

FLORENCIA G. DIAZ, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES, RESPONDENT.

G.R. No. 181502. February 02, 2010

Ponente: CORONA, J.

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CORONA, J.:

This is a letter-motion praying for reconsideration (for the third time) of the June 16, 2008 resolution of this Court denying the petition for review filed by petitioner Florencia G. Diaz.

Petitioner's late mother, Flora Garcia (Garcia), filed an application for registration of a vast tract of land^[1] located in Laur, Nueva Ecija and Palayan City in the then Court of First Instance (CFI), Branch 1, Nueva Ecija on August 12, 1976.^[2] She alleged that she possessed the land as owner and worked, developed and harvested the agricultural products and benefits of the same continuously, publicly and adversely for more or less 26 years.

The Republic of the Philippines, represented by the Office of the Solicitor General (OSG), opposed the application because the land in question was within the Fort Magsaysay Military Reservation (FMMR), established by virtue of Proclamation No. 237 (Proclamation 237)^[3] in 1955. Thus, it was inalienable as it formed part of the public domain.

Significantly, on November 28, 1975, this Court already ruled in *Director of Lands v. Reyes*^[4] that the property subject of Garcia's application was inalienable as it formed part of a military reservation. Moreover, the existence of Possessory Information Title No. 216 (allegedly registered in the name of a certain Melecio Padilla on March 5, 1895), on which therein respondent Parañaque Investment and Development Corporation anchored its claim on the land, was not proven. Accordingly, the decree of registration issued in its favor was declared null and void.

Reyes notwithstanding, the CFI ruled in Garcia's favor in a decision^[5] dated July 1, 1981.

The Republic eventually appealed the decision of the CFI to the Court of Appeals (CA). In its decision^[6] dated February 26, 1992, penned by Justice Vicente V. Mendoza (Mendoza decision),^[7] the appellate court reversed and set aside the decision of the CFI. The CA found that Reyes was applicable to petitioner's case as it involved the same property.

The CA observed that Garcia also traced her ownership of the land in question to Possessory Information Title No. 216. As Garcia's right to the property was largely dependent on the existence and validity of the possessory information title the probative value of which had already been passed upon by this Court in Reyes, and inasmuch as the land was situated inside a military reservation, the CA concluded that she did not validly acquire title thereto.

During the pendency of the case in the CA, Garcia passed away and was substituted by her heirs, one of whom was petitioner Florencia G. Diaz.^[8]

Petitioner filed a motion for reconsideration of the Mendoza decision. While the motion was pending in the CA,

petitioner also filed a motion for recall of the records from the former CFI. Without acting on the motion for reconsideration, the appellate court, with Justice Mendoza as ponente, issued a resolution[9] upholding petitioner's right to recall the records of the case.

Subsequently, however, the CA encouraged the parties to reach an amicable settlement on the matter and even gave the parties sufficient time to draft and finalize the same.

The parties ultimately entered into a compromise agreement with the Republic withdrawing its claim on the more or less 4,689 hectares supposedly outside the FMMR. For her part, petitioner withdrew her application for the portion of the property inside the military reservation. They filed a motion for approval of the amicable settlement in the CA.[10]

On June 30, 1999, the appellate court approved the compromise agreement.[11] On January 12, 2000, it directed the Land Registration Administration to issue the corresponding decree of registration in petitioner's favor.[12]

However, acting on a letter written by a certain Atty. Restituto S. Lazaro, the OSG filed a motion for reconsideration of the CA resolution ordering the issuance of the decree of registration. The OSG informed the appellate court that the tract of land subject of the amicable settlement was still within the military reservation.

On April 16, 2007, the CA issued an amended resolution (amended resolution)[13] annulling the compromise agreement entered into between the parties. The relevant part of the dispositive portion of the resolution read:

ACCORDINGLY, the Court resolves to:

- (1) x x x x x x
- (2) x x x x x x
- (3) x x x x x x
- (4) x x x x x x
- (5) x x x x x x

(6) REVERSE the Resolution dated June 30, 1999 of this Court approving the Amicable Settlement dated May 18, 1999 executed between the Office of the Solicitor General and Florencia Garcia Diaz[;]

(7) ANNUL and SET ASIDE the Amicable Settlement dated May 18, 1999 executed between the Office of the Solicitor General and Florencia Garcia Diaz; the said Amicable Settlement is hereby DECLARED to be without force and effect;

(8) GRANT the Motion for Reconsideration filed by the Office of the Solicitor General and, consequently, SET ASIDE the Resolution dated January 12, 2000 which ordered, among other matters, that a certificate of title be issued in the name of plaintiff-appellee Florencia Garcia Diaz over the portion of the subject property in consonance with the Amicable Settlement dated May 18, 1999 approved by the Court in its Resolution dated June 30, 1999;

(9) SET ASIDE the Resolution dated June 30, 1999 approving the May 18, 1999 Amicable Settlement and the Resolution dated September 20, 1999 amending the aforesaid June 30, 1999 Resolution; and

(10) REINSTATE the Decision dated February 26, 1992 dismissing applicant-appellee Diaz' registration herein.

