SPOUSES EUGENIO & VICENTA REYES, PETITIONERS, VS. COURT OF APPEALS, THE HON. OSCAR P. BARRIENTOS, AS JUDGE, RTC, MALOLOS, BULACAN, BR. 82, AND RAMIL, JESUS, MELCHOR, JOSEPH AND ...

G.R. No. 150722. August 17, 2007

Ponente: GARCIA, J.

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GARCIA, J.:

Under consideration is this petition for review on certiorari to reverse and set aside the Decision[1] dated 31 July 2001 of the Court of Appeals (CA) in CA-G.R. SP No. 62100, as reiterated in its Resolution of 26 October 2001, affirming the (1) Order dated 9 August 2000 of the Regional Trial Court (RTC), Branch 82, Malolos, Bulacan which dismissed the petitioners' Petition for Relief from Judgment in Civil Case No. 142-M-93 for having been filed out of time and for petitioners' lack of legal personality to file the petition; and (2) Order dated 25 October 2000, denying the petitioners' Motion for Reconsideration.

Undisputed, the facts, as summarized by the CA in the decision under review, follow:

> Private respondents Voluntad obtained a loan from the Rural Bank of Pandi, Bulacan secured by a mortgage over one-half of a parcel of land covered by TCT No. 25073 of the Registry of Deeds of Bulacan registered in the name of Carmen Voluntad and Maria Voluntad, predecessors-in-interest of herein private respondents. The Voluntads failed to pay the loan and the bank foreclosed the mortgage. The property was sold at public auction with the bank as the highest bidder. Three months later, without the knowledge of the Voluntads, the bank assigned its right over the property to Spouses Magtanggol and Corazon Dizon.
>
> The Voluntads then filed the herein Petition for Redemption docketed as Civil Case No. 142-M-93 and caused the annotation of a notice of lis pendens on TCT No. 25073. The notice of lis pendens was carried over to TCT No. T-166332-M now in the name of Magtanggol and Corazon Dizon who in turn, sold the property to petitioner Spouses Vicenta and Eugenio Reyes while under litigation.
>
> The case was decided in favor of the Voluntads by the public respondent on 8 December 1995, directing the Dizon Spouses to render a true and correct accounting of the financial obligations of the petitioners to the bank and allowing the Voluntads to exercise their right of redemption over the one-half undivided portion of the land for the amount of P124,762.04.
>
> Subsequently a petition for Certiorari and Mandamus was filed by the Voluntads relative to the denial of a writ of execution sought against the transferees of the land, herein petitioner Spouses Reyes. On 26 August 1999, the Supreme Court [in G.R. No. 132294] ruled in favor of the Voluntads granting the petition, stating thus:
> WHEREFORE, the petition is GRANTED. The decision of the Court of Appeals affirming the Order of the trial court which denied Petitioners' Motion for a Second Alias Writ of Execution against Respondent Spouses Eugenio and Vicenta Reyes is REVERSED and SET ASIDE. Accordingly, the case is remanded to the trial court for the immediate issuance of a Second Alias Writ of Execution against Respondents Eugenio and Vicenta Reyes for the enforcement of the final judgment of the Regional Trial Court of Malolos, Bulacan, in

> Civil Case 142-M-93, allowing petitioners, Delfin Voluntad and the heirs of Luz Voluntad to exercise their Right of Repurchase the property covered by TCT No. T-178105 presently registered in the name of Respondent- Spouses Eugenio and Vicenta Reyes. xxx.

Petitioners' Motion for Reconsideration was denied in its Resolution dated 5 April 2000, received by petitioners on 30 May 2000.

Contending that they were not given their day in court as they were never impleaded as party-defendants in the herein Civil Case No. 142-M-93, and that their inability to intervene in the proceedings therein was due to excusable negligence, petitioner Reyes filed the subject Petition for Relief from Judgment on 21 June 2000.

On 9 August 2000, public respondent [Judge Barrientos] issued the assailed Order denying the Petition for Relief from Judgment on the following grounds:

- The Petition for Relief from Judgment was filed out of time; and

- Petitioners have no legal personality to file the Petition for Relief from Judgment.

On 22 August 2000, public respondent issued a Second Alias Writ of Execution against petitioners. Petitioners' Motion for Reconsideration of the first assailed Order dated 9 August 2000 was denied in the other questioned Order. (Bracketed words supplied.)

