

**REPUBLIC OF THE PHILIPPINES, REPRESENTED BY THE
ADMINISTRATOR OF THE LAND REGISTRATION AUTHORITY (LRA),
PETITIONER, VS. HEIRS OF SPS. MAURO BORJA AND DEMETRIA
BAJAO, REPRESENTED...**

G.R. No. 207647. January 11, 2021

Ponente: HERNANDO, J.

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HERNANDO, J.:

This Petition for Review on Certiorari[1] assails the July 31, 2012[2] and May 24, 2013[3] Resolutions of the Court of Appeals (CA) in CA-G.R. SP No. 04909, which dismissed the Petition for Certiorari filed by the Republic of the Philippines (Republic) through the Office of the Solicitor General (OSG) for having been filed out of time.

Factual antecedents:

On September 17, 2003, respondent heirs of Spouses Mauro Borja and Demetria Bajao filed with the Regional Trial Court (RTC) of Butuan City, Branch 3, a Petition[4] for Issuance of Original Certificate of Title (OCT) over Lot No. 798 covered by Decree No. 347660 issued on March 25, 1926 with an area of approximately 22 hectares situated in Ata-atahon, Nasipit, Agusan del Norte. Respondents alleged that they are the lawful owners of the subject property by virtue of succession.

On July 28, 2003, the RTC rendered its Decision,[5] the pertinent portions of which state:

Despite the order of the Court dated May 29, 2003 for Provincial Prosecutor Godofredo B. Abul, Jr. to comment within 15 days from receipt of the formal offer of exhibits, he did not give any comment to the same.

JUDGMENT

Finding the petition to have been fully substantiated by [respondents] evidence, the Court finds the petition to be meritorious and, therefore, the said petition must be GRANTED.

WHEREFORE, [respondents] petition dated September 13, 2002 is hereby GRANTED and let the Original Certificate of Title to be issued by the Land Registration Authority, Quezon City, upon payment of the required legal fees.

SO ORDERED.[6]

The OSG did not pursue its appeal.[7] Hence, in a Resolution[8] dated October 13, 2004, the CA declared the case closed and terminated. On November 14, 2004, an Entry of Judgment was issued.[9]

Acting on a Motion for Issuance of a Writ of Execution, the trial court in an Order[10] dated June 20, 2006 directed the Land Registration Authority (LRA) to issue the corresponding OCT. Despite said Order, the LRA refused to comply, prompting the trial court to issue on June 8, 2007 a show cause Order[11] against the chief of

the Docket Division of the LRA. This Order was reiterated on October 9, 2009.[12]

On January 5, 2010, the LRA filed a Manifestation,[13] praying –

1.

That the Order to cite the Administrator for contempt of court be denied for lack of merit.

2.

That an order be issued cancelling the previous Decree No. 347600 and directing the Administrator of the Land Registration Authority to re-issue new decree of registration in the name of the same decreed owner Spouses Mauro Borja and Demetria Borja.[14]

Thereafter, a hearing was set on the Motion for Contempt.

On March 5, 2010, the trial court issued an Order,[15] which reads:

In today's hearing on the Motion to Set for Hearing the 2[nd] Motion to Order the LRA Administrator to Show Cause Why he should not be Cited in Contempt of Court, Atty. Mario T. Juni, counsel for the (respondents) and Atty. John Andrew R. Salazar for the OSG, appeared. Said Motion was settled by parties through counsels who jointly agreed that the judgment be amended, [cancelling] the decree issued by the LRA on the land subject of this litigation. The Court granted the same, provided, the [respondents] will submit to this Court a certification to the effect that no OCT was ever issued on the land subject of this litigation, after which the same shall be deemed submitted for the resolution of the Court.

SO ORDERED.[16]

In compliance with the agreement, respondents submitted the following Certification,[17] which reads:

CERTIFICATION

TO WHOM IT MAY CONCERN:

The records of this REGISTRY DOES NOT [S]HOW that Lot no. 798 in the name of Mauro Borja and Demetria Bajao with an area of twenty two (22.4) hectares and reportedly decreed under Decree No. 347660 on December 17, 1928 in Cadastral Case No. 4 Cad. Record No. 562 HAS BEEN ISSUED a certificate of title as per our Index Record.

This is without prejudice to our records which may have been lost or destroyed as a consequence of World War II.

This certification is issued upon the request of Zenaida Borja Jabar for reconstitution purposes.

