CENTRAL BICOL STATE UNIVERSITY OF AGRICULTURE, REPRESENTED BY ITS PRESIDENT, ATTY. MARIO T. BERNALES, PETITIONER, VS. PROVINCE OF CAMARINES SUR, REPRESENTED BY GOVERNOR LUIS RAY...

G.R. No. 210861. July 29, 2015

Ponente: PERLAS-BERNABE, J.

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PERLAS-BERNABE, J.:

Assailed in this petition for review on certiorari[1] are the Resolutions dated February 2, 2012[2] and July 24, 2012[3] rendered by the Court of Appeals (CA) in CA-G.R. SP No. 122501, which (a) denied the motion for extension of time to file petition for certiorari and (b) dismissed outright the petition for certiorari with prayer for the issuance of a temporary restraining order and/or writ of preliminary injunction filed by petitioner for having been filed out of time.

The Facts

Petitioner Central Bicol State University of Agriculture (CBSUA) is a government educational institution that primarily provides advanced instruction and research in agriculture and allied sciences. It was established under Batas Pambansa Bilang (BP) 198,[4] as amended by Republic Act No. (RA) 9717.[5] Under BP 198,[6] then Camarines Sur Agricultural College in Pili, Camarines Sur was converted into a state college, known as Camarines Sur State Agricultural College. Thereafter, it was converted into what is now known as CBSUA under RA 9717.[7]

Section 17 of BP 198 granted several real properties to CBSUA, to wit:

> SEC. 17. All buildings, equipment and facilities owned by the Camarines Sur Agricultural College shall become the property of the Camarines Sur State Agricultural College.
>
> All the parcels of land covered by Original Certificate of Title Nos. 1029, 1057, 872 and 697 in the name of the Province of Camarines Sur which had been appropriated by the said province for the use of then Camarines Sur Agricultural School, are hereby transferred to the Camarines Sur State Agricultural College and the Register of Deeds shall issue to the Camarines Sur State College the corresponding Transfer Certificate of Title for the aforementioned parcels of land.
>
> Likewise, such portions of the public domain embraced in Proclamation No. 568 dated March 30, 1935, and Proclamation No. 626 dated October 18, 1933, which had been reserved by the government for agricultural school purposes are hereby transferred to the Camarines Sur State Agricultural College. The Register of Deeds shall issue to the Camarines Sur State Agricultural College the corresponding Title to such lands.

The foregoing grant was confirmed in Section 18 of RA 9717, which states:

> SEC. 18. Assets, Liabilities and Personnel. – All assets, real and personal, personnel and records of the Camarines Sur State Agricultural College, as well as liabilities or obligations, are hereby transferred to the

> University. The positions, rights and security of tenure of faculty members and personnel therein employed under existing laws prior to the conversion into a University shall be respected.
>
> All parcels of land belonging to the government occupied by the Camarines Sur State Agricultural College are hereby declared to be property of the University and shall be titled under that name: Provided, That should the University cease to exist or be abolished or should such parcels of land aforementioned be no longer needed by the University, the same shall revert to the national government.

Sometime in 1998, respondent Province of Camarines Sur (Province) sought the reconstitution of Original Certificate of Title (OCT) No. 1029 registered in its name,which covered one of the parcels of land granted to CBSUA under the foregoing laws. By virtue thereof, OCT No. 1029 was reconstituted as OCT RO-917.[8]Subsequently, the Province caused the subdivision of one of the lots covered by OCT RO-917 into two lots: Lot 3-P-1, with an area of 561,945 square meters, and Lot 3-P-2, with an area of 63,829 square meters.[9] Lot 3-P-1 was thereafter covered by Transfer Certificate of Title (TCT) No. 41093.[10]

