

ROLANDO JUANI, AS ADMINISTRATOR FOR THE ESTATE OF THE DECEASED BIENVENIDO JUANI, PETITIONER, VS. ROBERTO G. ALARCON, RESPONDENT.

G.R. NO. 166849. September 05, 2006

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

Before Us is a Petition for Review on Certiorari under Rule 45 of the Revised Rules of Court, as amended, assailing the 26 April 2004 Decision[1] of the Court of Appeals in CA-G.R. SP No. 74750 and its 15 December 2004 Resolution[2] denying petitioner's Motion for Reconsideration. The challenged Decision disposed thus:

Accordingly, We find no grave abuse of discretion amounting to lack or excess of jurisdiction on the part of public respondent in issuing the assailed orders.

FOREGOING CONSIDERED, the petition is DENIED and the assailed orders, AFFIRMED.[3]

On 17 June 1985, Roberto G. Alarcon filed a complaint[4] before the Regional Trial Court (RTC) of Malolos, Bulacan, Branch 22, against Bienvenido Juani, Edgardo Sulit and Virginia Baluyot for the annulment of the deed of sale of a 2,500 square meter-portion of a parcel of land situated at Baliuag, Bulacan (subject property), executed on 27 March 1985 between his father and attorney-in-fact, Tomas L. Alarcon, and the defendants.

In his complaint, docketed as Civil Case No. 8245-M, complainant alleged that he is the registered owner of a parcel of land covered by Lot 878-B-1-A (LRC), Psd 312453, situated at Brgy. Tangos, Baliuag, Bulacan, and registered under Transfer Certificate of Title (TCT) No. 279065[5] of the Registry of Deeds of Bulacan with an area of 10,000 square meters. Sometime in 1976, before the complainant left to work in Brunei, he executed a Special Power of Attorney[6] (SPA) in favor of his father, Tomas Alarcon, authorizing the latter to administer, mortgage or sell all his properties in the Philippines including the above-mentioned property. Upon his return from Brunei, he found out that the TCTs covering 2,500 square meters of the said property were issued in the names of Bienvenido Juani, Sulit and Baluyot by virtue of a Deed of Sale denominated as "Kasulatan ng Bilihang Tuluyan Ng Bahagi Ng Lupa,"[7] allegedly executed by his attorney-in-fact, Tomas Alarcon, in favor of the defendants.

The signature of Tomas Alarcon in the aforesaid deed was, however, forged and the consideration for the purported sale was grossly insufficient or inadequate. It was further alleged that at the time the sale was entered into, the SPA from which Tomas Alarcon derived his authority to sell, was already revoked. Complainant therefore prayed for the annulment of the deed of sale and, consequently, for the cancellation of the TCTs issued in the name of the defendants and the reconveyance of the subject property plus damages.[8]

In their answer,[9] defendants Bienvenido Juani and Baluyot countered that Juani had been the tiller-occupant of the entire land covered by TCT No. 279065 for almost 10 years now. Tomas Alarcon, in an effort to regain possession of the said parcel of land, allegedly enticed Juani to give up his right over the land as a tiller-possessor

in exchange for ownership of 2,500 square meter-portion of the whole area. After much contemplation, Bienvenido Juani acceded to the prodding of Tomas Alarcon and signed an agreement with him, denominated as "Kasunduan ng Pagbibili,"[10] where it was provided that Tomas Alarcon had an SPA to sell the subject property to him. Subsequently, a Final Deed of Sale designated as "Kasulatan ng Bilihang Tuluyan Ng Bahagi Ng Lupa,"[11] was executed on 27 March 1985 confirming the said transaction. Thereafter, Juani sold 1,000 square meters of the subject property to Baluyot and 500 square meters to Sulit. Defendants claimed that Bienvenido Juani was never aware of the revocation of the SPA granted to Tomas Alarcon.