Sgd. HILARIA A. BORGONOS
LRE I/OIC Register of Deeds[18]

Ruling of the Regional Trial Court:

On January 18, 2011, the trial court issued a Resolution,[19] cancelling the decree and directing the issuance of the OCT, to wit:

Considering that both counsels, Atty. Mario T. Juni and Atty. Andrew R. Salazar, jointly agreed that the Decision dated July 28, 2003 be amended, [cancelling] the [decree] issued by the LRA on the subject land of this Court and with the submission by the plaintiff of a Certification issued by the LRA in compliance with this

Court's Order dated March 5, 2010, stating that the records of the Registry does not show that Lot No. 798 in the name of Mauro Borja and Demetria Bajao reportedly decreed under Decree No. 347660 on December 17, 1928 in Cadastral Case No. 4, Cad. Records No. 562 has been issued a Certificate of Title per the LRA index records, this Court with its inherent power to amend its decision to make them conformable to law and justice hereby AMENDS the dispositive portion of the Decision of this Court dated July 28, 2003 as follows:

"Finding the Petition to have been fully substantiated by petitioner's evidence, the Court finds the petition to be meritorious and, therefore, the said petition must be GRANTED.

WHEREFORE, the Land Registration Authority is hereby DIRECTED to CANCEL the Decree No. 347660 dated March 25, 1926 and consequently, upon payment of the required fees, to RE-ISSUE a new decree in the name of the same decreed owner and the corresponding original certificate of title pursuant to the re-issued. Decree.[20]

The OSG filed a Motion for Reconsideration,[21] averring that respondents failed to comply with the trial court's order considering that all that the Registry of Deeds of Agusan del Norte certified was that it did not have any record showing that a title pursuant to the subject decree has been issued. The OSG insisted that there must be a categorical statement that "no OCT was ever issued." [22]

On March 5, 2012, the trial court denied the Motion for Reconsideration and ordered the execution of its July 28, 2003 Decision directing the LRA to issue a new decree and OCT covering the subject land.[23]

Considering that the OSG received a copy of the March 5, 2012 Resolution on March 19, 2012, it had had 60 days or until May 18, 2012 within which to file a Petition for Certiorari before the appellate court. Instead of filing the Petition on May 18, 2012, the OSG filed, on even date, a Motion for Extension,[24] praying for an additional 15 days within which to file the Petition. On June 4, 2012, the OSG filed the Petition for Certiorari[25] before the CA.

Ruling of the Court of Appeals:

On July 31, 2012, the appellate court issued a Resolution,[26] dismissing the Petition for having been filed beyond the reglementary period. The appellate court explained that pursuant to A.M. No. 07-7-12-SC as interpreted in *Laguna Metts Corporation v. Court of Appeals (Laguna Metts)*,[27] there can no longer be any extension of the 60-day period within which to file a Petition for Certiorari. The appellate court did not find any justification in the case to warrant a relaxation of the rule.

Petitioner moved for a reconsideration. However, it was denied by the CA in a Resolution[28] dated May 24, 2013.

Hence, this Petition for Review on Certiorari:

Petitioners Arguments:

Petitioner faults the appellate court for dismissing the Petition for having been filed out of time. Petitioner pleads for relaxation of the rules of procedure on the grounds that the two lawyers assigned to handle the case had resigned[29] and the Petition raises a matter of strong public interest, i.e., the efficacy and integrity of the Torrens System. Petitioner asserts that the Certification was non-compliant with the trial court's order because there was no categorical declaration that there was no OCT issued at all, and which would exclude any possibility that the Registry of Deeds of Agusan del Norte merely failed to record such issuance, if any.[30]

The OSG restates that this case is exempted from the prohibition of filing a motion for extension to file a Petition for Certiorari on the grounds that petitioner has a meritorious case and the Legal Division of the OSG is

understaffed. The OSG maintains that the LRA Certification as worded did not unconditionally state that no certificate of title was ever issued on the subject land.[31]

Respondents' Arguments:

Respondents lament the fact that a simple case for re-issuance of a decree and OCT has lasted for more than 11 years. They claim to have unduly suffered from the long delay incurred by the LRA. Respondents are at a loss as to what kind of certification does the LRA require them to produce when the very office that issued the certification, the Registry of Deeds of Agusan del Norte, is under the supervision of the LRA. Lastly, respondents contend that pursuant to Laguna Metts,[32] the 60-day period within which to file the Petition for Certiorari cannot be extended. Moreover, respondents argue that the Petition did not raise any question of law.[33]

Issue

Whether the appellate court committed a reversible error in dismissing outright petitioner's Petition for Certiorari for having been filed late.

Our Ruling

The petition is denied.