Subsequently, or sometime in February 2011, armed personnel deployed by the Province allegedly forcibly entered a portion of Lot 3-P-1 (subject land) being occupied by CBSUA.[11] The said armed personnel purportedly destroyed the fences and other structures erected thereon by CBSUA. As a result, the latter was prevented from further utilizing the subject land as pasture area for large cattle which, in turn, were being used for laboratory experiments by the students enrolled in its science and veterinary courses. CBSUA learned later on that the Province allocated the subject land for the housing project of respondent Gawad Kalinga Foundation, Inc. (GKFI) for rebel returnees.[12]

Hence, on April 12, 2011, CBSUA filed a complaint for recovery of ownership, possession and damages, with prayer for the issuance of a temporary restraining order (TRO) and/or writ of preliminary mandatory injunction[13] against the Province, represented by its Governor Luis Raymond F. Villafuerte, Jr. (Villafuerte) and GKFI, represented by its Executive Director Jose Luis Oquiñena (Oquiñena) and its Chapter Head, Harry Azana (Azana). It prayed that: (1) after due proceedings, a TRO and/or writ of preliminary mandatory injunction be issued ordering the Province and GKFI and all persons deriving rights under them to observe the status quo ante and/or to vacate the subject land and/or to cease and desist from implementing the housing project of GKFI or from constructing any structure on the subject land; (2) thereafter, to issue judgment (a) declaring CBSUA as true and lawful owner of the subject land and other lands covered by TCT No. 41093; (b) directing the Province and GKFI and all persons claiming rights from them to vacate the subject land and restore possession to CBSUA; and (c) ordering the Province to pay CBSUA damages.[14]

On April 27, 2011, the Regional Trial Court of Pili, Camarines Sur, Branch 32 (RTC), to which the complaint was raffled, conducted a hearing on CBSUA's application for the issuance of a TRO and/or writ of preliminary mandatory injunction.[15]

The RTC Order and Subsequent Proceedings

In an Order[16] dated May 12, 2011, the RTC denied CBSUA's application for the issuance of a TRO and/or writ of preliminary mandatory injunction, finding that CBSUA failed to show that it had superior right over the subject land as against that of the Province.[17] While it recognized the existence of the laws which transferred ownership over the subject land, as well as other parcels of land, to CBSUA and that BP 198 in particular directed the Register of Deeds of Camarines Sur to issue the corresponding certificates of title for the said parcels of land in CBSUA's name, the RTC noted that CBSUA, as transferee, failed to effect the registration of the said properties in its name. Consequently, it ruled that CBSUA failed to show that it was entitled to the relief of a TRO and/or writ of preliminary mandatory injunction, not having established a better right over the subject land as against the Province, which was the registered owner thereof.[18]

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CBSUA's motion for reconsideration[19] was denied in an Order[20] dated October 10, 2011, a copy of which CBSUA received on October 17, 2011, which gave CBSUA sixty (60) days or until December 16, 2011 within which to assail the RTC's Orders via petition for certiorari under Rule 65 of the Rules of Court before the CA.[21] Unfortunately, due to time constraints in securing certified true copies of the RTC's Orders, as well as other pertinent documents, the Office of the Solicitor General (OSG), prosecuting this case on behalf of CBSUA, deemed it necessary and prudent to seek an additional period of ten (10) days from December 16, 2011 or until December 26, 2011 within which to file its petition for certiorari before the CA.[22]

On December 26, 2011, CBSUA filed its petition for certiorari (with prayer for the issuance of a TRO and/or writ of preliminary injunction)[23] before the CA, ascribing grave abuse of discretion on the part of the RTC in denying its application for the issuance of a TRO and/or writ of preliminary mandatory injunction.[24]

The CA Ruling

In a Resolution[25] dated February 2, 2012, the CA denied CBSUA's motion for extension of time to file petition for certiorari, citing Section 4, paragraph 1, Rule 65 of the Rules of Court, as amended by A.M. No. 07-7-12-SC,[26] which provides:

> 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.
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> x x x x

The CA explained that as presently worded, the above-quoted rule no longer allows extensions to file petitions for certiorari. Consequently, since CBSUA admittedly received the RTC order denying its motion for reconsideration on October 17, 2011, it only had until December 16, 2011 within which to file its petition for certiorari. As CBSUA filed its petition only on December 26, 2011, or ten (10) days after the expiration of the 60-day reglementary period, the CA ruled the same to have been filed out of time and consequently, dismissed the same outright.[27]

CBSUA's motion for reconsideration[28] was denied in a Resolution[29] dated July 24, 2012; hence, this petition.