After all the issues were joined, the trial court set the case for pre-trial conference which was conducted on 1 August 1986. Based on the admissions made by the parties through their respective counsels during the pre-trial, the RTC rendered a Partial Decision[12] declaring the Deed of Absolute Sale void ab initio and ordering the cancellation of the TCTs issued in the name of the defendants. The Partial Decision reads:

During the pre-trial of this case on August 1, 1986, all the parties and their respective counsel[s] appeared and made the following admissions of facts:

1. That the document of sale or "Kasulatan Ng Bilihang Tuluyan ng Bahagi Ng Lupa" (Annex "C" of the complaint) purportedly executed by Tomas L. Alarcon, as attorney-in-fact of his son Roberto Alarcon (the plaintiff herein), on March 27, 1985 over some portions of the land in question in favor of the defendants Bienvenido Juani (1,000 sq.m), Edgardo Sulit (500 sq.m.) and Virginia Baluyot (1,000 sq.m) or a total of 2,500 sq.m is a forged document (which is subject of a pending criminal case);
2. That it is that forged document of sale which was registered with the Register of Deeds of Malolos, Bulacan on May 27, 1985; and
3. That after the registration of the forged document, the defendants Juani, Sulit and Baluyot were issued Transfer Certificates of Title Nos. T-294353, (Annex "E" of the complaint), T-294354 (Annex "F" of the complaint) and T-294355 (Annex "G" of the complaint) respectively.

On the basis of the foregoing facts admitted by all the parties, it is very clear that the aforesaid document of sale or "Kasulatan ng Bilihang Tuluyan Ng Bahagi Ng Lupa," purportedly executed on March 27, 1985 is void ab initio for being a forgery. And, therefore, the three separate titles (TCT Nos. T-294353, T-294354 and T-294355) issued respectively in favor of defendants Juani, Sulit and Baluyot on the basis of that forged document are null and void and should be cancelled.

In view therefore of the foregoing, judgment is hereby rendered:

1. Declaring the document of sale or "Kasulatan Ng Bilihang Tuluyan Ng Bahagi Ng Lupa" purportedly executed on March 27, 1985 by Tomas L. Alarcon, as attorney-in-fact of Roberto Alarcon, in favor of the defendants Juani, Sulit and Baluyot void ab initio;
2. Declaring Transfer Certificates of Titles Nos. T-294353, T-294354 and T-294355 issued respectively in the names of Bienvenido Juani, Edgardo Sulit and Virginia Baluyot null and void; and
3. Ordering the Register of Deeds of Malolos, Bulacan to cancel the aforesaid certificates of titles x x x.

Subsequent to the conduct of pre-trial and the rendition of the Partial Decision, the trial court, on 26 September 1986, issued a Pre-Trial Order[13] determining the issues of fact and law which remain to be resolved. The Order reads:

During the pre-trial of this case conducted on June 3, 1986 and August 1, 1986, all the parties and their respective counsels appeared. There was no amicable settlement reached by the parties. Thus, they proceeded to state their respective contentions and to make some admissions of facts. And on the basis of the admissions

made by the parties, the court rendered a partial decision on August 1, 1986 after which the issues remaining to be resolved are the following:

I. Issue of Law

1. Whether or not the deed of sale of a portion (2,500 sq.m.) of a parcel of land (10,000 sq.m.) belonging to plaintiff Roberto G. Alarcon (covered by Transfer Certificate of Title No. T-279065) executed by third-party defendant, Tomas L. Alarcon, as attorney-in-fact of the plaintiff, in favor of defendant Bienvenido Juani on March 27, 1985 is legal and valid.

II. Issues of Fact

1. Whether or not third-party defendant Tomas L. Alarcon had still authority to act for and in behalf of plaintiff Roberto Alarcon when the former executed the aforesaid deed of sale in favor of defendant Bienvenido Juani; and

2. Whether or not Tomas Alarcon had complete control of his mental faculties when he executed the said deed of sale on March 27, 1985 in favor of defendant Bienvenido Juani.

With the statement of the foregoing issues, the pre-trial is now deemed closed and terminated. The parties are hereby given fifteen (15) days from receipt of the pre-trial order within which to have it set aside or modified to prevent manifest injustice x x x.

