

ROLANDO SOFIO AND RUFIO SOFIO, PETITIONERS, VS. ALBERTO I. VALENZUELA, GLORIA I. VALENZUELA, REMEDIOS I. VALENZUELA, AND CESAR I. VALENZUELA, RESPONDENTS.

G.R. No. 157810. February 15, 2012

Ponente: BERSAMIN, J.

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BERSAMIN, J.:

The Court will not override the finality and immutability of a judgment based only on the negligence of a party's counsel in timely taking all the proper recourses from the judgment. To justify an override, the counsel's negligence must not only be gross but must also be shown to have deprived the party the right to due process.

We deny this appeal via petition for review on certiorari to assail the resolution promulgated on February 13, 2003,[1] whereby the Court of Appeals (CA) rejected the petitioners' motion to recall the entry of judgment.

Antecedents

Respondents Alberto, Gloria, Remedios, and Cesar, all surnamed Valenzuela, are brothers and sisters. They are the co-owners of a parcel of agricultural land designated as Lot No. 970-B and located in Barangay Ayungon, Valladolid, Negros Occidental, containing an aggregate area of 10.0959 hectares. Alberto had been planting sugarcane in the entire property, but poor drainage had led him to abandon his cultivation in 1978 of an .80-hectare portion of the property. Unknown to the respondents, petitioner Rolando Sofio,[2] a son of their tenant in another lot, had obtained permission to farm the abandoned area for free from Socorro Valenzuela, the respondents' mother who was then still managing the property. She had acceded to the request on condition that Rolando would return the portion once the owners needed it.[3] In succeeding years, Alberto had also left other portions of the property uncultivated because of the low price of sugar. Apparently, Rolando had also taken over the vacated portions to plant palay. He shared the cultivation with his brother, co-petitioner Rufio Sofio.[4]

In 1985, respondent Gloria learned for the first time that Rolando had been permitted by her mother to cultivate the .80 hectare portion without paying any rentals; and that the petitioners had actually expanded their cultivation to a total area of 1.8 hectares. After the petitioners refused her demand for the return of the 1.8 hectares, she lodged a complaint against Rolando with the Barangay Chairman of Ayungon, Valladolid, Negros Occidental, and the Municipal Agrarian Reform Officer (MARO). The parties did not reach an amicable settlement.[5]

On October 14, 1985, the petitioners, along with Wilma Sofio, their sister who had succeeded their father as the tenant of respondents' other property, informed Gloria that, being the identified tenants under Presidential Decree No. 27, they had already paid the rentals on the portions they were cultivating, and that they would be paying subsequent rentals to the Land Bank of the Philippines (LBP).[6]

Gloria replied that, except for the area that Wilma had been cultivating as tenant in lieu of her late father, the petitioners were not tenants of any portion of respondents' lands.[7]

On July 8, 1988, emancipation patents (EPs) were issued to Rolando and Rufio covering their respective areas of

tillage.[8]

On October 5, 1990, the respondents brought in the Department of Agrarian Reform Adjudication Board (DARAB) a complaint against the petitioners,[9] seeking the cancellation of the EPs, recovery of possession, and damages, alleging that the petitioners' cultivation of their land had been illegal because they had not consented to it.[10]

On December 18, 1992, Hon. Gil A. Alegario, the Provincial Agrarian Reform Adjudicator (PARAD) of Negros Occidental, ordered the cancellation of petitioners' EPs, decreeing thus:

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

- Declaring the Emancipation Patents issued in favor of Rolando Sofio and Rufio Sofio cancelled on account of failure to establish a valid tenancy relationship;
- Ordering defendants, their agents, representatives and other persons working for and in their behalf to vacate all landholdings occupied by them belonging to the complainants particularly Lot Nos. 970-A and 970-B located at Hda. Lamgam, Brgy. Ayungon, Valladolid, Negros Occidental save for the .80 hectare portion of the landholding situated at Lot No. 970-A, formerly tenanted by Pedro Sopio but is now being occupied by Wilma Sopio;
- Ordering the defendants to pay the complainants, jointly and severally, 2,880 cavans of palay representing rentals in arrears from crop year 1985 to the present or its cash equivalent computed based on the prevailing market price for each year plus 180 cavans of palay every harvest until complainants are fully restored to the possession of the landholding;
- Ordering the defendants to pay the complainants, jointly and severally, the sum of P5,000.00 as Attorney's Fees and P4,000.00 as actual litigation expenses.