SO ORDERED.

(Emphasis supplied)

Petitioner moved for reconsideration. For the first time, she assailed the validity of the Mendoza decision - the

February 26, 1992 decision adverted to in the CA's amended resolution. She alleged that Justice Mendoza was the assistant solicitor general during the initial stages of the land registration proceedings in the trial court and therefore should have inhibited himself when the case reached the CA. His failure to do so, she laments, worked an injustice against her constitutional right to due process. Thus, the Mendoza decision should be declared null and void. The motion was denied.[14]

Thereafter, petitioner filed a petition for review on certiorari[15] in this Court. It was denied for raising factual issues.[16] She moved for reconsideration.[17] This motion was denied with finality on the ground that there was no substantial argument warranting a modification of the Court's resolution. The Court then ordered that no further pleadings would be entertained. Accordingly, we ordered entry of judgment to be made in due course.[18]

Petitioner, however, insisted on filing a motion to lift entry of judgment and motion for leave to file a second motion for reconsideration and to refer the case to the Supreme Court en banc.[19] The Court denied[20] it considering that a second motion for reconsideration is a prohibited pleading.[21] Furthermore, the motion to refer the case to the banc was likewise denied as the banc is not an appellate court to which decisions or resolutions of the divisions may be appealed.[22] We reiterated our directive that no further pleadings would be entertained and that entry of judgment be made in due course.

Not one to be easily deterred, petitioner wrote identical letters, first addressed to Justice Leonardo A. Quisumbing (then Acting Chief Justice) and then to Chief Justice Reynato S. Puno himself.[23] The body of the letter, undoubtedly in the nature of a third motion for reconsideration, is hereby reproduced in its entirety:

This is in response to your call for "Moral Forces" in order to "redirect the destiny of our country which is suffering from moral decadence," that to your mind, is the problem which confronts us. (Inquirer, January 15, 2009, page 1)[.]

I recently lost my case with the Supreme Court, G.R. N[o]. 181502, and my lawyer has done all that is humanly possible to convince the court to take a second look at the miscarriage of justice that will result from the implementation of the DISMISSAL in a MINUTE RESOLUTION of our Petition for Review.

Pending before your Division (First Division) is a last plea for justice so that the case may be elevated to the Supreme Court en banc. I hope the Court exercises utmost prudence in resolving the last plea. For ready reference, a copy of the Motion is hereto attached as Annex "A".

The issue that was brought before the Honorable Supreme Court involves the Decision of then Justice Vicente Mendoza of the Court of Appeals, which is NULL and VOID, ab initio.

It is null and void because destiny placed Hon. Justice Vicente Mendoza in a position in which it became possible for him to discharge the minimum requirement of due process, [i.e.] the ability of the court to render "impartial justice," because Mr. Justice Mendoza became the ponente of the Court of Appeals Decision, reversing the findings of the trial court, notwithstanding the fact that he, as Assistant Solicitor General, was the very person who appeared on behalf of the Republic, as the oppositor in the very same land registration proceedings in which he lost.

In other words, he discharged the duties of prosecutor and judge in the very same case.

In the case of the "Alabang Boys[.]" the public was outraged by the actions of Atty. Verano who admitted having prepared a simple resolution to be signed by the Secretary of Justice.

In my case, the act complained of is the worst kind of violation of my constitutional right. It is simply immoral, illegal and unconstitutional, for the prosecutor to eventually act as the judge, and reverse the very decision in which he had lost.

If leaked to the tri-media[,] my case will certainly evoke even greater spite from the public, and put the Supreme Court in bad light. I must confess that I was tempted to pursue such course of action. I however believe that such an action will do more harm than good, and even destroy the good name of Hon. Justice Mendoza.

I fully support your call for "moral force" that will slowly and eventually lead our country to redirect its destiny and escape from this moral decadence, in which we all find ourselves.

I am content with the fact that at least, the Chief Justice continues to fight the dark forces that surround us everyday.

