VICTORIA L. TEH, PETITIONER, VS. NATIVIDAD TEH TAN, TEH KI TIAT, AND JACINTA SIA, RESPONDENTS.

G.R. No. 181956. November 11, 2010

Ponente: NACHURA, J.

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NACHURA, J.:

Before this Court is a Petition for Review on Certiorari under Rule 45 of the Rules of Court, assailing the Resolution[1] dated January 10, 2008 of the Court of Appeals (CA) in CA-G.R. SP No. 101550, and the Resolution[2] dated March 6, 2008, denying petitioner Victoria L. Teh's (Victoria's) Motion for Reconsideration.

The factual antecedents of this case are as follows.

Spouses Teh Lin and Lim Ay Go begat eight children, namely: Natividad, Teh Ki Huat, Teh Ki Tiat, Basilio, Victoria, Modesto, Marciano, and Peter. The couple owned a 990-square-meter parcel of land, covered by Transfer Certificate of Title (TCT) No. 37337, located in Sta. Mesa Heights, Quezon City. On January 29, 1971, Lim Ay Go executed a Deed of Donation Inter Vivos in favor of Natividad, Teh Ki Huat, Teh Ki Tiat, and Victoria. On November 19, 1971, Teh Lin also executed a Deed of Donation in favor of the same four children. Lim Ay Go died on May 7, 1973; while Teh Lin died on June 15, 1976.[3]

On September 13, 1994, TCT No. 37337 in the name of spouses Teh Lin and Lim Ay Go was cancelled and TCT No. 117548 was issued in Victoria's name.[4]

On September 26, 1994, Natividad, Teh Ki Tiat, and Jacinta Sia (representing Teh Ki Huat) filed a Complaint before the Regional Trial Court (RTC) of Quezon City. They alleged that Victoria surreptitiously and fraudulently procured the execution of the Deed of Donation dated March 20, 1971 covering their parents' property in her favor, to the exclusion of the other donees. They further alleged that the signatures of Teh Lin and Lim Ay Go were forged. They claimed that Lim Ay Go was an illiterate Chinese woman and could not have signed the Deed of Donation Inter Vivos in favor of Victoria. Thus, they prayed for the annulment of TCT No. 117548 and, in lieu thereof, for another title to be issued in their and Victoria's names as co-owners pro indiviso.[5]

In her Answer, Victoria argued that respondents had no cause of action. She claimed that respondents Natividad, Teh Ki Tiat, and Teh Ki Huat were not real children of Teh Lin and Lim Ay Go.[6] She claimed that, aside from herself, the only children and legal heirs of her parents were Basilio, Modesto, Marciano, and Peter, all surnamed Teh. She also argued that, even if the January 29, 1971 and November 19, 1971 Deeds of Donation were valid, they would only be valid as to her, because of the four (4) donees, she, alone, is a Filipino citizen. She further claimed that she has been in actual, public, adverse, peaceful, and uninterrupted possession of the property since 1971, and has since then been paying the real estate taxes thereon.[7]

She also narrated that, in 1980, she filed a petition for the issuance of a new owner's duplicate copy of TCT No. 37337, which was decided in her favor on August 3, 1981. That decision became final and executory without any appeal filed before any court.[8]

Finally, she claimed that, even without the Deed of Donation in her favor, respondents could not be declared co-owners of the property because of prescription.[9]

On October 17, 1995, Modesto, Peter, and Marciano filed a Motion for Intervention, claiming to have legal and substantial interest over the subject matter of the controversy.[10] The same was granted on March 11, 1996.[11] They claimed that their brother, Basilio, was the judicial administrator of the estate of the deceased Teh Lin. They prayed that the March 20, 1971 Deed of Donation be declared null and void ab initio; that TCT No. 117548 be cancelled; and that TCT No. 37337 in the name of their parents be reinstated.[12] They likewise asked the court for the reconveyance of the subject parcel of land to the estate of Teh Lin for the adjudication of the same to his surviving heirs.[13]

Meanwhile, Natividad died on March 7, 1995. Her counsel failed to file the proper substitution of her heirs as party-plaintiffs.

