

**RODOLFO V. FRANCISCO, PETITIONER, VS. EMILIANA M. ROJAS,
AND THE LEGITIMATE HEIRS OF JOSE A. ROJAS, NAMELY: JOSE
FERDINAND M. ROJAS II, ROLANDO M. ROJAS, JOSE M. ROJAS, JR.,
CAR...**

G.R. No. 167120. April 23, 2014

Ponente: PERALTA, J.

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PERALTA, J.:

This petition for review on certiorari under Rule 45 of the 1997 Revised Rules of Civil Procedure (Rules) assails the December 22, 2003 Decision[1] and February 7, 2005 Resolution[2] of the Court of Appeals (CA) in CA-G.R. SP No. 62449, which nullified the decision and orders of the Regional Trial Court (RTC) of Binangonan, Rizal, Branch 69, and its predecessor, Court of First Instance (CFI) of Rizal, Branch 10, in Land Registration Case (LRC) Case No. 95-0004 (formerly LRC Case No. N-9293), captioned In Re: Application for Registration of Land Title, Rosalina V. Francisco, et al., Applicants, to wit:

Decision dated September 15, 1977, declaring Rosalina V. Francisco, Carmen V. Francisco, Carmela V. Francisco and herein petitioner Rodolfo V. Francisco as the true and absolute owners of Lots 1, 2, 3, and 4 of Plan Psu-04-001463;[3]

- Order dated February 22, 1978, directing the Land Registration Commission to issue a decree of registration over the parcels of land covered by the Decision dated September 15, 1977;[4]

- Order dated March 23, 1998, directing the Register of Deeds of Morong, Rizal to issue new certificates of title covering the same parcels of land, which are now technically identified as Lots 6-B, 6-C, 6-D and 6-E, in relation to Lot 6-A of Plan Psu 04-083681;[5] and

- Order dated May 8, 2000, requiring the Register of Deeds of Morong, Rizal to show cause why she should not be cited in contempt of court for not issuing new certificates of title covering the same parcels of land.[6]

The factual antecedents, as the CA thoroughly narrated, appear as follows:

[Respondent] Emiliana M. Rojas is the widow of the late Jose Rojas, while the other [respondents] are the children of the spouses. For purposes of this disposition, [respondents] shall hereafter be collectively referred to as the Rojas.

On the other hand, x x x Rosalina V. Francisco, [petitioner] Rodolfo V. Francisco, and Carmela V. Francisco, hereafter collectively referred to as the Franciscos, are the applicants for registration in Land Registration Case No. 95-0004 from whence the challenged decision and orders sprung.[7]

Subject of the controversy is a portion of the 3,181.74 hectares of a vast track of land, known as the Hacienda de Angono, in Angono, Rizal. The entire hacienda used to be owned by one Don Buenaventura Guido y Santa Ana upon whose death left a portion thereof, consisting of the said 3,181.74 hectares, to his two (2) sons Francisco Guido and Hermogenes Guido.

Sometime in September 1911, Decreto No. 6145, covering the same 3,181.74-hectare portion of Hacienda de Angono was issued in favor of the brothers Francisco and Hermogenes. On the basis thereof, Original Certificate of Title (OCT) No. 633 over the same 3,181.74 hectares was issued in the names of the two (2) brothers.

Several years later, or on May 12, 1933, OCT No. 633 was cancelled, and, in lieu thereof, Transfer Certificate of Title No. 23377 was issued. Nine (9) years later, or sometime in 1942, the heirs of Francisco and Hermogenes adjudicated among themselves the same 3,181.74 hectares and transferred the one-half ($\frac{1}{2}$) portion thereof to Jose A. Rojas, predecessor-in-interest of the [respondents] Rojas. Allegedly, the adjudication was formalized by the heirs of Francisco and Hermogenes only on December 17, 1973, when they purportedly executed an Extra-Judicial Settlement of Estate With Quitclaim.

Confusingly, some few months thereafter, or on August 20, 1974, the heirs of Don Buenaventura Guido y Santa Ana, represented by their lawyer, requested the then Land Registration Commission (now, Land Registration Authority) to issue the corresponding original certificate of title based on Decreto No. 6145, evidently because OCT No. 633 which was earlier issued on the basis of the same Decreto was previously cancelled. The request, however, was denied by the said office on January 8, 1976.

Meanwhile, on March 29, 1976, Alfredo Guido, Sr., representing the other heirs, filed with the Registry of Deeds of Morong a petition for reconstitution of TCT No. 23377, alleging that the original of the same title could not be located in the files of the Registry of Deeds of Rizal when he and his co-heirs sought the registration of their aforementioned [Extra]-Judicial Settlement of Estate With Quitclaim. The petition was supported by the owner's duplicate copy of the title sought to be reconstituted.

On the same date that Guido, Sr. filed the petition for reconstitution, the same was granted and a reconstituted certificate of title – TCT (23377) RT-M-0002 – was issued.

After the reconstitution, the heirs presented before the Registry of Deed of Morong the same Extra-Judicial Settlement of Estate With Quitclaim.

Subsequently, the entire parcel of land covered by Decreto No. 6145 was subdivided into twenty-one (21) lots and twenty-one (21) different certificates of title were issued in lieu of the reconstituted TCT No. 23377.

Thereafter, the heirs who executed the aforesaid document of extra-judicial settlement, including the now spouses Jose Rojas and Emiliana Rojas, sold the property to Pacil Management Corporation (Pacil, for short), and new titles were issued in favor of Pacil on June 26, 1976. Three (3) months later, or on August 26, 1976, Pacil reconveyed all the 21 lots to the former owners. On August 25, 1978, fourteen (14) of the 21 lots were exchanged for shares of stock of Interport Resources Corporation. On April 25, 1980, all the named heirs in the same Extra-Judicial Settlement of Estate With Quitclaim renounced their rights over the remaining portion of the 3,181.74 hectares in favor of their co-heir Alfredo Guido, Sr., in exchange for monetary considerations.

It appears, however, that on August 13, 1976, barely five (5) months from the time Alfredo Guido, Sr. filed his petition for reconstitution of TCT No. 23377 on March 29, 1976, which petition was approved on the same date, an Application for Registration of Title over four (4) parcels of land (lots 1, 2, 3 and 4), as shown in plan Psu-04-001463, which lots are presently alleged by the [respondents] Rojas to be “overlapping a portion of the area covered by TCT No. 23377,” x x x was filed with the then Court of First Instance (CFI) of Rizal, Branch 10, by Rosalina, Rodolfo, Carmela and Carmen, all surnamed Francisco (the Franciscos), about which petition the Rojas now claim to be unaware of. Ruffled to Branch 10 of the court, the petition was docketed in the same court as Land Registration Case No. N-9293 x x x.

