. And even if We are to grant it arguendo, Rule 47 being exclusive to judgments and final orders and resolution in civil actions of Regional Trial Courts is not available to the petitioners.

WHEREFORE, the foregoing premises considered, the instant petition is hereby DENIED DUE COURSE and ordered DISMISSED.[8]

The CA also denied the Motion for Reconsideration[9] of Friginal, et al. in the assailed Resolution[10] dated September 3, 2001.

Hence, the herein Petition.

We dismiss the petition for lack of merit.

Petitioners Friginal, et al. raised these issues:

I.

Whether or not the Honorable Court of Appeals erred in dismissing the petition filed before it for annulment of judgment of the Department of Agrarian Reform Adjudication Board (DARAB) that has no jurisdiction over the subject matter as the land is a public agricultural land.

II.

Whether or not the Honorable Court of Appeals erred in holding that Rule 47 of the Rules of Court pertains only to judgment or final orders and resolutions in civil actions of the Regional Trial Court.[11]

It is only the second issue which is pivotal.

No doctrine is more sacrosanct than that judgments of courts or awards of quasi-judicial bodies, even if erroneous, must become final at a definite time appointed by law.[12] This doctrine of finality of judgments is the bedrock of every stable judicial system.[13]

However, the doctrine of finality of judgments permits certain equitable remedies;[14] and one of them is a petition for annulment under Rule 47 of the Rules of Court.[15]

The remedy of annulment of judgment is extraordinary in character,[16] and will not so easily and readily lend itself to abuse by parties aggrieved by final judgments. Sections 1 and 2 of Rule 47 impose strict conditions for recourse to it, viz.:

Section 1. Coverage.- This Rule shall govern the annulment by the Court of Appeals of judgments or final orders and resolutions in civil actions 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.

Section 2. Grounds for annulment. - The annulment may be based only on the grounds of extrinsic fraud and lack of jurisdiction.

Extrinsic fraud shall not be a valid ground if it was availed of, or could have been availed of, in a motion for new trial or petition for relief.

The Petition for Annulment of Judgment filed by Friginal, et al. before the CA failed to meet the foregoing conditions.

First, it sought the annulment of the PARAD Decision when Section 1 of Rule 47 clearly limits the subject matter of petitions for annulment to final judgments and orders rendered by Regional Trial Courts in civil actions.[17] Final judgments or orders of quasi-judicial tribunals or administrative bodies such as the National Labor Relations Commission,[18] the Ombudsman,[19] the Civil Service Commission,[20] the Office of the President,[21] and, in this case, the PARAD, are not susceptible to petitions for annulment under Rule 47.

Speaking through Justice Jose C. Vitug, the Court, in *Macalalag v. Ombudsman*, ratiocinated:

Rule 47, entitled "Annulment of Judgments or Final Orders and Resolutions," is a new provision under the 1997 Rules of Civil Procedure albeit the remedy has long been given imprimatur by the courts. The rule covers "annulment by the Court of Appeals of judgments or final orders and resolutions in civil actions of Regional Trial Courts for which the ordinary remedies of new trial, appeal, petition for relief or other appropriate remedies could no longer be availed of through no fault of the petitioner." An action for annulment of judgment is a remedy in law independent of the case where the judgment sought to be annulled is rendered. The concern that the remedy could so easily be resorted to as an instrument to delay a final and executory judgment, has prompted safeguards to be put in place in order to avoid an abuse of the rule. Thus, the annulment of judgment may be based only on the grounds of extrinsic fraud and lack of jurisdiction, and the remedy may not be invoked (1) where the party has availed himself of the remedy of new trial, appeal, petition for relief or other appropriate remedy and lost therefrom, or (2) where he has failed to avail himself of those remedies through his own fault or negligence.

x x x x

x x x The right to appeal is a mere statutory privilege and may be exercised only in the manner prescribed by,

and in accordance with, the provisions of law. There must then be a law expressly granting such right. This legal axiom is also applicable and even more true in actions for annulment of judgments which is an exception to the rule on finality of judgments. [22] (Emphasis ours)

Second, Section 1, Rule 47 does not allow a direct recourse to a petition for annulment of judgment if other appropriate remedies are available, such as a petition for new trial, and a petition for relief from judgment or an appeal.[23]

The 1994 DARAB New Rules of Procedures, which was applicable at the time the PARAD Decision was issued, provided for the following mode of appeal:

Rule XIII

Section 1. Appeal to the Board. a) An appeal may be taken from an order, resolution or decision of the Adjudicator to the Board by either of the parties or both, orally or in writing, within a period of fifteen (15) days from receipt of the order, resolution or decision appealed from, and serving a copy thereof on the adverse party, if the appeal is in writing.

b) An oral appeal shall be reduced into writing by the Adjudicator to be signed by the appellant, and a copy thereof shall be served upon the adverse party within ten (10) days from the taking of the oral appeal.

It does not allow for a petition for annulment of a final PARAD Decision.

While the DARAB Rules provide for an appeal to the DARAB from a decision of the PARAD, Friginal, et al. did not avail of this remedy. However, they justified their omission, thus:

9. Prior to the filing of this instant action, the petitioners, without fault, failed to avail of the remedy provided under Rule 65 of the Rules of Court, appeal the questioned decision and to file the corresponding petition for relief from judgment, due to time constraint and want of sources as to when the questioned decision be appropriately done as they were not assisted by counsel from the very beginning of the proceedings.[24]

Such pretext is unacceptable.