Basilio also filed a separate Motion for Leave of Court to Intervene, which he subsequently withdrew, but it was nonetheless granted by the RTC. On the other hand, Robert Teh, Margaret Teh Lin, Jane Teh, Rosie Teh Ong, and Nancy Teh Chan filed a complaint in intervention on September 9, 1996, claiming to be successors-in-interest and legal representatives of the late Teh Ki Huat. They also prayed that the March 20, 1971 Deed of Donation be declared null and void, and the January 19, 1971 and November 19, 1971 Deeds of Donation be upheld as valid.[14]

The RTC disregarded all complaints in intervention.[15] Thus, only Teh Ki Tiat remained as plaintiff in the case.[16]

On March 28, 2007, the RTC promulgated its decision, the dispositive portion of which states:

> Accordingly, on the basis of the aforestated ratiocination, judgment is hereby ordered declaring the following: (1) Declaring the Deed of Donation executed by Teh Lin and Lim Ay Go in favor of Victoria Lim Teh dated March 20, 1971 as null and void; (2) Declaring Transfer Certificate of Title (TCT) No. 117548 registered in the name of the Defendant Victoria Lim Teh of the Registry of Deeds for (sic) Quezon City on account of the aforestated deed of donation as likewise null and void; (3) Declaring the Deeds of [D]onation dated January 29, 1971 executed by Lim Ay Go in favor of Natividad Teh, Teh Ki Huat, Teh Ki Tiat and Victoria Lim Teh and the Deed of Donation dated November 19, 1971 executed by The (sic) Lin in favor of Natividad Teh, Teh Ki Huat, Teh Ki Tiat and Victoria Lim The (sic) as valid; (4) Directing the Registry of Deeds of Quezon City to reinstate Transfer Certificate of Title (TCT) No. 37337 in the name of Teh Lin and Lim Ay Go, subject matter of the Deeds of Donation dated January 29, 1971 and November 19, 1971; and (5) All claim for damages are dismissed.
>
> Costs against the Defendant.
>
> SO ORDERED.[17]

The RTC held that the March 20, 1971 Deed of Donation was spurious.[18] The RTC gave credence to the testimony of the handwriting expert presented by Basilio, who testified that the questioned signatures "Teh Lin" appearing on the original document, entitled Deed of Donation Inter Vivos, dated March 20, 1971, were not affixed by the person who signed standard signatures used in the scientific comparative examination. The expert also found that portions of the Deed were typed using different typewriters.[19] This testimony, the RTC said, remained uncontradicted. The RTC said:

> While expert evidence on handwriting is, at best, weak and unsatisfactory, and less weight should be given to inferences from comparison than to direct and credible testimonies of witnesses as to the matters of their personal observations but in the absence of or on account of the dearth of direct or substantial evidence and

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> countervailing evidence on the part of Victoria, the Court views the testimony of Atty. Desiderio Pagui as persuasive.[20]

The RTC also upheld Basilio's testimony that, even before his father's death, the lot covered by TCT No. 117548 had already been given to his brothers and sisters. He explained that the January 29, 1971 Deed of Donation pertained to the donation of his mother's portion, while the November 19, 1971 Deed of Donation pertained to his father's portion, which were all given to his brothers and sisters, excluding him.[21]

Subsequently, on June 4, 2007, respondents filed a Motion for Writ of Execution before the RTC, which petitioner did not oppose. The RTC granted the motion, and issued the corresponding writ in an Order dated June 19, 2007.[22]

On June 25, 2007, petitioner filed before the RTC a Manifestation and Points to be Clarified on the Decision of this Honorable Court in the Above-Entitled Case (Manifestation).[23] Petitioner argued that, based on the RTC's discussion in its decision, she is the sole beneficiary of the November 19, 1971 Deed of Donation. Hence, she prayed for the RTC to declare her as such; and for the Registry of Deeds to cancel TCT No. 37337 and for a new TCT to be issued in her name.[24]