Acting thereon, the said court issued on June 22, 1977 an Order of General Default premised on the fact that despite notice which was duly published, posted and served in accordance with law, “no person has appeared as respondent in the case or filed an answer within the time for that purpose allowed, with the exception of the

Director of Lands, the Provincial Government of Rizal and the Municipal Government of Binangonan, Rizal thru their counsel, who are given ten (10) days from today within which to file their formal opposition.” x x x

Eventually, in the herein assailed Decision dated September 15, [1977], CFI Branch 10, acting as a land registration court, declared the applicant Franciscos “the true and absolute owners of Lots 1, 2, 3 and 4 of Plan Psu-04-00460,” thus:

“WHEREFORE, the Court hereby declares the following the true and absolute owners of Lots 1, 2, 3 and 4 of Plan Psu-04-[001463] in the ratio [as] set opposite their respective names:

Rosalina Villamor Francisco, widow, of legal age and residing at Angono, Rizal
----- 5/8

Carmen V. Francisco, single, of legal age and residing at Angono, Rizal
----- 1/8

Rodolfo V. Francisco, married to Teofila Gil, of legal age and residing at Angono, Rizal
----- 1/8

Carmela V. Francisco, single, of legal age and residing at Angono, Rizal
----- 1/8

The title to be issued shall contain the inscriptions:

‘Lots 2 and 3 of Plan Psu-04-001463 are hereby reserved for the future widening of Manila East Road.’

Once this decision becomes final, let an order for the issuance of decree issue.

SO ORDERED” x x x

The aforequoted decision having become final and executory, the Franciscos filed with the same court (CFI, Branch 10), a petition for the issuance of a decree of registration. And, in the herein assailed Order dated February 22, 1978, the court directed the Commissioner of Land Registration to issue the desired decree x x x.

To complicate matters, it appears that on August 22, 1979, in the then Court of First Instance of Rizal, Branch 155, stationed in Pasig, the Republic of the Philippines, represented by the Solicitor General, filed a complaint for declaration of nullity of Decreto No. 6145 and the owner’s duplicate copy of TCT No. 23377 against the heirs of Francisco Guido and Hermogenes Guido, the spouses Jose Rojas and Emiliana Rojas, the Pacil Development Corporation and Interport Resources Corporation, it being alleged in the same complaint that both the Decreto No. 6145 and the owner’s copy of TCT No. 23377 were false, spurious and fabricated and were never issued by virtue of judicial proceedings for registration of land either under Act No, 496, as amended, otherwise known as the Land Registration Act, or under any other law. The complaint for annulment was docketed as Civil Case No. 34242.

After trial, the CFI of Rizal, Branch 155, rendered a decision dismissing the Republic’s complaint and declaring Decreto No. 6145 and TCT No. 23377 “genuine and authentic.” We quote the pertinent portions of the decision:

“Considering that Decree 6145 and TCT No. 23377 are genuine and authentic, the decree cannot now be reopened or revived.

‘A decree of registration binds the land and quiets title thereto, is conclusive upon all persons and cannot be reopened or revived after the lapse of one year after entry of the decree (Ylarde vs. Lichauco, 42 SCRA 641)

WHEREFORE, premises considered, this case is hereby dismissed. Likewise, the counterclaims of the defendants are dismissed.”

From the same decision, the Republic went on appeal to [the Court of Appeals] in CA-G.R. CV No. 12933. And, in a decision promulgated on July 12, 1988, [the CA] dismissed the Republic's appeal and affirmed the appealed decision of the Rizal CFI, Branch 155.

In time, the Republic moved for a reconsideration with an alternative prayer declaring Decreto No. 6145 and its derivative titles authentic except with respect to such portions of the disputed property which were either: (1) possessed and owned by bona fide occupants who already acquired indefeasible titles thereto; or (2) possessed and owned by bona fide occupants and their families with lengths of possession which amounted to ownership.

In a resolution promulgated on September 14, 1988, [the CA] denied the motion, saying:

“After careful consideration of the motion for reconsideration and defendants-appellees' opposition thereto, We find no cogent reason to justify the reversal of Our decision dated July 12, 1988, hence the motion is DENIED.

Likewise DENIED, is the alternative prayer to modify the aforementioned Decision ‘to the extent that the recognition of the authenticity of Decree No. 6145 and TCT No. 23377 shall not affect and prejudice the parcels of land already possessed and owned by bona fide occupants who have already acquired indefeasible title thereto’, for to grant said alternative prayer would be to run roughshod over Our decision adverted to.”

Undaunted, the Republic, again thru the Solicitor General, went to [this Court] on a petition for review in G.R. No. 84966, entitled [“Republic of the Philippines vs. Court of Appeals”]. In a decision promulgated on November 21, 1991, [the Court] affirmed the decision of the [CA], subject to certain conditions therein stated, thus:

“ACCORDINGLY, the decision of the Court of Appeals in CA-G.R. No. 12933 is AFFIRMED subject to the herein declared superior rights of bona fide occupants with registered titles within the area covered by the questioned decree and bona fide occupants therein with lengths of possession which had ripened to ownership, the latter to be determined in an appropriate proceeding.

SO ORDERED” (204 SCRA 160, 181)

Two (2) years after [this Court] handed down its aforementioned decision, a Supplementary Report, dated December 13, 1993, was submitted in LRC Case No. N-9293 by Director Silverio Perez of the Land Registration Authority, recommending to the court that “the applicants (i.e., the Franciscos) be ordered to submit a subdivision plan of Lot 6 of the subdivision plan (LRC) Psd-240150 covered by TCT No. 2095, together with the corresponding technical descriptions duly approved by the Regional Technical Director by segregating therefrom the parcels of land described as Lots 1, 2, 3 and 4 in plan Psu-04-001463 decided in favor of the applicants and the issuance of new [transfer certificates of title] by the Register of Deeds of Morong, Rizal, in accordance with the decision of the Supreme Court” x x x.

On March [13,] 1995, the Franciscos, as applicants a quo moved for a transfer of venue to the newly created RTC of Binangonan, Rizal. The case was then raffled to Branch 69 of said court, whereat the same application for registration was docketed as Land Registration Case No. 95-0004.