SO ORDERED.[11]

The petitioners appealed.

On September 18, 1996, the DARAB reversed the ruling of the PARAD, and held in favor of the petitioner, as follows:

WHEREFORE, premises considered, the appealed decision is hereby REVERSED and SET ASIDE, thus, Plaintiffs-Appellees are hereby ordered to maintain Defendants-Appellants in the peaceful cultivation and possession of the subject landholdings.

SO ORDERED.[12]

The DARAB concluded that a tenancy relationship existed between the parties, because the Rice and Corn Land Tenure Survey indicated that Rolando's tenurial right had been established in 1974; that this finding gave rise to a presumption of the existence of a tenancy relationship between the parties even with the absence of certificates of land transfer; that the respondents did not discharge the burden of proof to establish that Rolando had been merely allowed by the respondents' mother to temporarily cultivate the landholding; that there was no reason to cancel Rufio's EPs because none of the grounds for cancellation of EPs was present.[13]

The respondents elevated the DARAB's decision to the CA (C.A.-G.R. SP No. 42330).

On May 27, 1998, the CA granted the petition for review; set aside the DARAB decision; and reinstated the PARAD decision.[14]

The CA decreed that the petitioners did not adduce evidence to prove the existence of a tenancy relationship

between them and the respondents; and that the DARAB's reliance on the Rice and Corn Land Tenure Survey was unfounded, to wit:

xxx This Court however does not find the aforesaid Rice and Corn Land Tenure Survey enough basis to support a finding of landlord-tenant relationship between the parties, the said document being partial in favor of private respondents. As petitioners posit, a perusal of the said survey would reveal that the information contained therein was based solely on the declarations made by private respondent Rolando Sopio.

Furthermore, that the Rice and Corn Land Tenure Survey was accomplished only in 1985, i.e., after petitioner Gloria I. Valenzuela had started to protest private respondents' possession of the subject landholdings, should have cautioned the DARAB against blindly accepting the veracity of the contents thereof. For if as claimed by private respondent Rolando Sopio in said survey that they have been tenants of petitioners' land since 1974, they should have accomplished the Rice and Corn Land Tenure Survey much earlier than November 15, 1985 and should have been issued a Certificate of Land Transfer (CLT) by the Department of Agrarian Reform (DAR) in accordance with PD 266.

The foregoing circumstances thus cannot create a presumption of the existence of a tenancy relationship, more so that no CLTs were issued to private respondents.[15]

The decision of May 27, 1998 became final and executory on October 27, 1998 after the petitioners neither moved for reconsideration nor appealed by certiorari to the Court.[16]

The respondents later filed an ex parte motion for execution,[17] which the PARAD granted on November 27, 2001. The writ of execution was issued on January 23, 2002.[18]

On February 6, 2002, the petitioners, represented by new counsel, filed in the PARAD a motion for relief from judgment, motion for reconsideration of the order dated November 27, 2001, and motion to recall writ of execution dated January 23, 2002.[19] They alleged therein that they had learned of the May 27, 1998 decision of the CA only on December 11, 2001 through their receipt of the November 27, 2001 order of the PARAD granting the respondents' ex parte motion for execution.

On March 19, 2002, the PARAD denied the motion for relief from judgment for lack of merit but deferred action on the other motions. The PARAD held that he had no authority to grant the motion for relief from judgment due to its subject matter being a judgment of the CA, a superior court.[20]

The petitioners then filed in the CA a motion to recall entry of judgment with motion for leave of court to file a motion for reconsideration.[21]

Finding the negligence of the petitioners' former counsel being matched by their own neglect (of not inquiring about the status of the case from their former counsel and not even taking any action against said counsel for neglecting their case), the CA denied on February 13, 2003 the motion to recall entry of judgment.[22]

The petitioners received a copy of this resolution of February 13, 2003 on March 14, 2003.