In respondents' Comment/Opposition to petitioner's Manifestation, they pointed out that the RTC's March 28, 2007 decision had become final and executory.[25] Petitioner's Manifestation, they argued, was actually an appeal from the RTC's decision, which should be denied because the RTC had already lost its jurisdiction over the case.[26]

On September 5, 2007, the RTC issued an Order denying petitioner's Manifestation. The RTC noted that, based on its records, petitioner received a copy of its decision on April 11, 2007, and failed to file an appeal or take any other legal action to prevent the decision from becoming final and executory. Further, the RTC said that, even assuming that it still had the power to act on petitioner's Manifestation, its March 28, 2007 decision could not be interpreted as entitling Victoria to an order declaring her to be the sole beneficiary of the November 19, 1971 Deed of Donation.[27]

Victoria's Motion for Reconsideration was subsequently denied in an Order dated November 14, 2007.[28]

Petitioner then filed a Petition for Review before the CA. On January 10, 2008, the CA promulgated a Resolution disposing of the petition, thus:

> WHEREFORE, premises considered, the petition for certiorari is outrightly DENIED DUE COURSE and is hereby ordered DISMISSED.[29]

The CA held that to rule on petitioner's prayer to be adjudged the sole beneficiary of the November 19, 1971 Deed of Donation would "have the effect of touching [on] the merits and altering and overturning the judgment of the lower court which became final and executory on April 26, 2007."[30] Since the case did not fall within the recognized exceptions to the rule on finality of judgments, petitioner was bound by the finality of the RTC's decision.[31]

Petitioner filed a Motion for Reconsideration, which was denied in a Resolution dated March 6, 2008.

Hence, the present Petition for Review on Certiorari. Petitioner raises the following Assignment of Errors:

> - THE HONORABLE COURT OF APPEALS GRAVELY ERRED IN DI[S]MISSING OUTRIGHT THE PETITION FOR CERTIORARI FILED BY PETITIONER AMOUNTING TO ABUSE OF DISCRETION AND CONTRARY TO LAW WITHOUT TAKING INTO CONSIDERATION THE EXPLICIT GROUNDS OF THE PETITION STATED THEREIN.

- THE HONORABLE COURT OF APPEALS COMMITTED A GRAVE AND SERIOUS ERROR IN RULING THAT; "PETITIONER CONTENDS THAT THE JUDGMENT RENDERED BY THE LOWER COURT IS NULL AND VOID FOR NON-OBSERVANCE OF THE RULE OF THE SUBSTITUTION BY THE LEGAL REPRESENTATIVES OF THE DECEASED PLAINTIFF NATIVIDAD TEH TAN, YET SHE WANTS TO DERIVE BENEFITS FROM SAID VOID JUDGMENT AND PRAYING THAT SHE BE ADJUDGED AS THE SOLE BENEFICIARY OF THE DEED OF DONATION DATED NOVEMBER 19, 1971 AND THAT TCT NO. 37337 ISSUED BY THE REGISTER OF DEEDS OF QUEZON CITY BE CANCELLED AND TRANSFERRED IN HER NAME." (par. 2 and 3[,] RESOLUTION OF COURT OF APPEALS).

- THE HONORABLE COURT OF APPEALS GRIEVOUSLY ERRED IN RULING THAT: "NOTWITHSTANDING THE DEMISE OF NATIVIDAD TEH TAN DURING THE PENDENCY OF THIS CASE BEFORE THE LOWER COURT, TEH KI [T]IAT APPEARED TO BE THE REMAINING PLAINTIFF WHO COULD PROSECUTE THIS CASE FOR BEING AMONG THOSE WHO STAND TO BE BEN[E]FITED BY THE DEED OF DONATION DATED JANUARY 29, 1971 INVOLVING THE SUBJECT PROPERTY COVERED BY TCT NO. 37337. (PAR. 2 P. 3[,] RESOLUTION OF [THE] COURT OF APPEALS).[32]

The Court finds no merit in the Petition.