In the herein other assailed Order dated March 23, 1998, the Binangonan RTC directed the Register of Deeds of Rizal to issue transfer certificates of title in favor of the applicant Franciscos, to wit:

“WHEREFORE, the Register of Deeds of Morong, Rizal is hereby directed to issue a new transfer certificate of title covering the subject parcels of land which are now technically identified as Lot 6-B, Lot 6-C, Lot 6-D, and Lot 6-E in relation to Lot 6-A of plan Psu-04-083681 in accordance with the recommendation of the Land Registration Authority in its Supplementary Report dated December 13, 1993 and [the] decision of the Supreme Court in Republic vs. CA, 204 SCRA 160; [179] – in the names of applicants who are hereby

declared to be the owners and bona fide occupants of the land in question, with possession for more than 30 years since the time that started way back during the American regime, by themselves and their predecessors-in-interest, which has ripened into ownership, in the following proportion or interest, to wit:

- 1) Carmen V. Francisco, married to Thomas Whalen, of legal age, and residing at Angono, Rizal – 1/3
- 2) Rodolfo V. Francisco, married to Teofila Gil, of legal age, and residing at Angono, Rizal – 1/3
- 3) Carmela V. Francisco, single, of legal age, and residing at Angono, Rizal – 1/3

Let the technical descriptions of Lots 6-B, 6-C, 6-D and 6-E, of Plan 04-083681, as submitted to this court, be used in the issuance of [certificates] of [title] in favor of the applicants, in lieu of the technical descriptions of Lots 1, 2, 3 & 4 of Plan Psu-04-001463.

SO ORDERED.” x x x

Said Order not having been complied with, the Binangonan RTC issued the herein last assailed Order dated May 8, 2000, requiring Atty. Dian Lao of the Morong Registry to show cause within ten (10) days from receipt why she should not be held in contempt of court for failing to implement the earlier Order of March 23, 1998 x x x.

Such was the state of things when, on January 3, 2001, the herein [respondents] – the Rojas – filed the x x x petition for certiorari and prohibition [before the CA] for the purpose already stated at the threshold hereof, claiming that they came to know of the existence of Land Registration Case No. 95-0004 only “sometime in June 2000” when a real estate agent by the name of Florentina Rivera discovered the same and brought it to their knowledge x x x.[8]

Meantime, on July 29, 2000, the subject parcels of land were eventually registered in the names of petitioner and his sisters, Carmen and Carmela with the issuance of TCT Nos. M-102009, M-102010, M-102011, and M-102012, covering lots 6-E, 6-C, 6-D, and 6-B, respectively.[9]

On December 22, 2003, the CA ruled in favor of respondents. The fallo of the Decision declared:

WHEREFORE, the instant petition is hereby GRANTED. Accordingly, a writ of certiorari is hereby issued ANNULING and SETTING ASIDE the Decision dated September 15, 1977, and the subsequent Orders dated February 22, 1978, March 23, 1978 and May 8, 2000 of the respondent court and its predecessor, the then CFI of Rizal, Branch 10, in Land Registration Case No. 95-0004. Consequently, Transfer [Certificate] of Title [Nos.] M-102012, M-102010, and M-102009 issued pursuant thereto by the Register of Deeds at Morong, Rizal are hereby declared NULL and VOID.

No costs.

SO ORDERED.[10]

As to the appropriateness of the petition, the CA rejected petitioner’s supposition that the issue to be resolved is only a pure question of law, that is, the determination or interpretation of what an “appropriate proceeding” is as referred to in the dispositive portion of *Republic v. Court of Appeals*[11] (Guido). It held that since the petition raised the issue of lack of jurisdiction on the part of the land registration court, the remedy of certiorari under Rule 65 of the Rules properly applies. Anent the timeliness of the petition, the CA overlooked the procedural lapse of filing the petition beyond the 60-day reglementary period in the interest of substantial justice given the compelling merit of the petition.

On the merits of respondents’ petition, the CA ruled that the challenged decision and orders were indeed issued without or in excess of jurisdiction. It opined:

Unquestionably, the title covering the lots applied for was made subject to the “superior rights” not only of those already with registered titles within the area, but also of those bona fide occupants whose lengths of possession have ripened into ownership to be determined in a proper proceeding.

Notwithstanding, We cannot subscribe to [the Franciscos’] theory that the ruling in *Republic vs. Court of Appeals and [Antonina] Guido, et al.*, supra, allowed what otherwise is a void proceeding for lack of jurisdiction.

Indeed, the existence of a valid title covering the land sought to be registered is the determinative factor in this case as far as the matter of jurisdiction to entertain the application for registration is concerned.

In *Orchard Realty and Development Corp. vs. Republic*, 364 SCRA 100, 107, where the previous registration of the subject parcel of land being applied for was subsequently declared null and void by a competent court, the Supreme Court made clear:

“A land covered by a title which is outstanding cannot be subject of an application for registration unless the existing title which has become infeasible is first nullified by a proper court proceeding, x x x.”

Thus, unless and until an existing torrens title is declared a nullity, or, for that matter, declared authentic but subject to any “superior rights,” as herein, it remains subsisting as it is, and an application for registration of the land covered thereunder, or any portion thereof, cannot, as yet, be entertained.

Here, at the time the application for original registration was filed on August 13, 1976 and even when the decision of the then CFI of Rizal granting the application was rendered on September 15, 1977, there was no doubt as to the authenticity of TCT No. 23377 covering the lots in question, considering that the action for annulment of said TCT was filed by the Solicitor General only on August 22, 1979. Hence, by the simple fact that the lots in question were already covered by an existing title at the time [the Franciscos] filed their application for registration, the then CFI of Rizal is bereft of jurisdiction to take cognizance thereof, much less grant the same. Accordingly, herein [land registration court] was without authority to order the issuance of new titles covering the same lots.

Moreover, [if We were] to follow [the Franciscos’] reasoning, We would, in effect, be sanctioning a collateral attack on an existing title, which simply runs smack against the well-settled rule that “a title may be challenged only in a proceeding for that purpose, not in an application for registration of a land already registered in the name of another person” (*Carvajal v. CA*, 280 SCRA 351, 360).

For want of jurisdiction then, We inevitably rule and so hold that the decision dated September 15, 1977, in LRC No. 95-0004 adjudging [the Franciscos] the true and absolute owners of the subject parcels of land therein sought to be registered, and the orders issued in consequence thereof, are null and void ab initio.

And being null and void, such decision and orders can never become final and executory. Hence, an action to declare them void is imprescriptible. In the graphic words of *Republic vs. Court of Appeals*, 309 SCRA 110, 122:

“x x x. (A) void judgment is not entitled to the respect accorded to a valid judgment, but may be entirely disregarded or declared inoperative by any tribunal in which effect is sought to be given to it. It is attended by none of the consequences of a valid adjudication. It has no legal or binding effect or efficacy for any purpose or at any place. It cannot affect, impair or create rights. It is not entitled to enforcement and is, ordinarily, no protection to those who seek to enforce. All proceedings founded on the void judgment are themselves regarded as invalid. In other words, a void judgment is regarded as a nullity, and the situation is the same as it would be if there were no judgment x x x.”[12]

Petitioner moved for a reconsideration of the aforesaid Decision, but the CA resolved to deny the same on February 7, 2005; hence, this petition which raises the following issues:

- WHETHER OR NOT THE ASSAILED LAND REGISTRATION PROCEEDINGS IN LRC NO. 95-0004 [RTC]; LRC NO. N-9293 [CFI] IS THE “APPROPRIATE PROCEEDING” CONTEMPLATED IN THIS HONORABLE COURT’S PRONOUNCEMENT IN “GUIDO CASE”? IN THE ALTERNATIVE, WHETHER OR NOT AN ACTION FOR ‘RECONVEYANCE’ BEING MAINTAINED BY THE RESPONDENTS IS THE “APPROPRIATE PROCEEDING”? WE RESPECTFULLY STATE IT SIMPLY, WHAT IS THE “APPROPRIATE PROCEEDING” THAT WAS CONTEMPLATED BY THIS HONORABLE COURT IN THE “GUIDO CASE”?