On 8 August 1990, complainant filed the first motion for the execution of the Partial Decision that has become final and executory for failure of the defendants to interpose an appeal. At the same time, for the purpose of putting an end to the case, counsel for the complainant moved to dismiss his client's action for damages against the defendants who are also willing to withdraw their claims against his client. Upon the opposition of defendant Baluyot, the trial court denied the motion to dismiss. The motion of the complainant for the execution of the Partial Decision rendered on 1 August 1986, was, however, granted by the Order of the said court dated 19 August 1991.[14]

Subsequently, in the hearing conducted on 24 January 1991, complainant's counsel reiterated his motion to withdraw his client's complaint with respect to defendants who were willing to dismiss their counterclaims. This time, Atty. Rosalino Barican, counsel for defendant Bienvenido Juani, manifested that he had no objection to have his client's counterclaim against complainant dismissed without prejudice to effect the partial decision with his client's conformity. Pursuant to such manifestation made in an open court, the trial court issued an Order[15] dated 24 January 1991, dismissing the complaint against Bienvenido Juani and the latter's counterclaim against Tomas Alarcon was likewise dismissed. The pertinent portion of the Order read as follows:

At today's scheduled hearing for the initial reception of plaintiff's evidence, Atty. Sesonando Manuel, Jr. counsel for the plaintiff, reiterated his previous motion to have this case dismiss (sic) with respect to the defendants who are willing to dismiss their counterclaim. Atty. Rosalino Barican, counsel for defendant Bienvenido Juani manifested that he has no objection to have his counterclaim dismissed without prejudice, to effect the partial decision which is with his conformity. The complaint against Bienvenido Juani and his counterclaim is hereby DISMISSED. The Court will proceed with this case only with respect to defendants Virginia Baluyot and Edgardo Sulit x x x.

The partial decision which had become final and executory could not, however, be executed because the defendants allegedly refused to surrender their respective Owner's Duplicate of TCTs issued to them by the Register of Deeds.

In the interregnum, the complaint against Sulit was ordered dismissed by the lower court on 28 February 1991 and

similarly, in an Order issued by the same court on 6 June 1991 the complaint against Baluyot was likewise dropped.

Due to his desire to retain possession of the subject property, defendant Bienvenido Juani, on 17 April 1995, filed a Petition for Relief from Judgment before the Court of Appeals seeking to annul the partial judgment rendered by the trial court. In a petition docketed as CA-G.R. No. 37015, Bienvenido Juani v. Honorable Judge, Regional Trial Court of Malolos Bulacan, Branch 22, Roberto Alarcon, defendant a quo Bienvenido Juani claimed that extrinsic fraud was employed by complainant a quo Roberto Alarcon in procuring the assailed decision and thus prayed that the Partial Decision dated 1 August 1986 and the Order granting the first motion for execution dated 19 August 1991 issued by the trial court, be set aside.

The Court of Appeals, on 16 October 1996, handed down a Decision setting aside the partial judgment entered by the lower court and its Orders dated 24 January 1991 and 19 August 1991, respectively, dismissing the complaint against Bienvenido Juani and his counterclaim against Tomas Alarcon and granting the motion for the execution of the partial decision. In its Decision^[16] penned in Filipino, the appellate court found that extrinsic fraud was attendant in the trial court's proceedings for defendant Bienvenido Juani, who was unlettered and was not properly apprised of the court's procedures and the effects of the admissions he made and the course of actions taken. After nullifying the Partial Decision, the Court of Appeals directed that the case be remanded to the court of origin for further proceedings. The dispositive portion of the decision reads:

DAHIL DITO, batay sa masusing pagaaral sa mga tala at patibay na nasa hukumang ito ay ipinapasiya na ang petisyon ay pinapahintulot at pinapayagan at tuloy na inuutos na pawalang saysay ang parsyal sa desisyon na syang pinagmumulan ng lahat ng kaguluhang ito at gayon din ang "order" ng hukuman sa ibaba na may petsa Enero 24, 1991 kasali na ang wirt of execution" na may petsa Agosto 19, 1991 upang mapawalang bisa ang bunga ng kahoy na may lason.

Gayon din, iniuutos sa hukumang pinagmulan ng asunto na kailangang magkaroon ng panibagong paglilitis ang kaso ni Bienvenido Juani laban kay Tomas Alarcon.

IPINAG-UUTOS.