There is no question that the decision of the RTC has become final and executory. The records bear out this fact, and even petitioner does not contest this.

A judgment becomes "final and executory" by operation of law. Finality becomes a fact when the reglementary period to appeal lapses, and no appeal is perfected within such period.[33]

In this case, petitioner herself admitted that she did not appeal the RTC ruling, believing that respondents failed to prove their cause of action.[34] However, her belief that she alone should be declared the sole beneficiary of the November 19, 1971 Deed of Donation has no basis in law and is, in fact, contradicted by the evidence on record.

A decision that has acquired finality becomes immutable and unalterable, and may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact or law, and whether it will be made by the court that rendered it or by the highest court of the land.[35]

Once a judgment or order becomes final, all the issues between the parties are deemed resolved and laid to rest.[36] No additions can be made to the decision, and no other action can be taken on it,[37] except to order its execution.[38]

The only exceptions to the general rule are the correction of clerical errors, the so-called nunc pro tunc entries which cause no prejudice to any party, void judgments, and cases where circumstances transpire after the finality of the decision that render its execution unjust and inequitable.[39] Not one of these exceptions is present in this case.

Nonetheless, this Court has recognized that even a final and executory judgment or the fallo thereof may be clarified or rectified by an amendment when there is, in its dispositive portion, an inadvertent omission of what it should have logically decreed or ordered based on the discussion in the body of the decision.[40]

The Court must emphasize, however, that the court's action should be limited to explaining a vague or equivocal part of its decision, which hampers the proper and full execution of its ruling. The court cannot modify or overturn its decision in the guise of clarifying ambiguous points.

In the present case, petitioner's Manifestation is, for all intents and purposes, a motion for reconsideration of the

RTC's decision. Consider the prayer in her Manifestation:

> WHEREFORE, in x x x light of the aforequoted rulings of this Honorable Court, it shows that the sole beneficiary of the Deed of Donation dated November 19, 1971 is Victoria Teh.
>
> Consequently, it is respectfully prayed that an ORDER be issued by this Honorable Court declaring that the sole beneficiary of the Deed of Donation dated November 19, 1971, is Victoria Teh and that the Transfer Certificate of Title No. 37337 of the Registry of Deed (sic) of Quezon City be cancelled and Transferred in the name of Victoria Teh.[41]

Clearly, petitioner sought more than just a clarification of the RTC's decision. Her Manifestation called for a reexamination and reevaluation of evidence already considered by the RTC in its assailed judgment.

Hence, the CA did not err in holding that the RTC's decision bound petitioner and, consequently, in dismissing the petition for certiorari.

The Court reiterates that a special civil action for certiorari is a limited form of review and is a remedy of last recourse.[42] The general rule is that a writ of certiorari will not issue where the remedy of appeal is available to the aggrieved party.[43] It cannot be allowed when a party to a case fails to appeal a judgment despite the availability of that remedy. Certiorari is not a substitute for a lapsed or lost appeal,[44] especially if the party's own negligence or error in the choice of remedy occasioned such loss or lapse.[45]

The few significant exceptions recognized by the Court are when public welfare and the advancement of public policy dictate, when the broader interests of justice so require, when the writs issued are null, or when the questioned order amounts to an oppressive exercise of judicial authority.[46] Petitioner has not alleged, much less proven, that this case calls for the Court's authority to invoke the exceptions.

The right to appeal is not a natural right nor is it a part of due process; it is merely a statutory privilege that must be exercised in the manner, and according to procedures, laid down by law.[47] Perfection of an appeal within the statutory or reglementary period is not only mandatory but also jurisdictional; failure to do so renders the questioned decision final and executory, and deprives the appellate court of jurisdiction to alter the judgment or final order, much less to entertain the appeal.[48]

Thus, given the factual milieu of this case, the trial court had already lost jurisdiction to act on the motion for clarification. When the decision became final and executory, not even this Court could have changed the trial court's disposition absent any showing that the case fell under one of the recognized exceptions.