- WHETHER OR NOT THE “CA FINAL AND EXECUTORY DECISION” IN CA-G.R. CV NO. 77764 HAD ESTABLISHED A PRECEDENT, I.E., “LAND REGISTRATION” IS THE PROPER PROCEEDING, IN SO FAR AS ALL COURTS LOWER THAN THIS HONORABLE SUPREME COURT AND THE GUIDO ESTATE IS CONCERNED? IF SO, WHETHER OR NOT THE HONORABLE COURT OF APPEALS MAY STILL VALIDLY RENDER DECISION IN CONTRAST THERETO?

- WHETHER OR NOT PETITIONER IS IMPLEADED AS PARTY TO THE ACTION FOR DECLARATION OF NULLITY OF DECRETO 6145 AND THE OWNER’S DUPLICATE COPY OF TCT NO. 23377 FILED BY THE OFFICE OF THE SOLICITOR GENERAL IN CIVIL CASE NO. 34242, BR. 155, CFI, RIZAL, WHICH WAS APPEALED TO THE HONORABLE COURT OF APPEALS IN CA-G.R. CV NO. 12933, AND ELEVATED TO THIS COURT VIA PETITION FOR REVIEW IN G.R. NO. 84966, ENTITLED ‘REPUBLIC OF THE PHILIPPINES VS. COURT OF APPEALS ET AL.,’ NOW KNOWN AS GUIDO CASE?

- WHETHER OR NOT THE HONORABLE COURT OF APPEALS ERRED IN ENTERTAINING THE PETITION FOR CERTIORARI AND PROHIBITION (CA-G.R. SP NO. 62449) DESPITE ADMITTING THAT SAID PETITION WAS FILED EXCEEDINGLY BEYOND THE MANDATORY AND JURISDICTIONAL 60-DAY PERIOD?

- WHETHER OR NOT THE TRIAL COURT ACTED WITHOUT JURISDICTION OR COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF JURISDICTION?[13]

On February 1, 2006, during the pendency of the case, respondents, through counsel, filed a Motion for Approval of Transaction and Agreement Involving Property under Litigation. They alleged that: the parcels of land covered by TCT Nos. M-102010 and M-102012 were acquired by Citimar Realty & Development Corporation (Citimar) by virtue of a Deed of Absolute Sale executed on September 7, 2001; that TCT Nos. M-102010 and M-102012 were cancelled and replaced by TCT Nos. M-107343 and M-107344, respectively, in the name of Citimar; that pursuant to a Memorandum of Agreement dated January 31, 2006, respondents, for valuable consideration, ceded their rights over the lots covered by said TCTs in favor of Citimar; that on account of the agreement, Citimar, which is the successor-in-interest of petitioner with respect to the already cancelled TCT Nos. M-102010 and M-102012, has been subrogated to the rights of respondents relative to the parcels of land covered thereby; and that, in effect, there is no longer any controversy that needs to be resolved by the Court with regard to the rightful ownership of the lots mentioned because Citimar acquired the rights pertaining to the party-litigants.[14] Respondents prayed that the MOA executed between them and Citimar be approved and that the present case be limited to the matter of determining the validity of TCT No. M-102009 and its derivatives.

Despite no objection interposed by petitioner, the Court resolved to deny respondents’ motion in its Resolution dated November 26, 2007 due to lack of legal basis.[15]

The petition is denied.

First, We shall tackle matters of procedure.

Petitioner contends that the CA should have dismissed the petition for certiorari and prohibition filed by

respondents on January 3, 2001 for being filed beyond the 60-day reglementary period in violation of Section 4, Rule 65 of the Rules from the time they allegedly discovered the existence of LRC Case No. 95-0004 in June 2000. He asserts that failure to perfect an appeal within the prescribed period is not a mere technicality but mandatory and jurisdictional in nature and that, for want of allegations of compelling reason for the court to exercise its equity jurisdiction, procedural rules on timeliness of filing should have been strictly adhered to. Due to the CA's error in entertaining the petition, he avers that it did not acquire jurisdiction over the same, effectively rendering invalid its questioned Decision and Resolution. Further, while petitioner agrees with the CA's opinion that Torrens title cannot be attacked collaterally, he argues that respondents' petition for certiorari before the CA does not and cannot be considered as a direct attack to the Franciscos' title; hence, the CA's Decision nullifying TCT Nos. M-102009, M-102010, and M-102012 is likewise void.

Indeed, respondents committed a lapse in procedure, but not due to a petition that was filed out of time before the CA. Respondents erred because they should have filed a petition for annulment of judgment under Rule 47 of the Rules instead of a petition for certiorari under Rule 65 thereof. Such petition does not require a person to be a party to the judgment sought to be annulled.[16] Nevertheless, considering that the petition before the CA essentially alleged lack of jurisdiction and denial of due process – two grounds upon which a petition for annulment of judgment may be based

(aside from extrinsic fraud)[17] – We deem it wise to ignore the procedural infirmity and resolve the substantial merits of the case, especially so since the action filed is not yet barred by laches or estoppel.[18]

As to the alleged indefeasibility of the Franciscos' title, petitioner's contention is incorrect. Unlike ordinary civil actions, the adjudication of land in a cadastral or land registration proceeding does not become final, in the sense of incontrovertibility until after the expiration of one (1) year from the entry of the final decree of registration. As long as a final decree has not yet been entered by the LRA and the period of one (1) year has not elapsed from date of entry, the title is not finally adjudicated and the decision in the registration proceeding continues to be under the control and sound discretion of the court rendering it.[19] In this case, the subject parcels of land were eventually registered in the names of petitioner and his sisters on July 29, 2000 with the issuance of TCT Nos. M-102009, M-102010, M-102011, and M-102012. Less than a year later, on January 3, 2001, respondents already filed a petition for certiorari and prohibition before the CA. Therefore, the principle that a Torrens title cannot be collaterally attacked does not apply.