I only ask that the Supreme Court endeavor to ensure that cases such as mine do not happen again, so that the next person who seeks justice will not experience the pain and frustration that I suffered under our judicial system.

Thank you, and more power to you, SIR. (Emphasis in the original).

The language of petitioner's letter/motion is unmistakable. It is a thinly veiled threat precisely worded and calculated to intimidate this Court into giving in to her demands to honor an otherwise legally infirm compromise agreement, at the risk of being vilified in the media and by the public.

This Court will not be cowed into submission. We deny petitioner's letter/third motion for reconsideration.

APPLICABILITY OF REYES

The Court agrees with the Republic's position that Reyes is applicable to this case.

To constitute res judicata, the following elements must concur:

- (1) the former judgment or order must be final;
- (2) the judgment or order must be on the merits;
- (3) it must have been rendered by a court having jurisdiction over the subject matter and parties; and
- (4) there must be between the first and second actions, identity of parties, of subject matter, and of causes of action. [24]

The first three requisites have undoubtedly been complied with. However, petitioner takes exception to the fourth requisite, particularly on the issue of identity of parties. In her petition for review filed in this Court, she contends that since the applicants in the two cases are different, the merits of the two cases should, accordingly, be determined independently of each other.[25]

This contention is erroneous.

The facts obtaining in this case closely resemble those in *Aquino v. Director of Lands*. [26] In that case, Quintin Tañedo endeavored to secure title to a considerable tract of land by virtue of his possession thereof under CA 141. When the case eventually reached this Court, we affirmed the trial court's decision to dismiss the proceedings as the property in question was part of the public domain. Quintin's successor-in-interest, Florencia Tañedo, who despite knowledge of the proceedings did not participate therein, thereafter sold the same property to Benigno S. Aquino. The latter sought to have it registered in his name. The question in that case, as well as in this one, was whether our decision in the case in which another person was the applicant constituted res judicata as against his successors-in-interest.

We ruled there, and we so rule now, that in registration cases filed under the provisions of the Public Land Act for the judicial confirmation of an incomplete and imperfect title, an order dismissing an application for registration

and declaring the land as part of the public domain constitutes *res judicata*, not only against the adverse claimant, but also against all persons.[27]

We also declared in *Aquino* that:

From another point of view, the decision in the first action has become the "law of the case" or at least falls within the rule of *stare decisis*. That adjudication should be followed unless manifestly erroneous. It was taken and should be taken as the authoritative view of the highest tribunal in the Philippines. It is indispensable to the due administration of justice especially by a court of last resort that a question once deliberately examined and decided should be considered as settled and closed to further argument. x x x[28]

Be that as it may, the fact is that, even before the CFI came out with its decision in favor of petitioner on July 1, 1981, this Court, in *Reyes*, already made an earlier ruling on November 28, 1975 that the disputed realty was inalienable as it formed part of a military reservation. Thus, petitioner's argument that the findings of fact of the trial court on her registrable title are binding on us - on the principle that findings of fact of lower courts are accorded great respect and bind even this Court - is untenable. Rather, it was incumbent upon the court *a quo* to respect this Court's ruling in *Reyes*, and not the other way around.

However, despite having been apprised of the Court's findings in *Reyes* (which should have been a matter of judicial notice in the first place), the trial court still insisted on its divergent finding and disregarded the Court's decision in *Reyes*, declaring the subject land as forming part of a military reservation, and thus outside the commerce of man.

By not applying our ruling in *Reyes*, the trial judge virtually nullified the decision of this Court and therefore acted with grave abuse of discretion.[29] Notably, a judgment rendered with grave abuse of discretion is void and does not exist in legal contemplation.[30]

All lower courts, especially the trial court concerned in this case, ought to be reminded that it is their duty to obey the decisions of the Supreme Court. A conduct becoming of inferior courts demands a conscious awareness of the position they occupy in the interrelation and operation of our judicial system. As eloquently declared by Justice J.B. L. Reyes, "There is only one Supreme Court from whose decision all other courts should take their bearings." [31]

ACQUISITION OF PRIVATE RIGHTS

Petitioner, however, argues that Proclamation 237 itself recognizes that its effectivity is "subject to private rights, if any there be."

By way of a background, we recognized in *Reyes* that the property where the military reservation is situated is forest land. Thus:

Before the military reservation was established, the evidence is inconclusive as to possession, for it is shown by the evidence that the land involved is largely mountainous and forested. As a matter of fact, at the time of the hearing, it was conceded that approximately 13,957 hectares of said land consist of public forest. x x x (Emphasis supplied)[32]

Concomitantly, we stated therein, and we remind petitioner now, that forest lands are not registrable under CA 141.