From the adverse actions of the respondent judge, herein petitioners went to the CA on a petition for certiorari, thereat docketed as CA-G.R. SP No. 62100, arguing that the respondent judge's orders dated 9 August 2000 and 25 October 2000, which respectively dismissed their petition for relief from judgment in Civil Case No. 142-M-93 and denied their motion for reconsideration, were issued in grave abuse of discretion.

In the herein assailed Decision dated 31 July 2001, the appellate court dismissed the petition and affirmed the challenged orders of the respondent judge, thus:

> WHEREFORE, for lack of merit, the petition is DISMISSED and the assailed Orders are AFFIRMED. With costs against petitioners.
>
> SO ORDERED.

Explains the CA in its assailed Decision of 31 July 2001:

> xxx. We agree with the lower court that the sixty-day period commenced, at the latest, on 30 May 1997, the date when petitioners received an Order from this Court directing them to comment on the Petition for Certiorari and Mandamus filed by the Voluntads docketed as CA-GR SP No. 44141 entitled 'Delfin Voluntad, et al vs. Hon. Oscar Barrientos, et al, to which a copy of the Decision in Civil Case No. 142-M-93 had been attached. That period expired on July 30, 1997.
>
> On the other hand, the six-month period is reckoned from the date of entry of the Order issued by the public respondent in Civil Case No. 142-M-93 on 8 December 1995. The same expired on 8 June 1996. (Emphasis supplied).

With their motion for reconsideration having been denied by the CA in its resolution of 26 October 2001, petitioners are now with this Court via the present recourse on the sole issue of their own formulation, to wit:

> The simple issue is when shall the 60-day and the six months period for filing petition for relief be reckoned for a party not included in the original judgment but later bound by the judgment by a higher Court on certiorari?
>
> We DENY.

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The time for filing a petition for relief from judgment is stated in Rule 38 of the Rules of Court, viz:

> Sec. 3. Time for filing petition; contents and verification. A petition provided for in either of the preceding sections of this Rule must be verified, filed within sixty (60) days after the petitioner learns of the judgment, final order, or other proceeding to be set aside, and not more than six (6) months after such judgment or final order was entered, or such proceeding was taken; and must be accompanied with affidavits showing the fraud, accident, mistake, or excusable negligence relied upon, and the facts constituting the petitioner's good and substantial cause of action or defense, as the case may be.

In Quelnan v. VHF Philippines,[2] the Court has had the occasion to reiterate:

> Clear it is from the above that a petition for relief from judgment must be filed within: (a) sixty (60) days from knowledge of judgment, order or other proceedings to be set aside; and (b) six (6) months from entry of such judgment, order or other proceeding. These two periods must concur. Both periods are also not extendible and never interrupted. Strict compliance with these periods stems from the equitable character and nature of the petition for relief. Indeed, relief is allowed only in exceptional cases as when there is no other available or adequate remedy. As it were, a petition for relief is actually the "last chance" given by law to litigants to question a final judgment or order. And failure to avail of such "last chance" within the grace period fixed by the Rules is fatal. (Emphasis supplied.)

Petitioners contend, however, that the ruling of the trial court, as affirmed by the CA, that the petition for relief from judgment should have been filed within sixty (60) days from the time they (petitioners) learned of the decision dated 8 December 1995 and within six (6) months after such judgment was entered by the lower court, is absurd as it was a legal impossibility to expect them (petitioners) to question the decision dated 8 December 1995 which the trial court initially refused to enforce against them. They, therefore, posit that not until this Court ruled on 26 August 1999 in G.R. No. 132294, entitled Voluntad v. Dizon & Reyes, that the 8 December 1995 RTC decision in Civil Case No. 142-M-93 is binding upon them, did it become necessary for them to file a petition for relief vis-a-vis the same 8 December 1995 RTC decision.

Petitioners are wrong.

At the outset, the Court took notice that petitioners did not question the fact that the period of six (6) months after entry of the RTC judgment in Civil Case No. 142-M-93 had already expired when they filed the subject petition for relief. We have ruled in Quelnan that the sixty 60-day period from knowledge of the decision against which relief is sought, and the 6-month period from entry of judgment must concur, otherwise the petition will be deemed filed out of time. On this score alone, the petition may be instantly denied.