Next, petitioner calls Our attention to an alleged "closely related case," Civil Case No. 01-052 then pending before Branch 68 of the RTC of Binangonan, Rizal, entitled "Heirs of Alfredo I. Guido, represented by Roberto A. Guido v. Carmen V. Francisco, et al." for "Annulment of the Decision and Order dated August 7, 2000 in LRC Case No. 95-0004 with Prayer for Issuance of Writ of Preliminary Injunction." It was dismissed by the trial court on September 13, 2002 and, subsequently, by the CA on June 11, 2003 in CA-G.R. CV No. 77764. The CA Decision became final and executory on July 3, 2004. Petitioner opines that with the CA dismissal of the Guidos' appeal, it has been settled that the land registration case is an "appropriate proceeding." He posits that CA-G.R. CV No. 77764 has established a precedent and that the challenged orders of the land registration court constitute the law between the parties because the Guidos and the Rojas are similarly situated in the sense that they are both registered co-owners of the Guido Estate and both of them assailed the same decisions and orders albeit via different modes of appeal. The effect of this, petitioner holds, is that the CA Decision assailed in this petition was not validly promulgated, since applying the doctrine of stare decisis, the CA did not follow the authority established in CA-G.R. CV No. 77764.

We do not agree. The principle of stare decisis et non quieta movere (to adhere to precedents and not to unsettle things which are established) is well entrenched in Article 8 of the Civil Code, which states that "[j]udicial

decisions applying or interpreting the laws or the Constitution shall form part of the legal system of the Philippines.” The doctrine embodies the legal maxim that a principle or rule of law which has been established by the decision of a court of controlling jurisdiction will be followed in other cases involving a similar situation. It is founded on the necessity for securing certainty and stability in the law and does not require identity of or privity of parties.[20] In a hierarchical judicial system like ours, the decisions of the higher courts bind the lower courts; the courts of co-ordinate authority do not bind each other; and the one highest court does not bind itself, it being invested with the innate authority to rule according to its best lights.[21] The principle of stare decisis enjoins adherence by lower courts to doctrinal rules established by the Supreme Court in its final decisions.[22] Thus, a ruling of a particular division of the CA, while may be taken cognizance of in some cases, cannot bind or prejudice a ruling of another division thereof, the former being a co-ordinate authority and, relative to Us, is still considered as a lower court albeit empowered with an appellate jurisdiction.

The procedural issues having been disposed of, We now turn to the substantive issues raised by petitioner. Given that the resolution of the present case inevitably takes into consideration Our pronouncements in *Guido*, a background thereof is in order.

On August 22, 1979, the Republic of the Philippines filed a complaint for declaration of nullity of Decreto No. 6145, the owner's duplicate copy of TCT No. 23377 and all titles derived from said decree; and the declaration of the parcel of land covered by the decree as belonging to the State, except so much thereof as had been validly disposed of to third persons. The complaint, which was docketed as Civil Case No. 34242 before the CFI of Rizal, alleged that Decreto No. 6145 issued on September 10, 1911 and the alleged owner's copy of TCT No. 23377 issued on May 12, 1933, both in the name of Francisco and Hermogenes Guido, and which supposed owner's duplicate was made the basis of the administrative reconstitution of TCT No. (23377) RT-M-0002 on March 29, 1976 are false, spurious and fabricated, and were never issued by virtue of judicial proceedings for registration of land, either under Act No. 496, as amended, otherwise known as the Land Registration Act, or any other law.

Named as defendants in the case were: (1) Antonina, Margarita, Feliza, Crisanta and Candida, all surnamed Guido, who claimed to be the heirs of Francisco Guido and whose spouses were joined as defendants; (2) Esperanza, Alfredo (who died during the pendency of this case and who was substituted by his heirs), Eufronia, Gliceria, Priscilla, Profetiza, Buenaventura, Buensuceso and Carlos, all surnamed Guido, who claimed to be the heirs of Hermogenes Guido and whose respective spouses were joined as defendants; (3) spouses Jose and Emiliana Rojas; (4) Pacil Development Corporation; and (5) Interport Resources Corporation.

The trial court dismissed the complaint and declared Decreto No. 6145 and TCT No. 23377 genuine and authentic. The CA affirmed the Decision. In its motion for reconsideration, the Republic prayed for an alternative judgment recognizing the authenticity and validity of Decreto No. 6145 and TCT No. 23377 only with respect to such portions of the property which were either: (1) not possessed and owned by bona fide occupants with indefeasible registered titles thereto or (2) possessed and owned by bona fide occupants and their families with lengths of possession that has ripened to title of ownership. The motion was denied. When elevated to Us, the same prayer for alternative judgment was presented. This time, all the private respondents accepted the alternative prayer.

In Our November 21, 1991 Decision, We upheld the findings of the courts below that Decreto No. 6145 and TCT No. 23377 are authentic. However, the effects of laches and waiver were applied, thus:

Anent the alternative prayer of the petitioner, We find no legal basis for the declaration of the questioned documents as valid only with respect to such portions of the property not possessed and owned by [bona fide] occupants with indefeasible registered titles of ownership or with lengths of possession which had ripened to ownership. Having been found valid and genuine, Decreto No. 6145 therefore, possessed all the attributes of a

decree of registration. Section 31 of the Property Registration Decree (P.D. 1529), second paragraph provides: The decree of registration shall bind the land and quiet title thereto, subject only to such exceptions or liens as may be provided by law. It shall be conclusive upon and against all persons, including the National Government and all branches thereof, whether mentioned by name in the application or notice, the same being included in the general description "To all whom it may concern".

Likewise, TCT No. 23377, having been found true and authentic also possessed all the attributes of a torrens certificate of title. By express provision of Section 47 of P.D 1529, no title to registered land in derogation to that of the registered owner shall be acquired by prescription or adverse possession. To declare that the decree and its derivative titles is valid but only with respect to the extent of the area described in the decree not possessed by occupants with indefeasible registered titles or to possessors with such lengths of possession which had ripened to ownership is to undermine the people's faith in the torrens titles being conclusive as to all matters contained therein. The certificate serves as evidence of an indefeasible title to the property in favor of the person whose names appear therein. After the expiration of the one year period from the issuance of the decree of registration upon which it is based, it becomes incontrovertible (see case of Pamintuan v. San Agustin, 43 Phil. 558; Reyes and Nadres v. Borbon and Director of Lands, 50 Phil. 791, Sy Juco v. Francisco, O.G. p. 2186, April 15, 1957, Brizuela v. de Vargas, 53 O.G. 2822, May 15, 1957), unless subsequent to the issuance of the decree a third party may be able to show that he acquired title thereto by any of the means recognized by law.

It should be noted however, that prior to the reconstruction of TCT No. 23377 on March 29, 1976, [there was] no record in the Office of the Register of Deeds of Rizal show of the existence of any registered title covering the land area subject of this case. The Court takes judicial notice of the fact that prior to said date, certain portions of the area were in the possession of occupants who successfully obtained certificates of titles over the area occupied by them. There were also occupants who had not obtained certificates of titles over the area possessed by them but the lengths of their possession were long enough to amount to ownership, had the land been in fact unregistered. This fact is admitted by the parties.