Thus, Roberto Alarcon, the complainant before the court a quo, appealed this Court of Appeals' decision through a Petition for Review on Certiorari^[17] before this Court docketed as G.R. No. 126802, Roberto G. Alarcon v. The Court of Appeals and Bienvenido Juani, claiming that the appellate court gravely abused its discretion amounting to lack or excess in jurisdiction in setting aside the partial decision. He stressed that the respondent court should have not taken cognizance of the case in the first place considering that the period to institute the action for annulment of judgment had long prescribed.

On 28 January 2000, this Court, in G.R. No. 126802,^[18] laid to rest the controversy and settled the issues that cloud the validity of the Partial Decision of the trial court by reversing the appellate court and reinstating the said partial decision. This Court elaborated that upon perusal of the documentary evidence and the records of the case including the transcript of stenographic notes (TSN), it was shown that defendants were properly represented in all stages of the proceedings and the conclusion, therefore, by the respondent court that extrinsic fraud attended the case was an utter mistake. Additionally, this Court observed, that the action for annulment of judgment was instituted by the defendant Bienvenido Juani beyond the four (4) year prescriptive period or nine (9) years after its rendition. For these reasons, this Court, upheld the validity of the partial judgment, the dispositive portion of its decision reads:

WHEREFORE, the petition is GRANTED. The decision of the Court of Appeals is REVERSED and the Partial Decision rendered by the Regional Trial Court on August 1, 1986 is REINSTATED.

For failure of defendant Bienvenido Juani to file a Motion for Reconsideration, this Decision has become final and executory on 3 March 2000.

Consequently, on 1 September 2000, complainant Roberto Alarcon filed with the trial court a Second Motion for the Issuance of Writ of Execution for the enforcement of the Partial Decision,[19] which the lower court granted in its Order dated 1 June 2001. Defendant Bienvenido Juani, on the other hand, filed a Motion to Set Case for Hearing[20] claiming that the partial decision that had become final and executory did not dispose of the other remaining issues stated in the Pre-Trial Order dated 26 April 1986 and moved for the continuance of the case for the reception of evidence to prove the said issues. The trial court denied the motion in a Resolution dated 16 July 2002, the pertinent portion of which reads in this wise:

Contrary to movant's contention that there are still other issues to be resolved in the present case, it appears that after the rendition of the partial judgment on August 1, 1986, the complaints against all three defendants as well as the latter's counterclaim against the plaintiff were subsequently dismissed by agreement of the parties with the assistance of their respective counsels. In fact, this Court noted in its Order dated April 19, 1995, that the above entitled case was already dismissed way back on June 06, 1991 and in fact, the record of the case was already placed in the bodega last May 19, 1993 for safekeeping.

As borne by the records, plaintiff, Roberto G. Alarcon filed a complaint for annulment of sale and title with damages against defendants Bienvenido Juani, Edgardo Sulit and Virginia Baluyot on June 17, 1985. A pre-trial conference was conducted and thereafter terminated in view of the parties' failure to settle the case amicably. On August 1, 1986, Honorable Braulio Dayday, then Presiding Judge of this Court, rendered a partial judgment which quoted hereunder to wit:

x x x x

On the basis of the foregoing facts admitted by all the parties, it is very clear that the aforesaid document of sale or "Kasulatan ng Bilihang Tuluyan Ng Bahagi Ng Lupa," purportedly executed on March 27, 1985 is void ab initio for being a forgery. And, therefore the three separate titles (TCT Nos. T-294353, T-294354 and T-294355) issued respectively in favor of defendants Juani, Sulit and Baluyot on the basis of that forged document are null and void and should be cancelled x x x.

The complaint against defendant Edgardo Sulit as well as the latter's counterclaim against the plaintiff was ordered dismissed on February 28, 1991. Thereafter, the complaint against defendant Virginia Baluyot was similarly dropped per order of the court dated June 6, 1991. There being no motion for reconsideration or appeal taken, these orders of dismissal had long become final and executory.