Hence, the petitioners appeal by petition for review on certiorari.

Issues

The petitioners insist that the CA's denial of their motion to recall entry of judgment denied them fair play, justice, and equity; that pursuant to *Ramos v. Court of Appeals*,[23] a final and executory judgment may be amended under compelling circumstances; and that a compelling circumstance applicable to them was that their former counsel, Atty. Romulo A. Deles, had been guilty of gross negligence for not filing their appellee's brief in

the CA, and for not filing a motion for reconsideration against the May 27, 1998 decision of the CA.

In assailing the May 27, 1998 decision, the petitioners contend that: (a) the CA ignored the DARAB's findings that they had acquired tenurial rights in 1974 as borne out by the Rice and Corn Land Tenure Survey; and (b) the case had been rendered moot and academic by the cancellation of their EPs and their TCTs in favor of LBP. It appears that in 1991, the petitioners mortgaged their landholdings in favor of LBP; that in 1994, during the pendency of the case before the DARAB, LBP foreclosed the mortgage and purchased the land in the auction sale; that on November 21, 1996, ownership of the landholdings was consolidated in LBP,[24] and a year later, the TCTs in the names of the petitioners were cancelled, and new TCTs were issued in the name of LBP.[25]

The petitioners pray that the resolution of February 13, 2003 by the CA be set aside; that the decision the CA promulgated on May 27, 1998 be reversed; and that the decision of the DARAB be reinstated.

Ruling

The petition for review lacks merit.

I

The Court finds no cause to disturb the decision of the CA promulgated on May 27, 1998; and cannot undo the decision upon the grounds cited by the petitioners, especially as the decision had long become final and executory.

A decision that has acquired finality becomes immutable and unalterable and may no longer be modified in any respect even if the modification is intended to correct erroneous conclusions of fact or law and whether it will be made by the court that rendered it or by the highest court of the land.[26] This doctrine of finality and immutability of judgments is grounded on fundamental considerations of public policy and sound practice to the effect that, at the risk of occasional error, the judgments of the courts must become final at some definite date set by law.[27] The reason is that litigations must end and terminate sometime and somewhere; and it is essential for the effective and efficient administration of justice that once a judgment has become final the winning party should not be deprived of the fruits of the verdict.

Given this doctrine, courts must guard against any scheme calculated to bring about that result, and must frown upon any attempt to prolong controversies. The only exceptions to the general rule are: (a) the correction of clerical errors; (b) the so-called nunc pro tunc entries that cause no prejudice to any party; (c) void judgments; and (d) whenever circumstances transpire after the finality of the judgments rendering execution unjust and inequitable.[28] None of the exceptions obtains here.

Ramos v. Court of Appeals,[29] which the petitioners cited to buttress their plea for the grant of their motion to recall entry of judgment, is not pertinent. There, the Court allowed a clarification through a nunc pro tunc amendment of what was actually affirmed through the assailed judgment "as a logical follow through of the express or intended operational terms" of the judgment.

In this regard, we stress that a judgment nunc pro tunc has been defined and characterized thuswise:

The object of a judgment nunc pro tunc is not the rendering of a new judgment and the ascertainment and determination of new rights, but is one placing in proper form on the record, the judgment that had been previously rendered, to make it speak the truth, so as to make it show what the judicial action really was, not to correct judicial errors, such as to render a judgment which the court ought to have rendered, in place of the one it did erroneously render, nor to supply nonaction by the court, however erroneous the judgment may have been. (Wilmerding vs. Corbin Banking Co., 28 South., 640, 641; 126 Ala., 268.)[30]

Based on such definition and characterization, the petitioners' situation did not fall within the scope of a nunc pro tunc amendment, considering that what they were seeking was not mere clarification, but the complete reversal in their favor of the final judgment and the reinstatement of the DARAB decision.

II

The petitioners claim that their former counsel was guilty of gross negligence for letting the CA decision lapse into finality by not filing a motion for reconsideration or by not appealing in due course to the Court.