Although prescription is unavailing against private respondents because they are holders of a valid certificate of title, the equitable presumption of laches may be applied against them for failure to assert their ownership for such an unreasonable length of time (only in 1976) against subsequent occupants. The records showed that it was only in 1974 when they tried to obtain an original certificate of title. When rebuffed by the LRC, they applied for a reconstitution of a TCT only in 1976.

In the recent case of Lola v. CA, G.R. No. L--46573, Nov. 13, 1986, 145 SCRA 439, citing the cases of Pabalete v. Echarri, Jr., G.R. No. L-24357, 37 SCRA 518, 521, 522 quoting Mejia de Lucas v. Gamponia, 100 Phil. 277, it was held that "although the defense of prescription is unavailing to the petitioners (Pablo and Maxima Lola) because, admittedly, the title to Lot No. 5517 is still registered in the name of the respondent (Dolores Zabala), still the petitioners have acquired title to it by virtue of the equitable principle of laches due to the respondent's failure to assert her claim and ownership for thirty two (32) years."

Moreover, conscious of the resulting "largescale dispossession and social displacement of several hundreds of bona fide occupants and their families" which the Solicitor General pointed out, the private respondent agreed unanimously to accept the alternative prayer of the petitioner in their joint memorandum (pp. 624-636, Rollo). This agreement by private respondents takes the form of a waiver. Though a valid and clear right over the property exists in their favors, they seemingly have voluntarily abandoned the same favor of: 1) those who possessed and actually occupied specific portions and obtained torrens certificates of titles, and 2) those who possessed certain specific portions for such lengths of time as to amount to full ownership. The waiver, not being contrary to law, morals, good customs and good policy, is valid and binding on the private respondents.

However, with respect to the second set of possessors, whose alleged bona fide occupancy of specific portions of the property is not evidenced by Torrens Titles, it is imperative that their claims/occupancy be duly proven in an appropriate proceeding.

ACCORDINGLY, the decision of the Court of Appeals in CA-G.R. No. 12933 is AFFIRMED subject to the herein declared superior rights of bona fide occupants with registered titles within the area covered by the questioned decree and bona fide occupants therein with length of possession which had ripened to ownership, the latter to be determined in an appropriate proceeding.

SO ORDERED.[23]

Going back to this case, petitioner contends that the Franciscos correctly chose the land registration proceeding as the “appropriate proceeding” referred to in Guido because, as evidently shown in the CFI Decision, their titles, rights or interests to Lots 1-4 of Psu-04-001463 (now Lots 6B-6E of Psd-04-083681) have been successfully confirmed. While recognizing that such proceeding is normally untenable because the case involved the filing of an application for registration of land that is already covered by a Torrens certificate of title, petitioner submits that Guido impliedly allowed the same. He avers that their application was filed on August 13, 1976, or fifteen (15) years before this Court rendered its decision in Guido on November 21, 1991, and that they were made aware of the administrative reconstitution of TCT No. 23377 only in 1978 when the LRA Report was submitted to the CFI and a copy of which was furnished them. By then, however, the CFI Decision granting the application for registration already became final and executory.

Moreover, petitioner asserts that in view of the waiver made by the Guidos and the Rojas in Guido, as well as the declared superior rights of the Franciscos, the latter’s title over the four parcels of land is deemed vested to them as far back as the time the reconstituted TCT No. 23377 was issued. Their title thereto was merely confirmed in the questioned land registration proceedings. Petitioner notes the Motion for Approval of Transaction and Agreement Involving Property under Litigation filed by respondents, which allegedly recognized the validity of TCT Nos. M-102010 and M-102012 and reinforces the view that land registration is an “appropriate proceeding.”

Petitioner attacks the CA in ruling that “[indeed,] the existence of a valid title covering the land sought to be registered is the determinative factor in this case as far as the matter of jurisdiction to entertain the application for registration is concerned.” He argues that if the CA would be followed, any subsequent proceeding for land registration involving the Guido Estate would be declared void, because OCT No. 633 was registered as early as June 22, 1912.

Lastly, in disputing respondents’ contention that the “appropriate proceeding” should be an action for reconveyance, petitioner states that such action may be proper but is still not an exclusive remedy. He maintains that actual fraud in securing a title must be proved so as to succeed in an action for reconveyance, but the Court already held in Guido that TCT No. 23377 is authentic and genuine; hence, it is assumed that there is no infirmity or defect therein. Also, an action for reconveyance cannot be availed of like an application for registration of land as it would be dismissed forthwith on the ground of prescription.

The contentions of petitioner are untenable.

The Franciscos have based their claim to ownership of the subject lots on the alleged fact of open, continuous, exclusive, and notorious possession and occupation of alienable and disposable lands of the public domain. Their application represented to the land registration court that the parcels of land subjects of the case were unregistered and not yet brought within the coverage of the Torrens system of registration. These are obvious as they filed an

application pursuant to Chapter III (I) of Presidential Decree No. (PD) 1529 (Property Registration Decree) by following the ordinary registration proceedings for the confirmation of their title. Specifically, under Section 14 (1) of PD 1529, three requisites must be satisfied: (1) open, continuous, exclusive, and notorious possession and occupation of the land since June 12, 1945 or earlier; (2) pertains to alienable and disposable land of the public domain, and (3) under a bona fide claim of ownership.

As the very nature of the action limits the subject matter to alienable and disposable lands of the public domain, an ordinary registration proceeding cannot be availed of by the Franciscos in order to establish claims over lands which had already been brought within the coverage of the Torrens system. Chapter III (I) of PD 1529 does not provide that original registration proceedings can be automatically and unilaterally converted into a proceeding for the issuance of new TCT involving parcels of land already registered under the Torrens system. Certainly, it is improper to make a legal short-cut by implementing the judgment of the land registration court against the parcels of land in the names of the Rojas and Guidos under the guise that it is contemplated in Guido.

