

HEIRS OF CORNELIO LABRADA, REPRESENTED BY NATIVIDAD L. DIOCTON, PETITIONER, VS. THE HONORABLE SINFORIANO A. MONSANTO, IN HIS CAPACITY AS PRESIDING JUDGE, REGIONAL TRIAL COURT, B...*G.R. No. 66242. August 31, 1984*

Ponente: TEEHANKEE, Acting C.J.

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TEEHANKEE, Acting C.J.:

The procedural issue at bar is whether an appeal by a conflicting claimant to a specific lot of cadastral survey proceedings from the adverse decision of the regional trial court in favor of another conflict-ing claimant may be taken by filing a simple notice of appeal within the reglementary 15-day period, as provided in the Interim Rules and Guide-lines relative to the implementation of the Judiciary Reorganization Act of 1981 (Batas Pambansa Blg. 129), adopted by the Supreme Court on January 11, 1983. Or does such appeal fall within the exception provided by the same interim rules for special proceedings under Rule 109 of the Rules of Court and other cases wherein multiple appeals are allowed, in which case an appeal must still be filed by the filing of a record on appeal within a period of 30 days provided for the purpose. The Court rules that appeals in cadastral proceedings may be taken by a simple notice of appeal.

The lot involved is Lot No. 1910 of the Catbalogan Cadastral Survey. It is contested by the claimants, petitioners-heirs of Cornelio Labrada, on one hand, and by respondents-heirs of Isabel Yboa on the other. Said pre-decessors-in-interest had filed their respective answers in the cadastral proceedings in June, 1932.

Petitioners thus state their claim to the lot, as follows: "Cornelio Labrada who had previously deforested the area which is now the disputed Lot No. 1910, had already been in continuous possession of said lot for more than forty-three (43) years when he filed his answer in 1932, or at least from 1894; and that he continued his possession until 1943 when he died. His son, Meliton, succeeded in possessing the land. Immediately after his demise, Meliton Labrada was succeeded in the possession of said land until he himself died sometime in 1976; and that subsequent thereto, possession of the property in issue passed to Meliton's direct heirs, who, until the present are still in possession thereof, (Decision, p. 1). None of the heirs of Isabel Iboa is in possession of any portion of the questioned lot." [1] Petitioners had moved in 1973 for the case to be heard by the now defunct Court of First Instance of Samar. The conflicting parties presented both their oral and documentary evidence in support of their respective claims over the lot. On July 11, 1983, the respondent re-gional trial court rendered its decision in favor of respondents-claimants. Within 2 days from receipt of the adverse decision, petitioners filed their appeal on August 6, 1983 by filing a notice of appeal with a prayer that the records be elevated to the Intermediate Appellate Court, pursuant to the new Interim Rules of Court. Over a month later, on September 14, 1983, respondents-claimants filed their motion for the issuance of a decree contending that petitioners had failed to perfect their appeal because they failed to file a record on appeal. Respondent court granted respondents' motion for the issuance of a decree on the theory that an appeal taken in a cadastral case involves "multiple appeals," for which the filing of the record on appeal was required. The decree for the registration was accordingly ordered by

respondent court. Petitioners' motion for reconsideration having failed, they have now filed the petition at bar for the setting aside of respondent court's questioned orders denying due course to their appeal and ordering the issuance of a decree of registration on the lot in question in favor of respondents.

The pertinent provisions of Appellate Procedure on appeals are contained in sections 18 and 19 of the Interim Rules and Guidelines, as follows:

"18. Elimination of record on appeal and appeal bond. - The filing of a record on appeal shall be dispensed with, except in the cases referred to in subparagraph (b) of paragraph 19 hereof.

"No appeal bond shall be required for an appeal.

"19. Period of Appeal. -

(a) All appeals, except in habeas corpus cases and in the cases referred to in paragraph (b) hereof, must be taken within fifteen (15) days from notice of the judgment, order, resolution or award appealed from.

(b) In appeals in special proceedings in accordance with Rule 109 of the Rules of Court and other cases wherein multiple appeals are allowed, the period of appeal shall be thirty (30) days, a record of appeal being required."

These rules were issued pursuant to the provisions of Batas Pambansa Blg. 129, particularly section 39 thereof which provides for a 15-day period within which to take an appeal and expressly abolished the need of a record on appeal, as follows:

"SEC. 39. - Appeals. - The period for appeal from final orders, resolutions, awards, judgments or decisions of any court in all cases shall be fifteen days counted from the notice of the final order, resolution, award, judgment, or decision appealed from.

"No record on appeal shall be required to take an appeal. In lieu therefor, the entire original record shall be transmitted with all the pages prominently numbered consecutively, together with an index of the contents thereof."