The Issue Before the Court

The sole issue advanced for the Court's resolution is whether or not the CA erred in ruling that under the amendment introduced by A.M. No. 07-7-12-SC to Section 4, Rule 65 of the Rules of Court, extensions for the filing of petitions for certiorari have been completely disallowed.

The Court's Ruling

The petition has merit.

As a general rule, a petition for certiorari must be filed strictly within 60 days from notice of judgment or from the order denying a motion for reconsideration.[30] This is in accordance with the amendment introduced by A.M. No. 07-7-12-SC[31] where no provision for the filing of a motion for extension to file a petition for certiorari exists, unlike in the previous Section 4, Rule 65[32] of the Rules of Court which allowed the filing of such a motion but only for compelling reasons and in no case exceeding 15 days.[33]Under exceptional cases, however, the Court has held that the 60-day period may be extended subject to the court's sound discretion.[34]

Eventually, in Labao v. Flores,[35] the Court laid down the following recognized exceptions to the strict

observance of the 60-day reglementary period: (1) most persuasive and weighty reasons; (2) to relieve a litigant from an injustice not commensurate with his 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 his/her failure to comply with the rules.[36]

In this case, the RTC itself recognized the existence of laws which mandated the transfer of ownership over the subject land, among others, to CBSUA. Were it not for the latter's failure to have effected the registration of the certificate of title under its name, then there appears to be no standing objection against the enforcement of those laws. In addition, records show that CBSUA has, all the while, been in possession of the subject land. Thus, it would serve the interest of substantial justice for the CA to rule upon the merits of this case rather than dismiss the petition before it on a mere procedural technicality, it being shown, to the satisfaction of the Court, that the above-highlighted grounds to relax the rules obtain.

Time and again, the Court has held that although procedural rules ought to be strictly enforced by courts in order to impart stability in the legal system, the Court has, nonetheless, relaxed the rigid application of the rules of procedure in several cases to afford the parties the opportunity to fully ventilate their cases on the merits. This is because the ends of justice would be better served if the parties were given the chance to argue their causes and defenses. After all, the general objective of procedure is to facilitate the application of justice to the opposing claims of the competing parties, bearing always in mind the principle that procedure must not hinder but, rather, promote the administration of justice.[37]

WHEREFORE, the petition is GRANTED. The Resolutions dated February 2, 2012 and July 24, 2012 rendered by the Court of Appeals (CA) in CA-G.R. SP No. 122501 are hereby REVERSED and SET ASIDE. This case is REMANDED to the CA for resolution of petitioner's petition for certiorari on the merits.

SO ORDERED.

Leonardo-De Castro, (Acting Chairperson),[**] Peralta,[***] Bersamin, and Perez, JJ., concur.

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[*] "Oquinena" in some parts of the records.

[**] Per Special Order No. 2102 dated July 13, 2015.

[***] Designated Acting Member per Special Order No. 2103 dated July 13, 2015.

[1] Rollo, pp. 9-32.

[2] Id. at 37-39. Penned by Associate Justice Samuel H. Gaerlan with Associate Justices Amelita G. Tolentino and Ramon R. Garcia concurring.

[3] Id. at 41-42.

[4] Entitled "AN ACT CONVERTING THE PRESENT CAMARINES SUR AGRICULTURAL COLLEGE IN

THE MUNICIPALITY OF PILI, PROVINCE OF CAMARINES SUR, UNDER THE MINISTRY OF EDUCATION AND CULTURE INTO A CHARTERED STATE COLLEGE TO BE KNOWN AS THE CAMARINES SUR STATE AGRICULTURAL COLLEGE" (March 16, 1982).