A land registration court has no jurisdiction to order the registration of land already decreed in the name of another in an earlier land registration case. Issuance of another decree covering the same land is, therefore, null and void.[24]

The rationale behind the Torrens System is that the public should be able to rely on a registered title. The Torrens System was adopted in this country because it was believed to be the most effective measure to guarantee the integrity of land titles and to protect their indefeasibility once the claim of ownership is established and recognized. In *Fil-Estate Management, Inc. v. Trono*, we explained:

It has been invariably stated that the real purpose of the Torrens System is to quiet title to land and to stop forever any question as to its legality. Once a title is registered, the owner may rest secure, without the necessity of waiting in the portals of the court, or sitting on the "mirador su casa" to avoid the possibility of losing his land.[25]

It is clear that the March 23, 1998 Order of the RTC Binangonan, Rizal, Branch 69, which purports to merely enforce the September 15, 1977 Decision of the CFI, disturbs the stability of TCT No. M-2095, a collateral attack that is impermissible under Section 48 of PD 1529 and well-entrenched jurisprudence. After the promulgation of the Guido on November 21, 1991, it can no longer be said that an original registration proceeding is proper, since Guido held that Decreto No. 6145 and TCT No. 23377 (the mother title from which TCT No. M-2095 was derived) are genuine and authentic. What the land registration court should have done was to dismiss the application for registration upon learning that the same property was already covered by a valid TCT. We reiterate that, unlike ordinary civil actions, the adjudication of land in a land registration or cadastral proceeding does not become final and incontrovertible until after the expiration of one (1) year after the entry of the final decree of registration and that until such time the title is not finally adjudicated and the decision in the registration proceeding continues to be under the control and sound discretion of the court rendering it.[26] Until then the court rendering the decree may, after hearing, set aside the decision or decree and adjudicate the land to another person.[27]

Likewise, on the assumption that what is being applied for formed part of a bigger parcel of land belonging to the Guidos and Rojas, then, as registered owners thereof, they (Guidos and Rojas) should have been mentioned in the Application for Registration as adjoining owners conformably with Section 15 of PD 1529, which requires in the application for registration the inclusion of the full names and addresses of the adjoining owners. Contrary to the mandatory requirement of the law, there is nothing in the application for registration alleging that the Rojas and Guidos are adjoining owners. As adjoining owners, respondents are indispensable parties entitled to actual and personal notice of the application for registration. A valid judgment cannot be rendered where there is want of indispensable parties like respondents who hold subsisting Torrens title to the property in question.

Notably, a Manifestation and/or Compliance[28] was filed by the Franciscos on November 19, 1998 before the RTC Binangonan, Rizal, Branch 69. They alleged that despite service of notice of the Manifestation with Motion dated July 10, 1998 to the registered owners appearing on TCT No. M-2095, said owners, including Jose Rojas whose envelope was stamped "RETURN TO SENDER," did not file any comment or opposition. The Franciscos stated that TCT M-2095 does not bear the complete address of the registered owners, so they gathered their respective addresses from the available and accessible public records. This reasoning does not suffice. In *Divina v. Court of Appeals*,[29] We stressed:

Section 15 of P.D. 1529 is explicit in requiring that in the application for registration of land titles, the application "shall also state the full names and addresses of all occupants of the land and those of the adjoining owners if known, and if not known, it shall state the extent of the search made to find them." As early as *Francisco vs. Court of Appeals*, 97 SCRA 22 [1980] we emphasized that a mere statement of the lack of knowledge of the names of the occupants and adjoining owners is not sufficient but "what search has been made to find them is necessary." x x x[30]

The "appropriate proceeding" referred to in *Guido* is a case where the Franciscos must present specific acts of ownership to substantiate their claim that they are bona fide occupants of Lots 1-4 of Psu-04-001463 (now Lots 6B-6E of Psd-04-083681) while, at the same time, respondents are accorded due process of law by availing of the opportunity to oppose and refute the representations made by the Franciscos. Whatever the "appropriate proceeding" may be, the decisive factor is that the same should be a proceeding in personam wherein personal service of summons and copy of the complaint/petition is necessary.

Truly, one of the appropriate legal remedies that should have been availed of by the Franciscos is an action for reconveyance. Contrary to petitioner's declaration, proof of actual fraud is not required as it may be filed even when no fraud intervened such as when there is mistake in including the land for registration. In the action for reconveyance, the decree of registration is highly respected as incontrovertible; what is sought instead is the transfer of the property wrongfully or erroneously registered in another's name to its rightful owner or to the one with a better right.[31]

An action for reconveyance resulting from fraud prescribes four years from the discovery of the fraud and if it is based on an implied or a constructive trust it prescribes ten (10) years from the alleged fraudulent registration or date of issuance of the certificate of title over the property.[32] However, an action for reconveyance based on implied or constructive trust is imprescriptible if the plaintiff or the person enforcing the trust is in possession of the property.[33] In effect, the action for reconveyance is an action to quiet the property title, which does not prescribe.[34] This Court held in *Yared v. Tiongco*: [35]

The Court agrees with the CA's disquisition that an action for reconveyance can indeed be barred by prescription. In a long line of cases decided by this Court, we ruled that an action for reconveyance based on implied or constructive trust must perform prescribe in ten (10) years from the issuance of the Torrens title over the property.

However, there is an exception to this rule. In the case of *Heirs of Pomposa Saldares v. Court of Appeals*, the Court reiterating the ruling in *Millena v. Court of Appeals*, held that there is but one instance when prescription cannot be invoked in an action for reconveyance, that is, when the plaintiff is in possession of the land to be reconveyed. In *Heirs of Pomposa Saldares*, this Court explained that the Court in a series of cases, has permitted the filing of an action for reconveyance despite the lapse of more than ten (10) years from the issuance of title to the land and declared that said action, when based on fraud, is imprescriptible as long as the land has not passed to an innocent buyer for value. But in all those cases, the common factual backdrop was that the registered owners were never in possession of the disputed property. The exception was based on the theory that registration proceedings could not be used as a shield for fraud or for enriching a person at the

expense of another.

In *Alfredo v. Borrás*, the Court ruled that prescription does not run against the plaintiff in actual possession of the disputed land because such plaintiff has a right to wait until his possession is disturbed or his title is questioned before initiating an action to vindicate his right. His undisturbed possession gives him the continuing right to seek the aid of a court of equity to determine the nature of the adverse claim of a third party and its effect on his title. The Court held that where the plaintiff in an action for reconveyance remains in possession of the subject land, the action for reconveyance becomes in effect an action to quiet title to property, which is not subject to prescription.

The Court reiterated such rule in the case of *Vda. de Cabrera v. Court of Appeals*, wherein we ruled that the imprescriptibility of an action for reconveyance based on implied or constructive trust applies only when the plaintiff or the person enforcing the trust is not in possession of the property. In effect, the action for reconveyance is an action to quiet the property title, which does not prescribe.

