

HEIRS OF RODRIGO YACAPIN, NAMELY: SOL BELNAS, NANCY VALLEJOS, SUSAN YACAPIN, ESTACIO YACAPIN, JULIA YACAPIN, LINDA YACAPIN, JUAN YACAPIN, VICENTE YACAPIN, ADELFA PRENIO, CELSO Y...

G.R. No. 171669. December 14, 2009

Ponente: CORONA, J.

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CORONA, J.:

This petition[1] seeks to set aside the resolutions dated June 4, 2004[2] and March 6, 2005[3] of the Court of Appeals (CA) in CA-G.R. SP No. 82968 dismissing the petition to annul the December 5, 1993 decision[4] of the Regional Trial Court (RTC) of Cagayan de Oro, Branch 24 in Civil Case Nos. 91-080 and 91-261.

At the center of this controversy are three parcels of land in Gusa, Cagayan de Oro City, namely, the 96,919 sq. m. lot no. 2384, the 25,202 sq. m. lot no. 2478 and the 824 sq. m. lot no. 2338.

Records of the Registry of Deeds of Cagayan de Oro City reveal that lot no. 2384 was covered by OCT No. RO-363 and registered in the names of Donato Yacapin, Martina Yacapin and Valentina Yacapin. In 1973, petitioners, the respective heirs of Donato and Martina, entered into an extrajudicial settlement partitioning lot no. 2384 among themselves. Pursuant to this agreement, OCT No. RO-363 was cancelled and individual titles were issued to them.

The records likewise reveal that lot no. 2478 was covered by OCT No. 7227 issued to Rodrigo Yacapin, Donato Yacapin, Valentina Yacapin, Martina Yacapin, Anastacia Yacapin, Esteban Yacapin and Felino San Jose.

Lastly, lot no. 2338 used to be covered by OCT No. 7318 issued to Valentina Yacapin and Anastacia Yacapin. Pursuant to an extrajudicial settlement executed by respondents, heirs of Valentina, OCT No. 7318 was cancelled and TCT No. T-54890 was issued in lieu thereof.

In 1991, respondents filed an action for partition, annulment of titles and damages against petitioners in the RTC.[5] They asserted that their mother, Valentina, was one of the registered owners of lot no. 2384. Upon her death, they (as compulsory heirs of Valentina) inherited her pro-indiviso share in the said property by operation of law. Since they were excluded in the execution of the extrajudicial settlement, the said agreement was void. Concomitantly, those titles issued in lieu of OCT No. RO-363 were likewise void.

Subsequently, petitioners filed a similar action in the same RTC against respondents.[6] They claimed that Valentina and Anastacia died single and childless in 1943. Thus, being the nearest collateral relatives of the said registered owners, they inherited the shares of Valentina and Anastacia as their intestate heirs. Petitioners likewise sought to annul TCT No. T-54890 which was issued to respondents. They asserted that respondents could not have been the children of their aunt but of another "Valentina Yacapin" who died in Kiliog, Libona, Bukidnon.

Due to the seeming confusion regarding the identity of the parties and issues, the RTC consolidated the

complaints and tried them jointly.

After trial, the RTC found that the 1973 extrajudicial settlement only involved 53,612 sq. m. out of the 96, 919 sq. m. of lot no. 2384 and, at that time, the remaining portion (or 43,307 sq. m.) was unoccupied. If Valentina indeed died childless in 1943, petitioners, as her only intestate heirs, should have partitioned the entire property unto themselves in 1973 and occupied their respective portions thereafter. But they did not. Thus, it concluded that petitioners must have known that Valentina had children of her own.

In a decision dated December 5, 1993, the RTC recognized respondents as Valentina's children and compulsory heirs. It therefore nullified the parties' respective titles to lot nos. 2384 and 2338. Furthermore, it ordered the division of the said properties and lot no. 2478 among petitioners, respondents and the heirs of the other registered owners who were not parties to the complaints.

Unsatisfied with the said decision, petitioners filed a notice of appeal on February 14, 1994.[7] However, on July 25, 1994, they filed a motion to withdraw appeal stating:

[Petitioners] move to withdraw the entire appeal of [the December 5, 1993 decision of the RTC], on the ground that the findings of fact of the trial court ... are now final and conclusive before the Honorable Court of Appeals, and appellants have no sufficient and convincing evidence.[8] (emphasis supplied)

In a resolution dated October 12, 1994, the Court of Appeals (CA) granted petitioners' motion and dismissed the appeal.[9] The said resolution later became final and entry of judgment was made in due course.[10]

Subsequently, petitioners moved for new trial on the ground of newly discovered evidence in the RTC but it was denied.