[E]ven more important, Section 48[b] of CA No. 141, as amended, applies exclusively to public agricultural land. Forest lands or area covered with forest are excluded. It is well-settled that forest land is incapable of

registration; and its inclusion in a title, whether such title be one issued using the Spanish sovereignty or under the present Torrens system of registration, nullifies the title. (Emphasis supplied).[33]

However, it is true that forest lands may be registered when they have been reclassified as alienable by the President in a clear and categorical manner (upon the recommendation of the proper department head who has the authority to classify the lands of the public domain into alienable or disposable, timber and mineral lands)[34] coupled with possession by the claimant as well as that of her predecessors-in-interest. Unfortunately for petitioner, she was not able to produce such evidence. Accordingly, her occupation thereof, and that of her predecessors-in-interest, could not have ripened into ownership of the subject land. This is because prior to the conversion of forest land as alienable land, any occupation or possession thereof cannot be counted in reckoning compliance with the thirty-year possession requirement under Commonwealth Act 141 (CA 141) or the Public Land Act.[35] This was our ruling in *Almeda v. CA*. [36] The rules on the confirmation of imperfect titles do not apply unless and until the land classified as forest land is released through an official proclamation to that effect. Then and only then will it form part of the disposable agricultural lands of the public domain.[37]

Coming now to petitioner's contention that her "private rights" to the property, meaning her and her predecessors' possession thereof prior to the establishment of the FMMR, must be respected, the same is untenable. As earlier stated, we had already recognized the same land to be public forest even before the FMMR was established. To reiterate:

Before the military reservation was established, the evidence is inconclusive as to possession, for it is shown by the evidence that the land involved is largely mountainous and forested. As a matter of fact, at the time of the hearing, it was conceded that approximately 13,957 hectares of said land consist of public forest. x x x

Therefore, even if possession was for more than 30 years, it could never ripen to ownership.

But even assuming that the land in question was alienable land before it was established as a military reservation, there was nevertheless still a dearth of evidence with respect to its occupation by petitioner and her predecessors-in-interest for more than 30 years. In *Reyes*, we noted:

Evidently, Melecio Padilla, having died on February 9, 1900, barely five (5) years after the inscription of the informacion possessoria, could not have converted the same into a record of ownership twenty (20) years after such inscription, pursuant to Article 393 of the Spanish Mortgage Law.

x x x

During the lifetime of Melecio Padilla, only a small portion thereof was cleared and cultivated under the 'kaingin' system, while some portions were used as grazing land. After his death, his daughter, Maria Padilla, caused the planting of vegetables and had about forty (40) tenants for the purpose. During the Japanese occupation, Maria Padilla died. x x x

x x x

A mere casual cultivation of portions of the land by the claimant, and the raising thereon of cattle, do not constitute possession under claim of ownership. In that sense, possession is not exclusive and notorious as to give rise to a presumptive grant from the State. While grazing livestock over land is of course to be considered with other acts of dominion to show possession, the mere occupancy of land by grazing livestock upon it, without substantial inclosures, or other permanent improvements, is not sufficient to support a claim of title thru acquisitive prescription. The possession of public land, however long the period may have extended, never confers title thereto upon the possessor because the statute of limitations with regard to public land does not operate against the State unless the occupant can prove possession and occupation of the same under claim of ownership for the required number of years to constitute a grant from the State.[38]

x x x

Furthermore, the fact that the possessory information title on which petitioner also bases her claim of ownership was found to be inexistent in Reyes,[39] thus rendering its probative value suspect, further militates against granting her application for registration.

NULLITY OF COMPROMISE AGREEMENT

On the compromise agreement between the parties, we agree with the CA that the same was null and void.

An amicable settlement or a compromise agreement is in the nature of a contract and must necessarily comply with the provisions of Article 1318 of the New Civil Code which provides:

Art. 1318. There is no contract unless the following requisites concur:

- (1) Consent of the contracting parties;
- (2) Object certain which is the subject matter of the contract;
- (3) Cause of the obligation which is established.

Petitioner was not able to provide any proof that the consent of the Republic, through the appropriate government agencies, i.e. the Department of Environment and Natural Resources, Land Management Bureau, Land Registration Authority, and the Office of the President, was secured by the OSG when it executed the agreement with her.[40] The lack of authority on the part of the OSG rendered the compromise agreement between the parties null and void because although it is the duty of the OSG to represent the State in cases involving land registration proceedings, it must do so only within the scope of the authority granted to it by its principal, the Republic of the Philippines.[41]

In this case, although the OSG was authorized to appear as counsel for respondent, it was never given the specific or special authority to enter into a compromise agreement with petitioner. This is in violation of the provisions of Rule 138 Section 23, of the Rules of Court which requires "special authority" for attorneys to bind their clients.