However, for the purpose of settling the issue squarely raised in the instant petition, the Court will discuss further.

It should be noted that the 60-day period from knowledge of the decision, and the 6- month period from entry of judgment, are both inextendible and uninterruptible. We have also time and again held that because relief from a final and executory judgment is really more of an exception than a rule due to its equitable character and nature, strict compliance with these periods, which are definitely jurisdictional, must always be observed.

Seemingly, petitioners have presented a genuinely novel issue as to when the 60-day period should commence in their peculiar case where, initially, the RTC did not consider its 8 December 1995 decision binding and enforceable against them notwithstanding the fact that they bought and acquired the property subject of the litigation in Civil Case No. 142-M-93 during the pendency of the said case, but eventually, this Court, in G.R. No. 132294, ruled that they (petitioners), being transferees pendente lite, are deemed buyers in mala fide and "stand exactly in the shoes of the transferor and is bound by any judgment or decree which may be rendered for or against the transferor."[3]

We cannot agree with the petitioners' thesis that the 60-day period may only be reckoned from their receipt on 31 May 2000 of a copy of this Court's decision in G.R. No. 132294, at which time they allegedly learned with certainty that they were bound by the 8 December 1995 RTC decision. The Rules cannot be clearer when it states that the petition for relief must be filed within sixty (60) days after the petitioner learns of the judgment, final order, or other proceeding to be set aside. It cannot be contested that the judgment sought to be set aside in their petition for relief is the 8 December 1995 RTC decision and not the decision of this Court in G.R. No. 132294. The 60-day period will, therefore, have to be reckoned from the time petitioners learned of the 8 December 1995 RTC decision. And this, they learned on 30 May 1997 when, as declared by the CA, they received an order from said court directing them to comment on the petition for certiorari and mandamus filed by the Voluntads in CA-G.R. SP No. 44141, "to which [order] a copy of the Decision in Civil Case No. 142-M-93 had been attached."

How can we explain the apparent absurdity which petitioners assert when they claimed that they cannot be expected to question the 8 December 1995 RTC decision because, initially, the RTC itself ruled that said decision was not binding against them?

For sure, we cannot agree with the petitioner's submission that the commencement of the 60-day period within which to file a petition for relief from judgment should be made subjectively dependent upon any erroneous belief on the part of any party litigant or even by the mistaken ruling of the RTC in this case that a certain judgment or decision is not binding upon a party who is undisputedly a transferee pendente lite, as here. Otherwise, the objectivity in the application of the rules, specially in jurisdictional matters as reglementary period, will gravely suffer. Independently of what the petitioners believe, the 60-day period as provided for by the Rules had commenced on the day that they learned of the 8 December 1995 RTC decision on 30 May 1997, when petitioners received an order from the CA directing them to comment on the petition for certiorari and mandamus in CA-G.R. SP No. 44141, to which order, to stress, a copy of the 8 December 1995 RTC decision was attached. The Court sees no absurdity or legal impossibility for requiring the petitioners to avail of the remedy of relief from judgment within 60 days from learning about the 8 December 1995 RTC decision although they believe that they are not bound by said decision, because the Rules and corresponding jurisprudence on transferees pendente lite have the full force and effect of law upon them. Dura lex sed lex. The Court could not rule otherwise.

Given the reality that the petition for relief in Civil Case No. 142-M-93 was filed beyond the 60-day period from the time petitioners learned of the 8 December 1995 decision, and likewise beyond the 6-month period from entry of judgment in said case, we rule and so hold that the CA committed no reversible error in not finding grave abuse of discretion on the part of the respondent judge when he dismissed, in his Order of 9 August 2000, the subject petition for relief from judgment.

IN VIEW WHEREOF, the instant recourse is DENIED.

Costs against petitioners.

SO ORDERED.

Puno, C.J., (Chairperson), Sandoval-Gutierrez, and Azcuna, JJ., concur.
Corona, J., no part.

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[1] Penned by Associate Justice Portia Aliño-Hormachuelos, with Associate Justices Mercedes Gozo-Dadole (now ret.) and Bienvenido L. Reyes, concurring; rollo, pp. 12-21.

[2] G.R. No. 138500, September 16, 2005, 470 SCRA 73.

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[3] Voluntad v. Dizon, G.R. No. 132294, August 26, 1999, 313 SCRA 209.

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