We are not persuaded by petitioner's asseverations. It has been settled that the 60-day period within which a petition for certiorari should be filed is non-extendible, except in meritorious cases. In *Adtel v. Valdez*,[34] this Court elucidated:

A.M. No. 07-7-12-SC which amended Section 4, Rule 65 of the Rules of Court states:

Sec. 4. When and where to file the petition. – The petition shall be filed not later than sixty (60) days from notice of the judgment, order or resolution. In case a motion for reconsideration or new trial is timely filed, whether such motion is required or not, the petition shall be filed not later than sixty (60) days counted from the notice of the denial of the motion.

If the petition relates to an act or an omission of a municipal trial court or of a corporation, a board, an officer or a person, it shall be filed with the Regional Trial Court exercising jurisdiction over the territorial area as defined by the Supreme Court. It may also be filed with the Court of Appeals or with the Sandiganbayan, whether or not the same is in aid of the court's appellate jurisdiction. If the petition involves an act or an omission of a quasi-judicial agency, unless otherwise provided by law or these rules, the petition shall be filed with and be cognizable only by the Court of Appeals.

In election cases involving an act or an omission of a municipal or a regional trial court, the petition shall be filed exclusively with the Commission on Elections, in aid of its appellate jurisdiction.

A.M. No. 07-7-12-SC states that in cases where a motion for reconsideration was timely filed, the filing of a petition for certiorari questioning the resolution denying the motion for reconsideration must be made not later than sixty (60) days from the notice of the denial of the motion. In *Laguna Metts Corporation v. Court of Appeals*, this Court held that following A.M. No. 07-7-12-SC, petitions for certiorari must be filed strictly within 60 days from the notice of judgment or from the order denying a motion for reconsideration. In *Laguna Metts Corporation*, this Court stated the rationale for the strict observance of the 60-day period to file a petition for certiorari, to wit:

The 60-day period is deemed reasonable and sufficient time for a party to mull over to prepare a petition asserting grave abuse of discretion by a lower court. The period was specifically set to avoid any unreasonable delay that would violate the constitutional rights of the parties to a speedy disposition of their case.

In *Laguna Metts Corporation*, this Court ruled that the 60-day period was non-extendible and the CA no longer had the authority to grant the motion for extension in view of A.M. No. 07-7-12-SC which amended Section 4 of Rule 65.

However, in *Domdom v. Third and Fifth Division of the Sandiganbayan*, this Court held that the strict observance of the 60-day period to file a petition for certiorari is not absolute. This Court ruled that absent any express prohibition under Rule 65, a motion for extension is still permitted, subject to the Court's sound discretion. Similarly, in *Labao v. Flores*, this Court recognized that the extension of the 60-day period may be granted by the Court in the presence of special or compelling circumstances provided that there should be an effort on the part of the party invoking liberality to advance a reasonable or meritorious explanation for his or her failure to comply with the rules. Likewise, in *Mid-Islands Power Generation v. Court of Appeals*, this Court held that a motion for extension was allowed in petitions for certiorari under Rule 65 subject to the Court's sound discretion and only under exceptional or meritorious cases.

The exception to the 60-day rule to file a petition for certiorari under Rule 65 was also applied by this Court in a more recent case in *Republic of the Philippines v. St. Vincent de Paul Colleges, Inc.*, to wit: "[u]nder exceptional circumstances, however, and subject to the sound discretion of the Court, [the] said period may be extended pursuant to [the] *Domdom* and *Mid-Islands Power* cases."

Therefore, the rule is that in filing petitions for certiorari under Rule 65, a motion for extension is a prohibited pleading. However in exceptional or meritorious cases, the Court may grant an extension anchored on special or compelling reasons.[35]

To recapitulate, the recognized exceptions to the strict observance of the aforementioned rule are encapsulated in the case of *Labao v. Flores*,[36] viz.:

x x x (1) most persuasive and weighty reasons; (2) to relieve a litigant from an injustice not commensurate with [their] failure to comply with the prescribed procedure; (3) good faith of the defaulting party by immediately paying within a reasonable time from the time of the default; (4) the existence of special or compelling circumstances; (5) the merits of the case; (6) a cause not entirely attributable to the fault or negligence of the party favored by the suspension of the rules; (7) a lack of any showing that the review sought is merely frivolous and dilatory; (8) the other party will not be unjustly prejudiced thereby; (9) fraud, accident, mistake[,] or excusable negligence without appellant's fault; (10) peculiar legal and equitable circumstances attendant to each case; (11) in the name of substantial justice and fair play; (12) importance of the issues involved; and (13) exercise of sound discretion by the judge guided by all the attendant circumstances. Thus, there should be an effort on the part of the party invoking liberality to advance a reasonable or meritorious explanation for [their] failure to comply with the rules.[37]

The circumstances in this case do not fall under any of the exceptions to warrant a relaxation of the rule. Petitioner invokes an understaffed office to justify the extension of the 60-day period. We find petitioner's explanation unacceptable. It bears emphasizing that petitioner is represented by the OSG, which commands a battery of lawyers at its beck and call. While the handling counsel resigned on April 27, 2012, the OSG had until May 18, 2012 within which to file the Petition. The OSG thus had a good number of days to file the Petition. Therefore, we find its excuse that it was understaffed untenable.