Section 23. Authority of attorneys to bind clients. - Attorneys have authority to bind their clients in any case by any agreement in relation thereto made in writing, and in taking appeals, and in all matters of ordinary judicial procedure. But they cannot, without special authority, compromise their client's litigation, or receive anything in discharge of a client's claim but the full amount in cash. (Emphasis supplied).

Moreover, the land in question could not have been a valid subject matter of a contract because, being forest land, it was inalienable. Article 1347 of the Civil Code provides:

Art. 1347. All things which are not outside the commerce of men, including future things, may be the object of a contract. All rights which are not intransmissible may also be the object of contracts.

No contract may be entered into upon future inheritance except in cases expressly authorized by law.

All services which are not contrary to law, morals, good customs, public order or public policy may likewise be the object of a contract. (Emphasis supplied)

Finally, the Court finds the cause or consideration of the obligation contrary to law and against public policy. The agreement provided that, in consideration of petitioner's withdrawal of her application for registration of title from that portion of the property located within the military reservation, respondent was withdrawing its claim on that part of the land situated outside said reservation. The Republic could not validly enter into such undertaking as the subject matter of the agreement was outside the commerce of man.

PETITIONER'S CONTEMPT OF COURT

This Court, being the very institution that dispenses justice, cannot reasonably be expected to just sit by and do nothing when it comes under attack.

That petitioner's letter-motion constitutes an attack against the integrity of this Court cannot be denied. Petitioner started her letter innocently enough by stating:

This is in response to your call for "Moral Forces" in order to "redirect the destiny of our country which is suffering from moral decadence," that to your mind, is the problem which confronts us. (Inquirer, January 15, 2009, page 1)[.]

It, however, quickly progressed into a barely concealed resentment for what she perceived as this Court's failure to exercise "utmost prudence" in rendering "impartial justice" in deciding her case. Petitioner recounted:

I recently lost my case with the Supreme Court, G.R. N[o]. 181502, and my lawyer has done all that is humanly possible to convince the court to take a second look at the miscarriage of justice that will result from the implementation of the DISMISSAL in a MINUTE RESOLUTION of our Petition for Review.

Pending before your Division (First Division) is a last plea for justice so that the case may be elevated to the Supreme Court en banc. I hope the Court exercises utmost prudence in resolving the last plea. For ready reference, a copy of the Motion is hereto attached as Annex "A".

The issue that was brought before the Honorable Supreme Court involves the Decision of then Justice Vicente Mendoza of the Court of Appeals, which is NULL and VOID, ab initio.

It is null and void because destiny placed Hon. Justice Vicente Mendoza in a position in which it became possible for him to discharge the minimum requirement of due process, [i.e.] the ability of the court to render "impartial justice," because Mr. Justice Mendoza became the ponente of the Court of Appeals Decision, reversing the findings of the trial court, notwithstanding the fact that he, as Assistant Solicitor General, was the very person who appeared on behalf of the Republic, as the oppositor in the very same land registration proceedings in which he lost. (Emphasis supplied).

Petitioner then indirectly hints that, when push comes to shove, she has no choice but to expose the irregularity concerning the Mendoza decision to the media. This is evident in her arrogant declaration that:

If leaked to the tri-media[,] my case will certainly evoke even greater spite from the public, and put the Supreme Court in bad light.

But she hastens to add in the same breath that:

I must confess that I was tempted to pursue such course of action. I however believe that such an action will do more harm than good, and even destroy the good name of Hon. Justice Mendoza.

Petitioner ends her letter by taking this Court to task:

. . . endeavor to ensure that cases such as mine do not happen again, so that the next person who seeks justice will not experience the pain and frustration that I suffered under our judicial system.

When required to show cause why she should not be cited for contempt for her baseless charges and veiled threats, petitioner answered:

x x x

The Letter of January 26, 2009 is not a "veiled threat[.]" It was written in response to the call of the Chief

Justice for a moral revolution. Juxtaposed against the factual backdrop of the "Alabang Boys" case and the Meralco [c]ase, involving Mr. Justice Jose L. Sabio which also enjoyed wide publicity over the tri-media, petitioner felt that the facts of the said cases pale in comparison to the facts of her case where the lawyer of her opponent eventually became justice of the appellate court and ended up reversing the very decision in which he lost, in clear violation of her [c]onstitutional [r]ight to fundamental fair play - for no contestant in any litigation can ever serve as a judge without transgression of the due process clause. This is basic.