The appeal sought to be taken in the petition at bar concerning conflicting claims of the parties to a specific lot clearly falls under this general rule. Therefore, petitioners' appeal must be given due course and the issuance of a decree of registration and the corresponding certificate of title were prematurely and baselessly ordered by respondent court and must be set aside. All that respondent trial court had to do was to transmit the original record consisting of the pleadings of the parties and its decision and orders, which petitioners have in effect so elevated with their petition at bar as per Annexes "A" to "I" of their petition,[2] together with the transcripts and exhibits.[3]

It must not be lost sight of that the basic objective of this innovative Rule which dispenses with the filing of a record on appeal and the filing of an appeal bond was and is to simplify appellate court procedure by doing away with the tedious and expensive requirement of reproducing practically the entire original record of the case in the record on appeal in the trial court. This old requirement of a record on appeal by itself laid the appellate procedure open to a number of dilatory and vexing questions of clerical errors and claims of omitted pleadings and orders which in turn required the filing of an amended record on appeal. Such record on appeal under the Rules still had to be printed, mimeographed or typed in 12 copies resulting many times in typographical errors[4] and adding needless expense and additional burden on litigants. Thus, have the legislators and the Court sought to simplify the Rules to assist the parties in obtaining just, expeditious and inexpensive determination of every court case, as well as decongesting judicial dockets.

The exceptions must be strictly construed. The Court provided for specific exceptions with respect to "appeals in special proceedings in accordance with Rule 109 of the Rules of Court," wherein multiple appeals at different stages of the case are allowed such as when the order or judgment on appeal refers to: (a) the allowance or disallowance of a will; (b) determination of the lawful heirs of a deceased person or their distributive shares in the estate; (c) the allowance or disallowance, in whole or in part, of any claim against the estate or any claim presented on behalf of the estate in offset to a claim against it; (d) the settlement of the accounts of an executor, administrator, trustee or guardian; (e) a final determination in the lower court of the rights of the party appealing in proceedings relating to settlement of the estate of a deceased person or the administration of a trustee or guardian; and (f) the final order or judgment rendered in the case. In these cases, therefore, since the original record has to remain with the probate court in connection with the other various pending matters, a party appealing from a specific order is required to file the corresponding record on appeal.

This is not the case in cadastral proceedings. Cadastral proceedings involve contest over specific lots which may be claimed by parties who have timely filed their respective answers, failing which the land is declared to belong to the State. In all such cases of contested lots, records may readily be kept of each lot or lots so contested by the same parties and the State, and given a separate sub-number corresponding to each contested lot. Upon the trial court's rendering of its judgment as to such specific lot(s), then the original records pertaining to such lot(s) may be readily elevated, leaving with the lower court the records or pleadings referring to disputed lots not covered by said court's adjudication. In this particular cadastral proceeding, as stated by respondent court itself in its questioned order, there remain only "around 8 contested ones [lots] which have not yet been adjudicated not counting the 180 lots which were 'archived' by a predecessor of the presiding judge." [5] This readily shows the lack of any difficulty to keep separate records for specific lots claimed by conflicting parties, and elevating only the particular record for the specific lot, subject of judgment and appeal.

ACCORDINGLY, the petition is granted. Dispensing with briefs or memoranda, judgment is hereby rendered (a) setting aside the questioned orders which denied due course to petitioners' appeal and ordered the issuance of a decree of registration; (b) annulling any certificate of title which may have been issued to respondents pursuant thereto; and (c) ordering respondent court to give due course to petitioners' appeal from its decision of July 11, 1983 and to transmit to the Intermediate Appellate Court the records of the case pertaining to the disputed Lot No. 1910 of the Catbalogan Cadastral Survey, together with the oral and documentary evidence as hereinabove indicated. No costs.

Melencio-Herrera, Plana, Relova, Gutierrez, Jr., and De La Fuente, JJ., concur.

[1] Petition at bar, pp. 2-3.

[2] Record, pp. 27-78, commencing with the Order of November 17, 1973 setting the case for hearing on December 1, 1973 (Annex "A") down to the last order issued by respondent court dated October 28, 1983, denying petitioners' motion for reconsideration of its questioned order denying due course to petitioners' appeal from the order for the issuance of a decree of registration and denying likewise petitioners' alternative prayer that they be allowed to file a record on appeal (Annex "I"), together with the oral and documentary evidence presented by the parties at the hearing.

[3] See Rule 46 on appealed cases in the Intermediate Appellate Court (formerly Court of Appeals).

[4] Rule 46, sec. 5, as amended by Resolution of Sept. 17, 1974, reproduced in *Pfeider vs. Victoriano*, 98 SCRA 491, 498.

[5] Record, p. 86.

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