Although the petitioners' former counsel was blameworthy for the track their case had taken, there is no question that any act performed by the counsel within the scope of his general or implied authority is still regarded as an act of the client. In view of this, even the negligence of the former counsel should bind them as his clients.[31] To hold otherwise would result to the untenable situation in which every defeated party, in order to salvage his cause, would simply claim neglect or mistake on the part of his counsel as a ground for reversing the adverse judgment. There would then be no end to litigation, for every shortcoming of the counsel could become the subject of challenge by his client through another counsel who, if he should also be found wanting, would similarly be disowned by the same client through yet another counsel, and so on ad infinitum.[32] This chain of laying blame could render court proceedings indefinite, tentative and subject to reopening at any time by the mere replacement of the counsel.[33]

Nonetheless, the gross negligence of counsel alone would not even warrant a deviation from the principle of finality of judgment, for the client must have to show that such negligence resulted in the denial of due process to the client. [34] When the counsel's mistake is so great and so serious that the client is prejudiced and is denied his day in court, or when the counsel is guilty of gross negligence resulting in the client's deprivation of his property without due process of law, the client is not concluded by his counsel's mistakes and the case can be reopened in order to give the client another chance to present his case.[35] As such, the test herein is whether their former counsel's negligence deprived the petitioners of due process of law.

For one to properly claim gross negligence on the part of his counsel, he must show that the counsel was guilty of nothing short of a clear abandonment of the client's cause. Considering that the Court has held that the failure to file the appellant's brief can qualify as simple negligence but cannot amount to gross negligence that justifies the annulment of the proceedings,[36] the failure to file an appellee's brief may be similarly treated.

The Court has also held that the failure to file a motion for reconsideration only amounted to simple negligence.[37] In *Pasiona v. Court of Appeals*,[38] the Court declared that his counsel's failure to file a motion for reconsideration did not necessarily deny due process to a party who had the opportunity to be heard at some point of the proceedings. The Court said:

In a number of cases wherein the factual milieu confronted by the aggrieved party was much graver than the one being faced by herein petitioner, the Court struck down the argument that the aggrieved parties were denied due process of law because they had the opportunity to be heard at some point of the proceedings even if they had not been able to fully exhaust all the remedies available by reason of their counsel's negligence or mistake. Thus, in *Dela Cruz v. Andres*, the Court held that "where a party was given the opportunity to defend his interests in due course, he cannot be said to have been denied due process of law, for this opportunity to be heard is the essence of due process." In the earlier case of *Producers Bank of the Philippines v. Court of Appeals*, the decision of the trial court attained finality by reason of counsel's failure to timely file a notice of appeal but the Court still ruled that such negligence did not deprive petitioner of due process of law. As elucidated by the Court in said case, to wit:

"The essence of due process is to be found in the reasonable opportunity to be heard and submit any evidence

one may have in support of one's defense. xxx Where opportunity to be heard, either through oral arguments or pleadings, is accorded, there is no denial of due process.”

Verily, so long as a party is given the opportunity to advocate her cause or defend her interest in due course, it cannot be said that there was denial of due process. x x x (Emphasis supplied)

Also, in *Victory Liner, Inc. v. Gammad*, the Court held that:

The question is not whether petitioner succeeded in defending its rights and interests, but simply, whether it had the opportunity to present its side of the controversy. Verily, as petitioner retained the services of counsel of its choice, it should, as far as this suit is concerned, bear the consequences of its choice of a faulty option. xxx (Emphasis supplied)

Here, the petitioners were able to participate in the proceedings before the PARAD and the DARAB, and, in fact, obtained a favorable judgment from the DARAB. They also had a similar opportunity to ventilate their cause in the CA. That they had not been able to avail themselves of all the remedies open to them did not give them the justification to complain of a denial of due process. They could not complain because they were given the opportunity to defend their interest in due course, for it was such opportunity to be heard that was the essence of due process.[39]

Moreover, the petitioners themselves were guilty of being negligent for not monitoring the developments in their case. They learned about the adverse CA decision on December 11, 2001, more than two years after the decision had become final and executory. Had they vigilantly monitored their case, they themselves would have sooner discovered the adverse decision and avoided their plight. It was the petitioners’ duty, as the clients, to have kept in constant touch with their former counsel if only to keep themselves abreast of the status and progress of their case. They could not idly sit back, relax and await the outcome of the case.[40] Such neglect on their part fortifies our stance that they should suffer the consequence of their former counsel’s negligence. Indeed, every litigant is expected to act with prudence and diligence in prosecuting or defending his cause. Pleading a denial of due process will not earn for the negligent litigant the sympathy of the Court.