Petitioner confesses that she may have been emotional in the delivery of her piece, because correctly or incorrectly[,] she believes they are irrefutable. If in the course of that emotional delivery, she has offended your honors' sensibilities, she is ready for the punishment, and only prays that his Court temper its strike with compassion - as her letter to the Chief Justice was never written with a view of threatening the Court.

x x x

Petitioner wrote the Chief Justice in order to obtain redress and correction of the inequity bestowed upon her by destiny. It was never meant as a threat.

The Court now puts an end to petitioner's irresponsible insinuations and threats of "going public" with this case. We are not blind to petitioner's clever and foxy interplay of threats alternating with false concern for the reputation of this Court.

It is well to remind petitioner that the Court has consistently rendered justice with neither fear nor favor. The disposition in this case was arrived at after a careful and thorough deliberation of the facts of this case and all the matters pertaining thereto. The records of the case, in fact, show that all the pertinent issues raised by petitioner were passed upon and sufficiently addressed by the appellate court and this Court in their respective resolutions.

As to petitioner's complaint regarding this Court's denial of her petition through a mere minute resolution (which allegedly deprived her of due process as the Court did not issue a full-blown decision stating the facts and applicable jurisprudence), suffice it to say that the Court is not duty-bound to issue decisions or resolutions signed by the justices all the time. It has ample discretion to formulate ponencias, extended resolutions or even minute resolutions issued by or upon its authority, depending on its evaluation of a case, as long as a legal basis exists. When a minute resolution (signed by the Clerk of Court upon orders of the Court) denies or dismisses a petition or motion for reconsideration for lack of merit, it is understood that the assailed decision or order, together with all its findings of fact and legal conclusions, are deemed sustained.[42]

Furthermore, petitioner has doggedly pursued her case in this Court by filing three successive motions for reconsideration, including the letter-motion subject of this resolution. This, despite our repeated warnings that "no further pleadings shall be entertained in this case." Her unreasonable persistence constitutes utter defiance of this Court's orders and an abuse of the rules of procedure. This, alongside her thinly veiled threats to leak her case to the media to gain public sympathy - although the tone of petitioner's compliance with our show-cause resolution was decidedly subdued compared to her earlier letters - constitutes contempt of court.

In *Republic v. Unimex*,[43] we held:

A statement of this Court that no further pleadings would be entertained is a declaration that the Court has already considered all issues presented by the parties and that it has adjudicated the case with finality. It is a directive to the parties to desist from filing any further pleadings or motions. Like all orders of this Court, it must be strictly observed by the parties. It should not be circumvented by filing motions ill-disguised as requests for clarification.

A FEW OBSERVATIONS

If petitioner was, as she adamantly insists, only guarding her constitutional right to due process, then why did she question the validity of the Mendoza decision late in the proceedings, that is, only after her motion for reconsideration in the CA (for its subsequent annulment of the compromise agreement) was denied? It is obvious that it was only when her case became hopeless that her present counsel frantically searched for some ground, any ground to resuscitate his client's lost cause, subsequently raising the issue. This is evident from a statement in her petition to this Court that:

It is this fresh discovery by the undersigned counsel of the nullity of the proceedings of the Court of Appeals that places in doubt the entire proceedings it previously conducted, which led to the rendition of the February 26, 1992 Decision, a fact that escaped the scrutiny of applicant for registration Flora L. Garcia, as well as her lawyer, Atty. Cayetano Dante Diaz, who died in 1993, and the late Justice Fernando A. Santiago, who stood as counsel for Flora L. Garcia's successor-in-interest, herein petitioner, Florencia G. Garcia.[44] (Emphasis supplied).

The above cited statement does not help petitioner's cause at all. If anything, it only proves how desperate the case has become for petitioner and her counsel.

WHEREFORE, the letter-motion dated January 26, 2009 of petitioner is NOTED and is hereby treated as a third motion for reconsideration. The motion is DENIED considering that a third motion for reconsideration is a prohibited pleading and the plea utterly lacks merit.

Petitioner is found GUILTY of contempt of court. Accordingly, a FINE of Five Thousand Pesos is hereby imposed on her, payable within ten days from receipt of this resolution. She is hereby WARNED that any repetition hereof shall be dealt with more severely.

Treble costs against petitioner.

SO ORDERED.