It must be further stressed that this case has dragged on for 17 years to date. This case has in fact reached the execution stage, where the trial court had directed the LRA to issue the OCT in numerous occasions for several years. The LRA stubbornly refused to abide by the court order. On March 5, 2010, the LRA had succeeded in persuading respondents to enter into a settlement, where it was agreed that the LRA would issue the OCT on the condition that respondent produce a certification that "no OCT has ever been issued" on the subject property.

When respondents produced the certification, the LRA found another reason not to issue the OCT. This very judgment is the subject of appeal by petitioners before the appellate court. Instead of timely filing its appeal to a then 10-year old case, petitioners filed a Motion for Extension, which is prohibited under the rule. If, indeed, petitioner considered the importance of this case, it should have diligently and timely pursued its appeal.

It bears stressing that "the right to appeal is not a natural right but a statutory privilege, and it may be exercised only in the manner and in accordance with the provisions of law. The party who seeks to avail of the same must comply with the requirements of the Rules. Failing to do so, the right to appeal is lost." [38]

Petitioner also touched on the merits of the case when it cited that the certification provided by respondents was insufficient and did not comply with what was agreed upon by the parties. We cannot tackle this issue. At the outset, the appellate court dismissed the Petition solely on a procedural technicality. The only issue raised before us is whether the appellate court committed reversible error when it denied petitioner's motion for an additional period of 15 days to file the Petition for Certiorari and subsequently dismissed the latter's petition. [39] Moreover, the substantial issue raised relates to the factual findings of the RTC, which is beyond the purview of a Petition for Review. [40]

Based on the foregoing, we deny the petition.

WHEREFORE, the Petition for Review on Certiorari is DENIED. The Resolutions dated July 31, 2012 and May 24, 2013 of the Court of Appeals in CA-G.R. SP No. 04909 are AFFIRMED. The Land Registration Authority is DIRECTED to comply with the January 18, 2011 Resolution of the Regional Trial Court of Butuan City, Branch 3 without further delay.

SO ORDERED.

Leonen (Chairperson), Inting, Delos Santos, and Rosario, JJ., concur.

[1] Rollo, pp. 12-34.

[2] Id. at 36-40; penned by Associate Justice Ma. Luisa C. Quijano Padilla and concurred in by Associate Justices Romulo V. Borja and Pedro B. Corales.

[3] Id. at 42-44; penned by Associate Justice Romulo V. Borja and concurred in by Associate Justices Renato C. Francisco and Oscar V. Badelles.

[4] Records, pp. 1-5.

[5] Id. at 49-51; penned by Presiding Judge Francisco F. Maclang.

[6] Id. at 51.

[7] Id. at 58.

[8] Id. at 58-59; penned by Associate Justice Edgardo A. Camello and concurred in by Associate Justices Estela M. Perlas-Bernabe (now a Member of this Court) and Arturo G. Tayag.

[9] Id. at 57.

[10] Id. at 60.

[11] Id. at 79-

[12] Id. at 107-108.

[13] Id. at 120-122.

[14] Id. at 122.

[15] Id. at 127.

[16] Id.

[17] Id. at 139.

[18] Id.

[19] Id. at 149.

[20] Id. at 153.

[21] Id. at 151-163.

[22] Id. at 153.

[23] Id. at 181-182.

[24] CA rollo, pp. 2-12.

[25] Id. at 13-39.

[26] Rollo, pp. 36-40.

[27] 611 Phil. 530 (2009).

[28] Rollo, pp. 42-44.

[29] Id. at 21-24.

[30] Id. at 24-31.

[31] Id.

[32] Supra note 27.

[33] Rollo, pp. 143-147.

[34] 816 Phil. 110 (2017).

[35] Id. at 116-118.

[36] 649 Phil. 213 (2010).

[37] Id. at 222-223.

[38] *Sibayan v. Costales*, 789 Phil. 1, 9 (2016).

[39] Rollo, p. 21

[40] *WG & A Shipping Linez, Inc. (Now 2GO, Inc.), v. Spouses Asuncion*, G.R. No. 225975, January 12, 2021.

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