

HEIRS OF NUMERIANO MIRANDA, SR., namely: CIRILA (deceased), CORNELIO, NUMERIANO, JR., ERLINDA, LOLITA, RUFINA, DANILO, ALEJANDRO, FELIMON, TERESITA, ELIZABETH AND ANALIZA, ALL S...

G.R. No. 179638. July 08, 2013

Ponente: DEL CASTILLO, J.

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DEL CASTILLO, J.:

An action for revival of a judgment cannot modify, alter, or reverse the original judgment, which is already final and executory.[1]

This Petition for Review on Certiorari[2] under Rule 45 of the Rules of Court assails the Decision[3] dated June 14, 2007 and the Resolution[4] dated September 11, 2007 of the Court of Appeals (CA) in CA-G.R. SP No. 97350.

Factual Antecedents

In 1994, petitioners Cirila, Cornelio, Numeriano, Jr., Erlinda, Lolita, Rufina, Danilo, Alejandro, Felimon, Teresita, Elizabeth, and Analiza, all surnamed Miranda, representing themselves as the heirs of Numeriano Miranda, Sr., filed before the Regional Trial Court (RTC) of Muntinlupa City, a Complaint[5] for Annulment of Titles and Specific Performance, docketed as Civil Case No. 94-612, against the heirs of Pedro Miranda, namely: Pacita and Oscar Miranda; the heir of Tranquilino Miranda, Rogelio Miranda; and the spouses respondent Pablo Miranda and Aida Lorenzo.

After trial, the RTC, Branch 256, rendered a Decision[6] dated August 30, 1999, the dispositive portion of which reads:

WHEREFORE, premises considered, this court resolves:

1. To [u]phold and [s]ustain the validity of TCT Nos. 186011, 186012, and 186013;
2. Ordering Pablo Miranda to indemnify all other heirs of NUMERIANO MIRANDA the amount equivalent to 12/13 fair market value of the co-owned residential house, erected on the lot 826-A-3 covered by TCT No. 186013 corresponding to their shares, and for the said heirs to divide among themselves the aforesaid amount as follows:
 - 1/13 to CIRILA MIRANDA
 - 1/13 to CORNELIO MIRANDA
 - 1/13 to NUMERIANO MIRANDA, JR.
 - 1/13 to ERLINDA MIRANDA
 - 1/13 to LOLITA MIRANDA
 - 1/13 to RUFINA MIRANDA
 - 1/13 to DANILO MIRANDA

1/13 to ALEJANDRO MIRANDA
1/13 to FELIMON MIRANDA
1/13 to TERESITA MIRANDA
1/13 to ELIZABETH MIRANDA
1/13 to ANALIZA MIRANDA

3. Ordering Plaintiffs Lolita Miranda, Alejandro Miranda, Teresita Miranda, Rufina Miranda and all persons claiming rights under them to immediately vacate the abovementioned residential house and to jointly and severally pay to the spouses Pablo and Aida Miranda a monthly rental of P2,000.00 from the date of notice of the promulgation of this judgment up to the time that they have actually vacated the property;

4. Proclaiming that ROGELIO MIRANDA is not the biological son or child by nature of TRANQUILINO MIRANDA, and therefore is not entitled to inherit from the latter;

5. Declaring CORNELIO MIRANDA, NUMERIANO MIRANDA, JR., ERLINDA MIRANDA, LOLITA MIRANDA, RUFINA MIRANDA, DANIL[O] MIRANDA, ALEJANDRO MIRANDA, FELIMON MIRANDA, TERESITA MIRANDA, ELIZABETH MIRANDA, ANALIZA MIRANDA, PABLO MIRANDA and PACITA MIRANDA as the lawful legal heirs of the deceased TRANQUILINO MIRANDA and ordering them to partition among themselves Lot 826-A-1 covered by TCT No. 186011 registered in the name of TRANQUILINO MIRANDA, containing an area of 213 square meters, as follows:

1/13 aliquot share to Cornelio Miranda
1/13 aliquot share to Numeriano Miranda, Jr.
1/13 aliquot share to Erlinda Miranda
1/13 aliquot share to Lolita Miranda
1/13 aliquot share to Rufina Miranda
1/13 aliquot share to Danilo Miranda
1/13 aliquot share to Alejandro Miranda
1/13 aliquot share to Felimon Miranda
1/13 aliquot share to Teresita Miranda
1/13 aliquot share to Elizabeth Miranda
1/13 aliquot share to Analiza Miranda
1/13 aliquot share to Pablo Miranda
1/13 aliquot share to Pacita Miranda

6. Ordering all the abovenamed heirs to commission the survey of Lot 826-A-1 or to authorize in writing, one of them to commission such survey, in order to avoid a chaotic situation similar to the case at bar. Should they not agree as to what particular portion shall belong to one another, they may agree that it be allotted to one or two or several of them, who shall indemnify the others at a price agreed upon by all of them. Should they not agree as to whom shall the property be allotted, to sell the property to a third person at [a] price agreed upon by a majority of all [of] them, and to partition the proceeds of the sale in accordance with No. 5 above.

SO ORDERED.[7]

Petitioners did not file any appeal hence the Decision became final and executory.[8]

On December 11, 2001, the RTC issued a Writ of Execution,[9] which was not implemented.[10]

On July 8, 2005, respondent filed an Ex-parte Motion[11] praying that the RTC issue a “Break-Open and Demolition Order” in order to compel the petitioners to vacate his property.[12] But since more than five years have elapsed from the time the Writ of Execution should have been enforced, the RTC denied the Motion in its

Order[13] dated August 16, 2005.

This prompted respondent to file with the RTC a Petition[14] for Revival of Judgment, which was docketed as Civil Case No. 05-131. Petitioners opposed the revival of judgment assailing, among others, the jurisdiction of the RTC to take cognizance of the Petition for Revival of Judgment.[15]

On June 20, 2006, the RTC rendered a Decision[16] granting the Petition. Thus:

WHEREFORE, finding the instant petition to be meritorious, the petition is hereby GRANTED. Pursuant to Rule 39, Section 6 of the Rules of Court, the Decision dated August 30, 1999 in Civil Case No. 94-612 is hereby REVIVED.

SO ORDERED.[17]

On July 13, 2006, petitioners filed a Notice of Appeal[18] via LBC,[19] which was opposed by respondent on the ground that the Decision dated August 30, 1999 has long become final and executory.[20] Petitioners, in turn, moved for the transmittal of the original records of the case to the CA, insisting that respondent's opposition is without merit.[21]

Ruling of the Regional Trial Court

Finding the appeal barred by prescription, the RTC denied the Notice of Appeal in its Order[22] dated October 10, 2006, to wit:

WHEREFORE, in view of the foregoing, the notice of appeal herein filed is hereby DENIED for lack of merit.

SO ORDERED.[23]

Feeling aggrieved, petitioners filed a Petition for Mandamus[24] with the CA praying that their Notice of Appeal be given due course.[25]

Ruling of the Court of Appeals

On June 14, 2007, the CA denied the Petition for Mandamus on the ground that the Notice of Appeal was filed out of time.[26] The dispositive portion of the Decision reads:

WHEREFORE, premises considered, the petition is DENIED. The appeal is hereby DISMISSED for having been filed out of time.

SO ORDERED.[27]

Petitioners moved for reconsideration but the same was denied by the CA in its Resolution[28] dated September 11, 2007.

Issues

Hence, this recourse, with petitioners raising the following issues:

- WHETHER X X X THE APPEAL WAS PERFECTED ON TIME?
- WHETHER X X X THE LATE (ONE DAY) FILING WAS JUSTIFIED?
- WHETHER X X X AN ACTION FOR REVIVAL OF JUDGMENT IS APPEALABLE?
- WHETHER THE APPEAL IS MERITORIOUS?
- Whether the [RTC] below has exclusive original jurisdiction over an action for revival of judgment?