Carpio[*], Velasco, Jr., Nachura, and Peralta, JJ., concur.

[*] Per Special Order No. 818 dated January 18, 2010.

[1] The subject property has an area of around 16,800 hectares.

[2] It was docketed as Land Registration Case No. 853 (LRC No. 853).

[3] Proclamation Reserving for Military Purposes A Portion of the Public Domain Situated in the Municipalities of Papaya, Sta. Rosa, and Laur, Province of Nueva Ecija and Portion of Quezon Province.

[4] G.R. Nos. L-27594 and 28144, 28 November 1975, 68 SCRA 177.

[5] Penned by Judge Virgilio D. Pobre Yñigo. Dated July 1, 1981, rollo, pp. 218-241.

[6] Concurred in by Associate Justices Oscar M. Herrera (retired) and Alicia V. Sempio-Diy (retired) of the Former Fourth Division of the CA. Id., pp. 167-186.

[7] He later on became an Associate Justice of this Court.

[8] When the CA handed down its decision, petitioner's co-heirs filed a petition for review on certiorari in this Court, entitled *Flora L. Garcia v. CA, et. al.*, docketed as G.R. No. 104561. It was denied for their failure to show

that the CA committed reversible error in the assailed decision warranting the exercise of this Court's discretionary appellate jurisdiction. The motion for reconsideration they filed suffered the same fate.

[9] Concurred in by Associate Justices Oscar M. Herrera (retired) and Alfredo M. Marigomen (retired) of the Former Fourth Division of the CA. Rollo, pp. 313-319.

[10] *Id.*, pp. 351-355.

[11] Penned by Associate Justice Bernardo P. Abesamis (retired) and concurred in by Associate Justices Artemon D. Luna (retired) and Conchita Carpio Morales (now Supreme Court Justice) of the Former Second Division of the CA. *Id.*, pp. 361-368.

[12] Penned by Associate Justice Bernardo P. Abesamis (retired) and concurred in by Associate Justices Conchita Carpio Morales (now Supreme Court Justice) and Presbitero J. Velasco, Jr. (now Supreme Court Justice) of the Former Second Division of the CA. *Id.*, pp. 373-374.

[13] Penned by Associate Justice Rodrigo V. Cosico (retired) and concurred in by Associate Justices Portia A. Hormachuelos, Marina L. Buzon (retired), Renato C. Dacudao (retired) and Enrico A. Lanzanas (retired), forming a Special Division of Five of the CA. *Id.*, pp. 104-118.

[14] Penned by Associate Justice Rodrigo V. Cosico (retired) and concurred in by Associate Justices Portia A. Hormachuelos, Marina L. Buzon (retired), Enrico A. Lanzanas (retired) and Ramon A. Garcia forming a Division of Five of the CA. Rollo, pp. 10-24.

[15] *Id.*, pp. 27-79.

[16] Resolution dated 16 June 2008, *id.*, p. 411.

[17] *Id.*, pp. 412-426.

[18] Resolution dated 27 August 2008, *id.*, p. 427. Eventually, in a resolution dated 19 August 2009, the Court certified that its 16 June 2008 resolution, which denied the petition for review, had become final and executory and, as such, was recorded in the book of entries of judgment.

[19] *Id.*, pp. 428-433.

[20] Resolution dated 2 February 2009, *id.*, p. 434.

[21] Under Section 2, Rule 52 in relation to Section 4, Rule 56 of the 1997 Rules of Procedure, as amended.

[22] Per SC Circular 2-89, dated 7 February 1989, as amended by the Resolution dated 18 November 1993.

[23] Rollo, pp. 435-439 and 450-451, respectively.

[24] *PCGG v. Sandiganbayan*, G.R. No. 124772, 14 August 2007, 530 SCRA 13, 21.

[25] Rollo, p. 65.

[26] 39 Phil 851 (1919).

[27] *Id.*, See also *Lopez v. Director of Lands*, 48 Phil. 589 (1926).

[28] *Id.*, p. 861.

[29] *Republic v. COCOFED*, G.R. Nos. 147062-64, 14 December 2001, 372 SCRA 462, 493, citing *Cuison v. CA*, G.R. No. 128540, 15 April 1998, 289 SCRA 161, 171, which, in turn, cited *People v. CA*, No. L-54641, 28

November 1980, 101 SCRA 450, 465.

In Republic, we held that grave abuse of discretion may arise when a lower court or tribunal violates or contravenes the Constitution, the law or existing jurisprudence. (Emphasis supplied).