Respondents moved for the execution of the December 5, 1993 RTC decision. Accordingly, a partial writ of execution was issued to respondents on April 22, 1995. Undaunted, petitioners moved to quash the said writ but their motion was denied. They therefore filed a petition for certiorari[11] in the CA but it was dismissed for lack of merit.[12]

A decade later, petitioners filed a petition for annulment of judgment[13] in the CA, asserting that the December 5, 1993 decision of the RTC was procured through extrinsic fraud. They claimed that the presiding judge of the court a quo colluded with respondents when he admitted as evidence a falsified death certificate of Valentina. Petitioners asserted that because the said document was not signed by the local civil registrar of Baguayan, Agusan, it was spurious.

In a resolution dated June 4, 2004,[14] the CA dismissed the petition on the ground that petitioners failed to establish when they discovered the alleged extrinsic fraud. Furthermore, if petitioners had sufficient evidence to prove that the presiding judge colluded with respondents, they should have filed an administrative case against the said judge early on.

Petitioners moved for reconsideration but their motion was denied.[15] Hence, this recourse, with petitioners insisting that the December 5, 1993 decision of the RTC was procured through extrinsic fraud. They likewise implead as respondents RAC Commercial Corporation, owner of three hectares of land formerly part of lot no. 2384, and its majority shareholders, Charlie Go and Ruben Go. RAC purchased its properties from respondents.

We deny the petition.

Section 1, Rule 47 of the Rules of Court[16] provides that a petition for annulment of judgment is available only when a party is precluded from filing a motion for new trial, an appeal or a petition for relief without fault on his part. Moreover, such petition will only be allowed in the presence of either extrinsic fraud or lack of

jurisdiction.[17]

In view of these provisions, recourse to a petition for annulment of judgment is improper if petitioner lost the ordinary remedies of new trial, appeal or petition for relief due to a cause or causes attributable to petitioner himself. Nor can it be resorted to if petitioner has previously availed of any of the aforementioned remedies.

In this case, petitioners filed an appeal and a motion for new trial. They also failed to establish any of the grounds for a petition for annulment of judgment. Obviously, petitioners simply intended to unduly delay the enforcement of the December 5, 1993 RTC decision and defeat its execution. Thus, petitioners should be held solidarily liable with their counsel (who abetted petitioners' frivolous appeal, motion for new trial and this petition for annulment of judgment) for treble the costs of suit.

WHEREFORE, the petition is hereby DENIED.

Treble costs, to be imposed solidarily, against petitioners and their counsel, Atty. Emelie P. Bangot, Jr.

SO ORDERED.

Velasco, Jr., Leonardo-De Castro[*], Peralta, and Del Castillo[**], JJ., concur.

[*] Per Special Order No. 809 dated December 9, 2009.

[**] Per Special Order No. 805 dated December 4, 2009.

[1] Under Rule 45 of the Rules of Court.

[2] Both penned by Associate Justice Romulo V. Borja and concurred in by Associate Justices Teresita Dy Liacco-Flores and Rodrigo F. Lim, Jr. of the Twenty Third Division of the Court of Appeals. Rollo, pp. 57-59.

[3] Id., pp. 60-64.

[4] Penned by Judge Leonardo N. Demecillo. Id., pp. 204-221.

[5] Docketed as Civil Case No. 91-080.

[6] Docketed as Civil Case No. 91-261.

[7] Docketed as CA-G.R. CV No. 48896. Rollo, pp. 222-223.

[8] Id., pp. 224-225.

[9] Penned by Associate Justice Conchita Carpio-Morales (now a member of this Court) and concurred by Associate Justices Emeterio C. Cui (retired) and Consuelo Ynares-Santiago (now a retired member of this Court) of the Eighth Division of the Court of Appeals. Id., p. 226.

[10] Entry of judgment was made on May 24, 1994.

[11] Docketed as CA-G.R. SP No. 77761.

[12] Penned by Associate Justice Martin S. Villarama, Jr. (now a member of this Court) and concurred in by Associate Justices Mario L. Guarina III and Jose C. Reyes, Jr. of the Seventeenth Division of the Court of Appeals. Dated October 20, 2003. Rollo, pp. 227-235.

[13] Docketed as CA-G.R. SP No. 89268.

[14] Supra, note 3.

[15] Supra, note 4.

[16] Rules of Court, Sec. 1 provides:

Section 1. Coverage. - This Rule shall govern the annulment by the Court of Appeals of judgments or final orders and resolutions in civil actions of Regional Trial Courts for which the ordinary remedies of new trial, appeal, petition for relief or other appropriate remedies are no longer available through no fault of the petitioner.

[17] See Rules of Court, Sec. 2 which provides:

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

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

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