Incidentally, on April 20, 1995, defendant Bienvenido Juani, in an apparent change of mind, filed a petition for the annulment of partial judgment before the Court of Appeals. On October 16, 1996, the Court of Appeals granted the petition and set aside the partial decision of this court. unsatisfied with the ruling of the Court of Appeals, herein plaintiff elevated the matter to the Supreme Court via a petition for review on certiorari. On January 28, 2000, the Supreme Court, acting of plaintiff's petition, granted the same and reversed the decision of the Court of Appeals by reinstating the partial decision of this court dated August 1, 1986. The decision of the Supreme Court become (sic) final and executory on March 3, 2000, this court granted the plaintiff's motion for the issuance of a writ of execution per its order dated June 1, 2001.

From the foregoing, it is very clear that there are no more issues to be resolved in the present case considering the partial decision of this court dated August 1, 1986 had already become final and executory and considering further that the orders of the court dismissing plaintiff's complaint against all the defendants as well as the latter's counterclaim against the plaintiff had long become final and executory. It is also significant to note that the partial decision of this court was already implemented as shown by the sheriff's report dated March 18, 2002.

In light of all the foregoing, the court is of the view that the continuance of the hearing in the present case is improper. The reason for that is that, every litigation must come to an end such that once a party's right has been adjudicated in a valid judgment of a competent court, he should not be granted an unbridled license to come back for another try. As the prevailing party, plaintiff should not be harassed by subsequent suits.

WHEREFORE, PREMISES CONSIDERED, the motion to set the present case for hearing filed by the administrator of Bienvenido Juani is hereby dismissed for lack of merit.

Unsatisfied with the Resolution by the trial court, defendant Bienvenido Juani filed a Motion for Reconsideration[21] which was likewise dismissed by the same court in its Resolution[22] dated 11 November 2002 for being a mere reiteration of its previous motion.

In the meantime, defendant Bienvenido Juani died and, in accordance with Section 16, Rule 3 of the Rules of Court, as amended, Rolando Juani was appointed as executor or administrator of the estate of the deceased.

Rolando Juani, thereafter, filed a Petition for Certiorari[23] on 7 January 2003 before the Court Appeals docketed as CA-G.R. SP No. 74750, Rolando Juani, as Administrator for the estate for the deceased Bienvenido Juani v. Honorable Candido R. Belmonte in his capacity as Presiding Judge, Regional Trial Court of Malolos, Bulacan, Branch 22 and Roberto Alarcon, assailing the Resolutions dated 16 July 2002 and 11 November 2002 issued by the trial court.

Rolando Juani argued that the trial court gravely abused its discretion when it did not allow the case to be set for hearing. Noteworthy, that in the Pre-Trial Order dated 26 September 1986 issued by the same court, it laid down the issues of fact and law which remain to be resolved after the partial judgment. In denying the petitioner's motion to set the case for hearing, the lower court in effect, denied due course to its own directive since the said issues could no longer be adjudicated.

Elaborating, Rolando Juani explained that there are two separate and distinct Deeds of Sale - the "Kasunduan," dated 21 March 1985 which is a preliminary contract entered into between Tomas Alarcon and Bienvenido Juani and the "Kasulatan," dated 27 March 1985 which is the final deed of sale made by Tomas Alarcon in favor of Bienvenido Juani, Sulit and Baluyot. While the Partial Decision disposed of the "Kasulatan" dated 21 March 1985, the validity of "Kasunduan" dated 27 March 1985 remains to be resolved as provided in the Pre-Trial Order.

Moreover, the Pre-Trial Order was referring to "Kasunduan" dated 21 March 1985 and not the "Kasulatan" dated 27 March 1985. That the said Order referred to a Deed of Sale, 27 March 1985 was a mere typographical error. Otherwise, it would be absurd for the trial court to put into issue the validity of the "Kasulatan" which it had already decided in its Partial Decision.

Lastly, Rolando Juani claimed that Atty. Rosalino Barican, erstwhile counsel of the late Bienvenido Juani, was negligent in assenting to the dismissal of the counterclaim against the complainant and such negligent act of the lawyer is not binding on the client.

On 16 July 2002, the Court of Appeals promulgated a Decision,[24] ruling that the lower court did not commit grave abuse of discretion amounting to lack or excess in jurisdiction in denying Bienvenido Juani's motion to set the case for hearing, otherwise, there would be no end to litigation. Thus, it ruled to deny the Petition, to wit-

In refusing to set the case for hearing, We find that [RTC Judge] to have merely heeded the injunction that "Every litigation must come to an end, otherwise, it would become even more intolerable than the wrong and injustice it is designed to correct."