Fraginal, et al., could have appealed to the DARAB even without resources or counsel. They could have asked for exemption from payment of the appeal fee, as allowed under Section 5, Rule XIII.[25] They could have also requested for counsel de oficio from among DAR lawyers and legal officers, as provided under Section 3, Rule VII.[26] They appear not to have needed one, considering that they seem to have adequately fended for themselves as shown by the Answer they prepared, which raised a well-thought out legal defense.[27] As it were, they neglected to exercise any of these rights and chose to fritter away the remedy still available to them at that time. Their direct recourse to the CA through a petition for annulment of the PARAD Decision was therefore ill-fated.

Moreover, there is nothing in Rule XIII that allows a petition for annulment of a final PARAD Decision. As held in Macalalag, there must be a law granting such right, in the absence of which, Friginals' petition for annulment of judgment was correctly denied due course by the CA.

With the foregoing disquisition, we find no need to treat the first issue.

WHEREFORE, the petition is DENIED.

No costs.

SO ORDERED.

Ynares-Santiago, (Chairperson), Callejo, Sr., and Chico-Nazario, and Nachura, JJ., concur.

[1] Both penned by Associate Justice Juan Q. Enriquez, Jr. with the concurrence of Associate Justices Ruben T. Reyes (now Presiding Justice) and Presbitero J. Velasco, Jr. (now Supreme Court Associate Justice); CA rollo, pp. 34-35 and 71-72, respectively.

[2] Entitled "Valentin P. Friginal, Tomas P. Friginal and Angelina Friginal-Aquino, Petitioners, v. Hon. Virgil G. Alberto, in his Capacity as the Provincial Adjudicator, Department of Agrarian Reform Adjudicator (DARAB), San Jose, Pili, Camarines Sur, and Heirs of Toribia Belmonte Paranal, represented by Felisa Paranal, Abraham Paranal, Pedro Paranal, Irene Acabado and Josefa Estoy, Respondents."

[3] Id. at 9.

[4] Id. at 14-15.

[5] Id. at 18-19.

[6] Id. at 2.

[7] Rollo, p. 20.

[8] Id. at 21.

[9] CA rollo, p. 43.

[10] Id. at 71.

[11] Petition, rollo, p. 9.

[12] *Gatchalian v. Court of Appeals*, G.R. No. 161645, July 30, 2004, 435 SCRA 681, 689.

[13] *Bañares v. Balising*, 384 Phil. 567, 582 (2000).

[14] The other remedies are petition for relief from judgment under Rule 38, a direct action such as a petition for certiorari under Rule 65, and a collateral attack against a judgment that is void on its face. *Escareal v. Philippine Airlines, Inc.*, G.R. No. 151922, April 7, 2005, 455 SCRA 119, 132-133, citing *Arcelona v. Court of Appeals*, L-29090, August 17, 1976, *Bobis v. Court of Appeals*, 401 Phil. 154, 163 (2000).

[15] This remedy was first recognized in *Banco Español-Filipino v. Palanca*, 37 Phil. 921, 948 (1918), where the Supreme Court cited Sections 113 and 513 of the Code of Civil Procedure as the bases of the authority of Courts of First Instance and the Supreme Court to set aside final judgments.

[16] *Ramos v. Combong, Jr.*, G.R. No. 144273, October 20, 2005, 473 SCRA 499, 504.

[17] See also *Collado v. Court of Appeals*, 439 Phil. 149, 186 (2002) and *Heirs of Jose Reyes v. Republic of the Philippines*, G.R. No. 150862, August 3, 2006, which involved petitions for annulment of decisions of the RTC rendered in land registration cases.

[18] *Elcee Farms, Inc. v. Semillano*, 460 Phil. 81, 90 (2003).

[19] *Macalalag v. Ombudsman*, G.R. No. 147995, March 4, 2004, 424 SCRA 741, 745.

[20] *Aguilar v. Civil Service Commission*, G.R. No. 144001, September 26, 2000.

[21] *Denina v. Sps. Cuaderno*, G.R. No. 139244, July 24, 2000.

[22] Supra note 19, at 744-745.

[23] Republic of the Philippines v. "G" Holdings, Inc., G.R. No. 141241, November 22, 2005, 475 SCRA 608, 617; Barco v. Court of Appeals, G.R. No. 120587, January 20, 2004, 420 SCRA 162, 170.

[24] CA rollo, p. 5.

[25] Sec. 5. Requisites and Perfection of the Appeal. x x x b) An appeal fee of Five Hundred Pesos (P500.00) shall be paid by the appellant within the reglementary period to the DAR Cashier where the Office of the Adjudicator is situated. A pauper litigant shall, however, be exempt from the payment of the appeal fee.

[26] Sec. 3. Assignment of DAR Lawyer or Legal Officer. A party appearing without counsel or represented by a non-lawyer may be assigned a counsel de oficio from among DAR lawyers or DAR legal officers, or a member of the bar who is willing to act as such counsel de oficio.

[27] CA rollo, pp. 14-15.

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