WHEREFORE, the foregoing premises considered, the Petition is DENIED. The Resolutions dated January 10, 2008 and March 6, 2008 of the Court of Appeals in CA-G.R. SP No. 101550 are AFFIRMED. Costs against petitioner.

SO ORDERED.

Carpio, (Chairperson), Peralta, Abad, and Mendoza, JJ., concur.

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[1] Penned by Associate Justice Remedios A. Salazar-Fernando, with Associate Justices Celia C. Librea-Leagogo and Enrico A. Lanzanas, concurring; rollo, pp. 42-46.

[2] Id. at 48-49.

[3] Id. at 92.

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[4] Id. at 92-93.

[5] Id. at 93.

[6] Id.

[7] Id. at 94.

[8] Id.

[9] Id.

[10] Id. at 94-95.

[11] Id. at 100.

[12] Id. at 95.

[13] Id.

[14] Id.

[15] Id. at 99.

[16] Id.

[17] Id. at 103.

[18] Id. at 100.

[19] Id. at 101.

[20] Id. at 102.

[21] Id.

[22] Id. at 104.

[23] Id. at 104-110.

[24] Id. at 109.

[25] Id. at 111.

[26] Id. at 113.

[27] Id. at 118.

[28] Id. at 132.

[29] Id. at 46.

[30] Id. at 44-45.

[31] Id. at 46.

[32] Id. at 20-21.

[33] Social Security System v. Isip, G.R. No. 165417, April 3, 2007, 520 SCRA 310, 314, citing Vlason Enterprises Corporation v. CA, 369 Phil. 269 (1999).

[34] Rollo, p. 19.

[35] Heirs of Maura So v. Obliosca, G.R. No. 147082, January 28, 2008, 542 SCRA 406, 418. (Citations omitted.)

[36] Ang v. Grageda, G.R. No. 166239, June 8, 2006, 490 SCRA 424, 440, citing Salva v. Court of Appeals, 364 Phil. 281, 294 (1999).

[37] Natalia Realty, Inc. v. Judge Rivera, 509 Phil. 178, 186 (2005), citing Toledo-Banaga v. CA, 361 Phil. 1006 (1999).

[38] Times Transit Credit Coop., Inc. v. NLRC, 363 Phil. 386, 392 (1999), citing Yu v. NLRC, 315 Phil. 107, 120 (1995).

[39] Heirs of Maura So v. Obliosca, supra note 35, at 418, citing Sacdalan v. Court of Appeals, G.R. No. 128967, May 20, 2004, 428 SCRA 586.

[40] See Heirs of Ferry Bayot v. Baterbonia, G.R. No. 142345, August 13, 2004, 436 SCRA 471, 475, citing Republic Surety and Insurance Co., Inc. v. IAC, 236 Phil. 332, 338-339 (1987).

[41] Rollo, p. 109.

[42] Heirs of Lourdes Padilla v. Court of Appeals, 469 Phil. 196, 203-204 (2004).

[43] Young v. Sy, G.R. Nos. 157745 and 157955, September 26, 2006, 503 SCRA 151, 168.

[44] Ang v. Grageda, supra note 36, at 439; Heirs of Lourdes Potenciano Padilla v. Court of Appeals, supra note 42, at 204.

[45] Badillo v. Court of Appeals, G.R. No. 131903, June 26, 2008, 555 SCRA 435, 451-452, citing David v. Cordova, 502 Phil. 626, 638 (2005).

[46] Heirs of Lourdes Padilla v. Court of Appeals, supra note 42, at 204.

[47] Ongpauco v. Court of Appeals, 488 Phil. 396, 402 (2004), citing Veloria v. Commission on Elections, G.R. No. 94771, July 29, 1992, 211 SCRA 907, 914.

[48] Republic v. Court of Appeals, 372 Phil. 259, 266 (1999).

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