The other issues the petitioners raised relate to matters that the CA decision already settled. Considering and passing upon such issues again would undo the finality and immutability of the decision.

WHEREFORE, the Court DENIES the petition for review; and AFFIRMS the resolution promulgated on February 13, 2003.

The petitioners shall pay the costs of suit.

SO ORDERED.

Corona, C.J., (Chairperson), Leonardo-De Castro, Del Castillo, and Villarama, Jr., JJ., concur.

[1] Rollo, pp. 96-97.

[2] Sometimes spelled as “Sopio.”

[3] Rollo, pp. 27-28.

[4] Id., p. 28.

[5] Id., pp. 28-29.

[6] Id., p. 29.

- [7] Id., pp. 29-30.
- [8] Id., p. 30.
- [9] Id., pp. 101-106.
- [10] Id., p. 30.
- [11] Id., pp. 116-117.
- [12] Id., p. 143.
- [13] Id., pp. 141-142.
- [14] Id., pp. 26-40 (penned by Associate Justice Fermin A. Martin, Jr., and concurred in by Associate Justice Conrado M. Vasquez, Jr. (later Presiding Justice) and Associate Justice Teodoro P. Regino (now all retired)).
- [15] Id., p. 39.
- [16] Id., p. 41.
- [17] Id., pp. 215-220.
- [18] Id., pp. 221-223.
- [19] Id., pp. 224-229.
- [20] Id., p. 232.
- [21] Id., pp. 45-53.
- [22] Id., pp. 96-97.
- [23] G.R. No. 42108, May 10, 1995, 244 SCRA 72.
- [24] Rollo, pp. 118-125.
- [25] Id., pp. 126-133.
- [26] Peña v. Government Service Insurance System (GSIS), G.R. No. 159520, September 19, 2006, 502 SCRA 383, 403.
- [27] Bañares II v. Balising, G.R. No. 132624, March 13, 2000, 328 SCRA 36, 49-50.
- [28] Union Bank of the Philippines v. Pacific Equipment Corporation, G.R. No. 172053, October 6, 2008, 567 SCRA 573, 581.
- [29] G.R. No. 42108, May 10, 1995, 244 SCRA 72.
- [30] Briones-Vasquez v. Court of Appeals, G.R. No. 144882, February 4, 2005, 450 SCRA 482, 492; citing Lichauco v. Tan Pho, 51 Phil. 862, 879-881 (1923).
- [31] Multi-Trans Agency Phils. Inc. v. Oriental Assurance Corp., G.R. No. 180817, June 23, 2009, 590 SCRA 675, 689-690.
- [32] Camitan v. Fidelity Investment Corporation, G.R. No. 163684, April 16, 2008, 551 SCRA 540.
- [33] Juani v. Alarcon, G.R. No. 166849, September 5, 2006, 501 SCRA 135, 154.

[34] Pasiona, Jr. v. Court of Appeals, G.R. No. 165471, July 21, 2008, 559 SCRA 137, 147.

[35] Juani v. Alarcon, *supra*, note 33.

[36] Redeña v. Court of Appeals, G.R. No. 146611, February 6, 2007, 514 SCRA 389, 402.

[37] *Supra*, note 34.

[38] *Id.*

[39] KLT Fruits Inc. v. WSR Fruits, Inc., G.R. No. No. 174219, November 23, 2007, 538 SCRA 713, 732.

[40] GCP-Manny Transport Services, Inc. v. Principe, G.R. No. 141484, November 11, 2005, 474 SCRA 555, 563-564.

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