[5] Entitled "AN ACT CONVERTING THE CAMARINES SUR STATE AGRICULTURAL COLLEGE IN THE MUNICIPALITY OF PILI, PROVINCE OF CAMARINES SUR INTO A STATE UNIVERSITY TO BE KNOWN AS THE CENTRAL BICOL STATE UNIVERSITY OF AGRICULTURE AND APPROPRIATING FUNDS THEREFOR" (October 12, 2009).

[6] Section 1 of BP 198 reads:

> SEC. 1. The present Camarines Sur Agricultural College in the Municipality of Pili, Province of Camarines Sur is hereby converted into a state college to be known as the Camarines Sur State Agricultural College hereinafter referred to in this Act as State College.

[7] Section 1 of RA 9717 reads:

> SEC. 1. Conversion. – The Camarines Sur State Agricultural College in the Municipality of Pili, Province of Camarines Sur is hereby converted into a state university to be known as the Central Bicol State University of Agriculture, hereinafter referred to as the University.

[8] Id. at 116-123.

[9] See id. at 45-46.

[10] Id. at 124-126.

[11] See id. at 47 and 138-139.

[12] See id. at 47-48.

[13] Id. at 43-61.

[14] See id. at 58-59.

[15] See Complaint; id. at 66-115.

[16] Id. at 138-140. Penned by Acting Presiding Judge Jose C. Sarcilla.

[17] Id. at 140.

[18] Id.

[19] Not attached to the rollo.

[20] Id. at 141.

[21] See id. at 144-145.

[22] See Motion for Extension of Time to File Petition for Certiorari; id. at 143-148.

[23] Id. at 149-166.

[24] Id. at 157.

[25] Id. at 37-39.

[26] Id. at 138.

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[27] See id.

[28] Id. at 168-176.

[29] Id. at 41-42.

[30] Laguna Metts Corp. v. CA, 611 Phil. 530, 537 (2009).

[31] Section 4, Rule 65 of the Rules of Court, as amended by A.M. No. 07-7-12-SC, now reads:

> SEC. 4. When and where petition filed. – The petition shall be filed not later than sixty (60) days from notice of the judgment 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 notice of the denial of the motion.
>
> If the petition relates to an act or 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 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.
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> 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.

[32] Section 4, Rule 65 of the Rules of Court previously provides:

> Sec. 4. When and where petition filed. – 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 sixty (60) day period shall be counted from notice of the denial of said motion.
>
> The petition shall be filed in the Supreme Court or, if it relates to the acts or omissions of a lower court or of a corporation, board, officer or person, in the Regional Trial Court exercising jurisdiction over the territorial area as defined by the Supreme Court. It may also be filed in the Court of Appeals whether or not the same is in aid of its appellate jurisdiction, or in the Sandiganbayan if it is in aid of its appellate jurisdiction. If it involves the acts or omissions of a quasi-judicial agency, unless otherwise provided by law or these rules, the petition shall be filed in and cognizable only by the Court of Appeals.
>
> No extension of time to file the petition shall be granted except for compelling reason and in no case exceeding fifteen (15) days. (Per A.M. No. 00-2-03-SC effective September 1, 2000.)

[33] See Laguna Metts Corp. v. CA, supra note 30, at 535-536.

[34] See Domdom v. Third & Fifth Divisions of the Sandiganbayan, 627 Phil. 341, 346-348 (2010).

[35] G.R. No. 187984, November 15, 2010, 634 SCRA 723.

[36] Id. at 732, cited in Thenamaris Philippines, Inc. v. CA, G.R. No. 191215, February 3, 2014, 715 SCRA 153, 166.

[37] See Negros Slashers, Inc. v. Teng, 682 Phil. 593, 603 (2012).

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