- Whether xxx respondent herein, plaintiff therein, as one of the judgment creditors can file the said action for revival ALONE?
- Whether subsequent events or laws have rendered the judgment sought to be revived modified [or] altered[,] or prevent its enforcement?
- Whether res judicata or laches has seeped in, other judgment creditors not suing for any such implementation of the 1999 judgment, ONLY PLAINTIFF ALONE?
- Whether x x x the Petitioners are entitled to damages?[29]

Petitioners' Arguments

Petitioners assert that an action to revive judgment is appealable,[30] and that their appeal was perfected on time.[31] They insist that the Notice of Appeal, which they filed on the 15[th] day via LBC, was seasonably filed since the law does not require a specific mode of service for filing a notice of appeal.[32]

Besides, even if their appeal was belatedly filed, it should still be given due course in the interest of justice,[33] considering that their counsel had to brave the storm and the floods caused by typhoon "Florita" just to file their Notice of Appeal on time.[34]

Petitioners further contend that their appeal is meritorious.[35] They insist that it is the Metropolitan Trial Court (MeTC), not the RTC, which has jurisdiction over the Petition for Revival of Judgment since the amount in the tax declarations of the properties involved is less than Fifty Thousand Pesos (P50,000.00).[36] They likewise assail the Decision dated August 30, 1999, claiming that the deeds and certificates of title subject of Civil Case No. 94-612 were falsified.[37]

Respondent's Arguments

Respondent, on the other hand, maintains that the Notice of Appeal was belatedly filed,[38] and that the revival of judgment is unappealable as it is barred by prescription.[39]

Our Ruling

The Petition lacks merit.

The Notice of Appeal was belatedly filed.

It is basic and elementary that a Notice of Appeal should be filed "within fifteen (15) days from notice of the judgment or final order appealed from." [40]

Under Section 3,[41] Rule 13 of the Rules of Court, pleadings may be filed in court either personally or by registered mail. In the first case, the date of filing is the date of receipt. In the second case, the date of mailing is the date of receipt.

In this case, however, the counsel for petitioners filed the Notice of Appeal via a private courier, a mode of filing not provided in the Rules. Though not prohibited by the Rules, we cannot consider the filing of petitioners' Notice of Appeal via LBC timely filed. It is established jurisprudence that "the date of delivery of pleadings to a private letter-forwarding agency is not to be considered as the date of filing thereof in court;" instead, "the date of actual receipt by the court x x x is deemed the date of filing of that pleading." [42] Records show that the Notice of Appeal was mailed on the 15[th] day and was received by the court on the 16[th] day or one day beyond the reglementary period. Thus, the CA correctly ruled that the Notice of Appeal was filed out of time.

Neither can petitioners use typhoon "Florita" as an excuse for the belated filing of the Notice of Appeal because

work in government offices in Metro Manila was not suspended on July 13, 2006, the day petitioners' Notice of Appeal was mailed via LBC.[43]

And even if we, in the interest of justice, give due course to the appeal despite its late filing, the result would still be the same. The appeal would still be denied for lack of merit.

The Decision dated August 30, 1999 is already final and executory.

An action for revival of judgment is a new and independent action.[44] It is different and distinct from the original judgment sought to be revived or enforced.[45] As such, a party aggrieved by a decision of a court in an action for revival of judgment may appeal the decision, but only insofar as the merits of the action for revival is concerned. The original judgment, which is already final and executory, may no longer be reversed, altered, or modified.[46]

In this case, petitioners assail the Decision dated August 30, 1999, which is the original judgment sought to be revived or enforced by respondent. Considering that the said Decision had already attained finality, petitioners may no longer question its correctness. As we have said, only the merits of the action for revival may be appealed, not the merits of the original judgment sought to be revived or enforced.

RTC has jurisdiction over the Petition for Revival of Judgment.