Anent to [Bienvenido Juani's] argument that he is not bound by his former counsel's gross negligence in

acceding to the dismissal of his counterclaim, suffice it is to say that the Supreme Court in a long line of decision has uniformly ruled that the negligence or mistake of the counsel binds the client, thus:

“Generally, negligence of the counsel binds the client.”

“A client is bound by his counsel’s mistake and negligence.”

“A client is bound by the conduct negligence and mistakes of his counsel”

“The rule is that a client is bound by the acts and mistakes of his counsel in the realm of procedural technique.”

Accordingly, we find no grave abuse of discretion amounting to lack or excess in jurisdiction on the part of public respondent in issuing the assailed orders.

FOREGOING CONSIDERED, the petition is denied and the assailed orders, AFFIRMED.

Aggrieved by the decision, Rolando Juani filed a Motion for Reconsideration thereof but the same was also denied by the appellate court in a Resolution[25] dated 11 November 2002.

Consequently, Rolando Juani filed this instant Petition for Review on Certiorari[26] on 15 February 2005 docketed as G.R. No. 166849, Rolando Juani, as Administrator for the estate of the deceased Bienvenido Juani v. Roberto G. Alarcon, questioning the Decision and Resolution made by the trial court denying his motion to set the case for hearing. He also raises the following issues to buttress his argument that the Court of Appeals’ Decision dated 16 July 2002 and Resolution dated 11 November 2002, be nullified:

I.

WHETHER OR NOT THERE IS A NEED TO CONTINUE THE HEARING OF THE PRESENT CASE IN ORDER TO RESOLVE THE REMAINING ISSUES NOT COVERED BY THE PARTIAL DECISION YET SUBSEQUENTLY INCLUDED IN THE PRE-TRIAL ORDER DATED 26 SEPTEMBER 1986?

II.

WHETHER OR NOT PETITIONER IS BOUND BY HIS FORMER COUNSEL’S NEGLIGENCE?

As to the first issue, we rule in the negative.

While it is true that the Partial Decision[27] dated 1 August 1986 did not dispose of the remaining issues as stated in the Pre-Trial Order dated 26 September 1986,[28] Civil Case No. 8245-M, however, was finally disposed by the subsequent dismissal of the complaint and counter-claim against all the parties involved.

Noteworthy that in the Order[29] of the trial court dated 24 January 1991, the complaint against Bienvenido Juani and his counter-claim against Tomas L. Alarcon were dismissed. Subsequent to that, the complaints against Edgardo Sulit and Virginia Baluyot were also dismissed by virtue of the Orders[30] of the lower court dated on 28 February 1991 and 6 June 1991, respectively, leaving no issues to be further resolved by the trial court. Significantly, these orders became final and executory after the lapse of the fifteen-day reglementary period for appeal without any appeal or motion for reconsideration interposed by the parties.

At this point, Civil Case No. 8245-M was already terminated. In fact, the trial court noted in its Order dated 19 April 1991 that the said case was already dismissed way back on 6 June 1991 and the records were already placed in the bodega on 19 June 1993.[31]

Execution of the judgment should have followed thereafter. However, defendant Bienvenido Juani together with the two other defendants, allegedly refused to surrender their respective Owner’s Duplicate of TCTs issued to

them by the Register of Deeds, hence, no valid execution could be effected.[32]

Ten years after the said Orders of dismissal became final and executory and fifteen years after the issuance of the Pre-Trial Order, Bienvenido Juani, in an apparent stance not to concede to the outcome of the litigation, questioned the said Orders, thus, creating a new issue, which once again reached all the way up to this Court.

Let it be recalled that this case was inactive for almost ten years after the rendition of the partial judgment and finality of the Orders dismissing the case against all the parties. It was only upon the belated filing before the Court of Appeals of the Petition for Relief from Judgment in 1995, nine years after the rendition of the assailed decision, that the action was once again resuscitated. This Court, in G.R. No. 126802, already settled this issue by upholding the validity of the partial judgment and dismissing the herein Bienvenido Juani's contentions not only for utter lack of merit but also because it was filed way beyond the prescriptive period.