[30] People v. Sandiganbayan, G.R. No. 164185, 23 July 2008, 559 SCRA 449, 460.

[31] CHED v. Dasig, G.R. No. 172776, 17 December 2008, 574 SCRA 227.

[32] Director of Lands v. Reyes, supra note 4, p. 192.

[33] Id., pp. 194-195.

[34] Gordula v. CA, G.R. No. 127296, 22 January 1998, 284 SCRA 617, 633.

[35] C. A. No. 141, as amended, prescribes the substantive as well as the procedural requirements for acquisition of public lands. This law requires at least thirty (30) years of open, continuous, exclusive and notorious possession and occupation of agricultural lands of the public domain, under a bona fide claim of acquisition, immediately preceding the filing of the application for free patent. The rationale for the 30-year period lies in the presumption that the land applied for pertains to the State, and that the occupants and/or possessors claim an interest therein only by virtue of their imperfect title or continuous, open and notorious possession. (Gordula v. CA, supra at 631. Although this case deals with an application for free patent, it is applicable to this case as it also involves forest land.)

[36] G.R. No. 85322, 30 April 1991, 196 SCRA 476, 480.

[37] Republic v. De Guzman, G.R. No. 137887, 28 February 2000, 326 SCRA 574, 580 and Ituralde v. Falcasantos, G.R. No. 128017, 20 January 1999, 301 SCRA 293, 296 which cited Sunbeam Convenience Foods, Inc. v. CA, G.R. No. 50464, 29 January 1990, 181 SCRA 443, 448.

[38] Director of Lands v. Reyes, supra note 4, pp. 192-193.

[39] We stated therein:

The applicant relies on a purported titulo de informacion posesoria issued in the name of Melecio Padilla (Exh. "T," pp.62-68, Exhibits of Applicant). However, neither the original of the said titulo de informacion posesoria, nor a duly authenticated copy thereof, was submitted in evidence, and there are serious flaws on the faces of the alleged copies of the document, as in the circumstances surrounding their execution. Thus, the two (2) purported photostat copies of the said informacion posesoria title materially differ on the date when said informacion posesoria was issued. One copy showed that the said document was issued on March 5, 1895 (Exhibit "T"), while the other indicated that it was issued twelve (12) years earlier, or on March 5, 1883 (Exhibit "2").

In this case, we likewise noted that petitioner's possessory information title is also a mere photocopy as per the trial court's decision enumerating petitioner's evidence. (Rollo, p. 229.) In the Opposition filed by the OSG, it averred that petitioner moved to reopen the case and asked that she be allowed to present the original of the document as her counsel was not able to establish the existence thereof at the trial due to oversight. The OSG, however, pointed out that said failure to present this pertinent piece of evidence was not due to oversight. Rather, the original of the said title could not be presented. This can be gleaned from the transcript relevant to the matter:

ATTY. BRINGAS:

In any case, Your Honor, we have a typewritten copy which is legible which we will request also to be marked in evidence.

COURT:

If that appears to be a faithful reproduction of the original upon comparison, then why not make the proper manifestation for the record[?]

FISCAL VILORIA:

But, Your Honor, according to the counsel for the applicant, he has only in his possession the xerox copy or photostat copy and the typewritten copy of the said document. We have to see the original, Your Honor.

COURT:

Yes.

ATTY. BRINGAS.

We respectfully request, Your Honor, that the photostat copy of the said document be marked in evidence as Exh. Q.

COURT:

Mark it.

ATTY. BRINGAS:

Your Honor, we have the typewritten original copies of this photostat copy which we respectfully request to be marked in evidence as Exh. R, the second page of Exh. R to be marked as Exh. R-1 and page 3 of said Exh. R to be marked as Exh. R-2.

COURT:

Mark them.

(Transcript of Stenographic Notes, 15 December 1978, pp.23-25)

A perusal of the enumerated evidence presented by petitioner to the CFI would readily reveal that the aforementioned photocopies were marked as such. See rollo, pp. 229-230.

[40] CA resolution, *id.*, pp. 14-15.

[41] *Anacleto v. Twest*, G.R. No. 131411, 29 August 2000, 339 SCRA 211, pp. 216-217.

[42] Complaint of Mr. Aurelio Indencia Arrienda Against SC Justices Puno, Kapunan, Pardo, Ynares-Santiago, et. al., A.M. No. 03-11-30-SC, 9 June 2005, 460 SCRA 1, 13-14.

[43] G.R. Nos. 166309-10, 25 November 2008, 571 SCRA 537, 540.

[44] Rollo, p. 30.

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