Similarly, in the case of *David v. Malay* the Court held that there was no doubt about the fact that an action for reconveyance based on an implied trust ordinarily prescribes in ten (10) years. This rule assumes, however, that there is an actual need to initiate that action, for when the right of the true and real owner is recognized, expressly or implicitly such as when he remains undisturbed in his possession, the statute of limitation would yet be irrelevant. An action for reconveyance, if nonetheless brought, would be in the nature of a suit for quieting of title, or its equivalent, an action that is imprescriptible. In that case, the Court reiterated the ruling in *Faja v. Court of Appeals* which we quote:

x x x There is settled jurisprudence that one who is in actual possession of a piece of land claiming to be owner thereof may wait until his possession is disturbed or his title is attacked before taking steps to vindicate his right, the reason for the rule being, that his undisturbed possession gives him a continuing right to seek the aid of a court of equity to ascertain and determine the nature of the adverse claim of a third party and its effect on his own title, which right can be claimed only by one who is in possession. No better situation can be conceived at the moment for Us to apply this rule on equity than that of herein petitioners whose mother, Felipa Faja, was in possession of the litigated property for no less than 30 years and was suddenly confronted with a claim that the land she had been occupying and cultivating all these years, was titled in the name of a third person. We hold that in such a situation the right to quiet title to the property, to seek its reconveyance and annul any certificate of title covering it, accrued only from the time the one in possession was made aware of a claim adverse to his own, and it is only then that the statutory period of prescription commences to run against such possessor.[36]

In this case, the Franciscos claim to be in open, continuous, exclusive, and notorious possession and occupation of the subject lots. It appears that they never lost possession of said properties, and as such, they are in a position to file the complaint with the trial court to protect their alleged rights and clear whatever doubts has been cast thereon.

WHEREFORE, premises considered, the instant Petition is DENIED. The December 22, 2003 Decision and February 7, 2005 Resolution of the Court of Appeals in CA-G.R. SP No. 62449, which nullified the Decision and Orders of the Regional Trial Court of Binangonan, Rizal, Branch 69, and its predecessor, Court of First Instance of Rizal, Branch 10, in Land Registration Case Case No. 95-0004 (formerly LRC Case No. N-9293), and consequently, declared as null and void TCT Nos. M-102009, M-102010, and M-102012, are AFFIRMED.

SO ORDERED.

Velasco, Jr., (Chairperson), Abad, Mendoza, and Leonen, JJ., concur.

May 2, 2014

NOTICE OF JUDGMENT

Sirs/Mesdames:

Please take notice that on ____April 23, 2014____ a Decision, copy attached herewith, was rendered by the Supreme Court in the above-entitled case, the original of which was received by this Office on May 2, 2014 at 10:30 a.m.

Very truly yours,

(SGD)

LUCITA ABJELINA SORIANO

Division Clerk of Court

[1] Penned by Presiding Justice Cancio C. Garcia (retired member of the Supreme Court), with Associate Justices Renato C. Dacudao and Danilo B. Pine, concurring; rollo, pp. 86-101.

[2] Penned by Associate Justice Danilo B. Pine, with Associate Justices Renato C. Dacudao and Perlita J. Tria-Tirona, concurring; rollo, pp. 102-104.

[3] CA rollo, pp. 37-40.

[4] Id. at 42.

[5] Id. at 46-50.

[6] Id. at 54.

[7] The CA failed to mention Carmen V. Francisco as one of the applicants.

[8] Rollo, pp. 87-95. (Emphasis omitted; italics in the original; citations omitted).

[9] Id. at 135-138. Rosalina V. Francisco died sometime in 1987 (Id. at 145).

[10] Id. at 100. (Emphasis in the original)

[11] G.R. No. 84966, November 21, 1991, 204 SCRA 160.

[12] Rollo, pp. 98-100.

[13] Id. at 396-397.

[14] Id. at 327-334.

[15] Id. at 423-428, 438-439.

[16] Judge Carillo v. Court of Appeals, 534 Phil. 154, 166 (2006).

[17] See Rules of Court, Rule 47, Sec. 2, and the cases of Diona v. Balangue, G.R. No. 173559, January 7, 2013, 688 SCRA 22, 35; Benatiro v. Heirs Evaristo Cuyos, G.R. No. 161220, July 30, 2008, 560 SCRA 478, 495; Biaco v. Phil. Countryside Rural Bank, 544 Phil. 45, 53 (2007); and Intestate Estate of the late Nimfa Sian v. Phil. National Bank, 542 Phil. 648, 654 (2007).

[18] Rules of Court, Rule 47, Sec. 3.

- [19] *Gomez v. Court of Appeals*, 250 Phil. 504, 510 (1988).
- [20] *Pepsi-Cola Products Phils., Inc. v. Pagdanganan*, 535 Phil. 540, 554 (2006).
- [21] *De Castro v. Judicial and Bar Council (JBC)*, G.R. Nos. 191002, 191032, 191057, A.M. No. 10-2-5-SC and G.R. No. 191149, April 20, 2010, 618 SCRA 639, 658.
- [22] *The Baguio Regreening Movement, Inc. v. Masweng*, G.R. No. 180882, February 27, 2013, 692 SCRA 109, 125; *Philippine Guardians Brotherhood, Inc. (PGBI) v. Commission on Elections*, G.R. No. 190529, April 29, 2010, 619 SCRA 585, 594; *Lazatin v. Desierto*, G.R. No. 147097, June 5, 2009, 588 SCRA 285, 294; *Ting v. Velez-Ting*, G.R. No. 166562, March 31, 2009, 582 SCRA 694, 704; and *De Mesa v. Pepsi Cola Products Phils., Inc.*, 504 Phil. 685, 691 (2005).
- [23] *Republic v. Court of Appeals*, supra note 11, at 178-181. (Emphasis in the original)
- [24] *Top Management Programs Corporation v. Fajardo*, G.R. No. 150462, June 15, 2011, 652 SCRA 18, 37 and *Mercado v. Valley Mountain Mines Exploration, Inc.*, G.R. Nos. 141019, 164281, and 185781, November 23, 2011, 661 SCRA 13, 44.
- [25] *Ingusan v. Heirs of Reyes*, 558 Phil. 50, 61 (2007)
- [26] *Gomez v. Court of Appeals*, supra note 19, as cited in *Spouses Laburada v. Land Registration Authority*, 350 Phil. 779, 788 (1998) and *Ramos v. Rodriguez*, 314 Phil. 326, 331 (1995).
- [27] *Cayanan v. De Los Santos*, 129 Phil. 612, 615 (1967); *Santos v. Ichon*, 95 Phil. 677, 681 (1954); *Capio v. Capio*, 94 Phil. 113, 116 (1953).
- [28] CA rollo, pp. 51-53; Rollo, pp. 205-206.
- [29] 405 Phil. 161 (2001).
- [30] *Divina v. Court of Appeals*, supra, at 172.
- [31] *Pasiño v. Monterroyo*, G.R. No. 159494, July 31, 2008, 560 SCRA 739, 751
- [32] *Philippine Economic Zone Authority (PEZA) v. Fernandez*, 411 Phil. 107, 119 (2001)
- [33] *Id.*
- [34] *Id.*
- [35] G.R. No. 161360, October 19, 2011, 659 SCRA 545.
- [36] *Yared v. Tiongco*, supra, at 552-554. (Citations omitted)

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