After the decision in G.R. No. 126802 became final and executory, the unyielding Bienvenido Juani moved to set the case for hearing, which upon denial, created a controversy and now the subject of the present petition. Bienvenido Juani and his successor-in-interest vigorously asserted that the deed of sale referred to in the Pre-Trial Order is the "Kasundu-an" dated 21 March 1985 and not the "Kasulatan" dated 27 March 1985, thus, the case should be set for hearing in order to resolve the validity of the former. Such assertion, however, holds no water for the case was effectively terminated by the dismissal of the complaint against the defendants and the counter-claims against the complainant. It is no longer material therefore whether the Pre-Trial Order referred to the "Kasundu-an" dated 21 March 1985 or the "Kasulatan" dated 27 March 1985. The records clearly show that Civil Case 8245-M was validly dismissed after the issuance of the Pre-Trial Order and the rendition of the Partial Judgment. It bears stressing once again that the Orders of dismissal had become final and executory without any party perfecting an appeal or motion for reconsideration within the reglementary period. It was only ten long years after their finality that questions assailing the said Orders were raised.

Clearly, this is an instance where the due process routine vigorously pursued by Bienvenido Juani and his successor-in-interest is but a clear-cut afterthought meant to delay the settlement of an otherwise uncomplicated legal dispute. Aside from clogging court dockets, the strategy is deplorably a common curse resorted to by losing litigants in the hope of evading manifest obligations.[33] This Court will ever be vigilant to nip in the bud any dilatory maneuver calculated to defeat or frustrate the ends of justice, fair play and the prompt implementation of final and executory judgments.[34]

To further this ploy intended to delay disposition of Civil Case No. 8245-M and evade obligation, Bienvenido Juani asserted that his counsel was negligent in handling the case; he should not therefore be bound by its outcome. This issue, however, was already settled a long time ago.

In G.R. No. 126802,[35] this Court categorically ruled that Bienvenido Juani cannot excuse himself from his counsel's conduct in the proceedings of the case, but is rather bound thereby. We specifically ruled in this wise:

Expectedly, ordinary laymen may not be knowledgeable about the intricacies of the law which is the reason why lawyers are retained to make the battle in court fair and square. And when a party retains the services of a lawyer, he is bound by his counsel's decisions regarding the conduct of the case. This is true especially where he does not complain against the manner his counsel handles the case. The general rule is that the client is bound by the mistakes of his counsel, save when the negligence of counsel is so gross, reckless and inexcusable that the client is deprived of his day in court. This was not particularly attendant in the case at bar. (Emphasis supplied.)

The issue having been laid to rest in a decision that had become final and executory, this Court finds no compelling reason to disturb the same. Time and time again, this Court has reiterated that relitigation of issues

already settled merely burdens the courts and the taxpayers, creates uneasiness and confusion wastes valuable time and energy that could be devoted to worthier cases.[36]

Furthermore, it is a well-settled principle in this jurisdiction that a client is bound by the action of his counsel in the conduct of a case and cannot be heard to complain that the result might have been different had he proceeded differently.

Every counsel has the implied authority to do all acts which are necessary or, at least, incidental to the prosecution and management of the suit in behalf of his client. And, any act performed by counsel within the scope of his general and implied authority is, in the eyes of the law, regarded as the act of the client himself and consequently, the mistake or negligence of the client's counsel may result in the rendition of an unfavorable judgment against him.[37] To rule otherwise would result to a situation that every defeated party, in order to salvage his case, would just have to claim neglect or mistake on the part of his counsel as a ground for reversing the adverse judgment. There would be no end to litigation if this were allowed as every shortcoming of counsel could be the subject of challenge by his client through another counsel who, if he is also found wanting, would likewise be disowned by the same client through another counsel, and so on ad infinitum. This would render court proceedings indefinite, tentative and subject to reopening at any time by the mere subterfuge of replacing counsel.[38]

Admittedly, the rule thus stated admits of exceptions. Thus, in cases where the counsel's mistake is so great and serious that the client is prejudiced and denied his day in court or when he is guilty of gross negligence resulting in the client's deprivation of his property without due process of law, the client is not bound by his counsel's mistakes and the case may even be reopened in order to give the client another chance to present his case.[39]

As this Court has ruled, the instant case does not fall in any of the exceptions. Bienvenido Juani and his successor-in-interest could not just conveniently invoke the mistake or negligence of Bienvenido Juani's counsel as a ground for reversing or setting aside a judgment adverse to him, thereby putting no end to litigation.