As to whether the RTC has jurisdiction, we rule in the affirmative. An action for revival of judgment may be filed either "in the same court where said judgment was rendered or in the place where the plaintiff or defendant resides, or in any other place designated by the statutes which treat of the venue of actions in general." [47] In this case, respondent filed the Petition for Revival of Judgment in the same court which rendered the Decision dated August 30, 1999.

All told, we find no error on the part of the CA in denying the Petition and dismissing the appeal for having been filed out of time.

WHEREFORE, the Petition is hereby DENIED. The Decision dated June 14, 2007 and the Resolution dated September 11, 2007 of the Court of Appeals in CA-G.R. SP No. 97350 are hereby AFFIRMED.

SO ORDERED.

Carpio, (Chairperson), Perez, Mendoza,[*] and Perlas-Bernabe, JJ., concur.

[*] Per Special Order No. 1484 dated July 9, 2013.

[1] Arcenas v. Court of Appeals, 360 Phil. 122, 132 (1998).

[2] Rollo, pp. 3-32.

[3] CA rollo, pp. 134-139; penned by Associate Justice Juan Q. Enriquez, Jr. and concurred in by Associate Justices Vicente S. E. Veloso and Marlene Gonzales-Sison.

[4] Id. at 180-181.

[5] Records, Volume I, Civil Case No. 94-612, pp. 1-7.

[6] Records, Civil Case No. 05-131, pp. 8-20; penned by Presiding Judge Alberto L. Lerma.

- [7] Id. at 18-20.
- [8] Id. at 31.
- [9] Id. at 21-23.
- [10] Id. at 24.
- [11] Id. at 25-29.
- [12] Id. at 28.
- [13] Id. at 31.
- [14] Id. at 1-7.
- [15] Id. at 199-205.
- [16] Id. at 268-270; penned by Presiding Judge Alberto L. Lerma.
- [17] Id. at 270. Emphases in the original.
- [18] Id. at 282-283.
- [19] Id. at 284.
- [20] Id. at 286-288.
- [21] Id. at 292-297.
- [22] Id. at 305; penned by Presiding Judge Alberto L. Lerma.
- [23] Id.
- [24] CA rollo, pp. 2-16; Amended Petition, pp. 39-63.
- [25] Id. at 12 and 60.
- [26] Id. at 134-139.
- [27] Id. at 139.
- [28] Id. at 180-181.
- [29] Rollo, pp. 12-13.
- [30] Id. at 412.
- [31] Id. at 404.
- [32] Id.
- [33] Id. at 411-412.
- [34] Id. at 408-410.
- [35] Id. at 417.
- [36] Id. at 418-419.
- [37] Id. at 413-415.

[38] Id. at 464.

[39] Id. at 466.

[40] Rules of Court, Rule 41, Section 3.

[41] Sec. 3. Manner of filing. – The filing of pleadings, appearances, motions, notices, orders, judgments and all other papers shall be made by presenting the original copies thereof, plainly indicated as such, personally to the clerk of court or by sending them by registered mail. In the first case, the clerk of court shall endorse on the pleading the date and hour of filing. In the second case, the date of the mailing of motions, pleadings, or any other papers or payments or deposits, as shown by the post office stamp on the envelope or the registry receipt, shall be considered as the date of their filing, payment, or deposit in court. The envelope shall be attached to the record of the case.

[42] Philippine National Bank v. Commissioner of Internal Revenue, G.R. No. 172458, December 14, 2011, 662 SCRA 424, 433-434, citing Benguet Electric Cooperative, Inc. v. National Labor Relations Commission, G.R. No. 89070, May 18, 1992, 209 SCRA 55, 60-61.

[43] Rollo, p. 46.

[44] Juco v. Heirs of Tomas Siy Chung Fu, 491 Phil. 641, 650 (2005).

[45] Id.

[46] Arcenas v. Court of Appeals, *supra* note 1 at 132.

[47] Infante v. Aran Builders, Inc., G.R. No. 156596, August 24, 2007, 531 SCRA 123, 129, citing Aldeguer v. Gemelo, 68 Phil. 421, 424-425 (1939).

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