Litigation must end and terminate sometime and somewhere, and it is essential to an effective administration of justice that once a judgment has become final the issue or cause involved therein should be laid to rest. This doctrine of finality of judgment is grounded on fundamental considerations of public policy and sound practice. In fact, nothing is more settled in law than that once a judgment attains finality it thereby becomes immutable and unalterable. It may no longer be modified in any respect, even if the modification is meant to correct what is perceived to be an erroneous conclusion of fact or law, and regardless of whether the modification is attempted to be made by the court rendering it or by the highest court of the land.[40]

WHEREFORE, premises considered, the instant Petition is DENIED. Costs against the petitioner.

SO ORDERED.

MINITA V. CHICO-NAZARIO

Associate Justice

WE CONCUR:

ARTEMIO V. PANGANIBAN

Chief Justice

Chairperson

CONSUELO YNARES-SANTIAGO MA. ALICIA AUSTRIA-MARTINEZ

Associate Justice Associate Justice

ROMEO J. CALLEJO, SR.

Associate Justice

C E R T I F I C A T I O N

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above Decision were reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

ARTEMIO V. PANGANIBAN

Chief Justice

[1] Penned by Associate Justice Danilo B. Pine with Associate Justices Martin S. Villarama, Jr. and Arcangelita Romilla-Lontok, concurring. Rollo, pp. 15-21.

[2] Id. at 22-23.

[3] Id. at 20.

[4] CA rollo, pp. 25-29.

[5] Id. at 30.

[6] Id. at 31-33.

[7] Id. at 34-37.

[8] Id. at 28-29.

[9] Id. at 43-48.

[10] Id. at 49-55.

[11] Id. at 34-37.

[12] Id. at 58-59.

[13] Id. at 56-57.

[14] Alarcon v. Court of Appeals, 380 Phil. 678 (2000).

[15] CA rollo, p. 60.

[16] Id. at 70-87.

[17] Rollo of G.R. No. 126802, pp. 3-28.

[18] Alarcon v. Court of Appeals, supra note 14.

[19] CA rollo, pp. 109-111.

[20] Id. at 118-119.

- [21] Id. at 139-145.
- [22] Id. at 17-19.
- [23] Id. at 2-16.
- [24] Rollo, pp. 15-21.
- [25] Id. at 22-23.
- [26] Id. at 3-14.
- [27] CA rollo, pp. 58-59.
- [28] Id. at 56-57.
- [29] Id. at 60.
- [30] Rollo, p. 18.
- [31] CA rollo, pp. 20-23.
- [32] Alarcon v. Court of Appeals, supra note 14.
- [33] Rubenito v. Lagata, G.R. No. 140959, 21 December 2004, 447 SCRA 417, 426.
- [34] Cantelang v. Medina, G.R. No. L-50752-50830, 13 July 1979, 91 SCRA 403, 415, as quoted in Rubenito v. Lagata, id.
- [35] Alarcon v. Court of Appeals, supra note 14 at 688-689.
- [36] Luzon Development Bank v. Conquilla, G.R. No. 163338, 21 September 2005, 470 SCRA 533, 559.
- [37] Ragudo v. Fabella Estate Tenants Association, Inc., G.R. No. 146823, 9 August 2005, 466 SCRA 136, 146.
- [38] Aguila v. Court of First Instance of Batangas, G.R. No. L-48335, 15 April 1988, 160 SCRA 352, 357.
- [39] Ragudo v. Fabella Estate Tenants Association, Inc., supra note 37 at 147.
- [40] Honoridez v. Mahinay, G.R. No. 153762, 12 August 2005, 466 SCRA 646, 655.

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