

DR. HECTOR S. RUIZ, PETITIONER, VS. THE HONORABLE COURT OF APPEALS, THE REGISTER OF DEEDS, IBA, ZAMBALES, RODOLFO V. SIOJO, ANGEL AL. CALUNTAD, RESPONDENTS.

G.R. No. 93454. September 13, 1991

Ponente: PARAS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-93454/>

PARAS, J.:

This is a petition for review on certiorari with prayer for Preliminary Prohibitory Injunction/Restraining Order seeking to annul the Resolutions[*] of respondent Court of Appeals dated February 28, 1990, which dismissed herein petitioner's petition for annulment of decision, and May 8, 1990, which denied his motion for reconsideration.

The antecedent facts which gave rise to this petition are as follows:

On August 23, 1988, Petitioner Dr. Hector S. Ruiz filed before the Court of Appeals a complaint for Annulment of Decision, Documents, Surrender of Owner's Duplicate of Title, Damages with Preliminary Injunction against respondent Siojo docketed as CA-G.R. No. 15411. In said complaint, Ruiz alleged that:

1. He is the registered owner of Magalawa Island embraced and covered by Transfer Certificate of Title No. 25102 of the Province of Zambales, located in the Municipality of Palauig, containing an area of 425,904 sq. meters;
2. In the early part of March 1979, he constituted respondent Siojo as his exclusive agent for a period of one year to sell the aforementioned property for P3.5 M with a 5% commission of the price; should he be able to sell the property for more than the said amount, he shall be entitled to the excess thereof. On or about March 29, 1979, respondent Siojo handed the amount of P200,000.00 for which petitioner's wife signed a receipt prepared by the respondent.
3. After the lapse of one year, without Siojo selling the property, Ruiz entered into an agreement with one Mr. Francisco Joaquin to organize a corporation to develop the Magalawa Island property into a tourist beach resort. However, after the lapse of another year without the corporation being organized, Ruiz demanded from Mr. Joaquin the return of the owner's duplicate copy of the Transfer Certificate of Title No. 25102. The latter's refusal to return said document prompted Ruiz to file a replevin suit against Mr. Joaquin before the Regional Trial Court of Zambales which was docketed as Civil Case No. 3109-0, in which a judgment on the pleadings was rendered in favor of Ruiz (Rollo, pp. 110-112). Said decision was affirmed by the Court of Appeals in CA-G.R. No. 01727-R in its decision dated February 28, 1988. Mr. Joaquin's petition for review on certiorari was denied by the Supreme Court in its Resolution dated July 1, 1985 in G.R. 70350.
4. On or about February 23, 1983, Ruiz executed a Deed of Absolute Sale in favor of herein respondent Siojo to hamper Mr. Joaquin in holding TCT No. 25102, to protect the P200,000.00 advance payment by way of earnest money and for humanitarian reason that Mr. Siojo may show the French Embassy that he is a propertied

businessman to allow his daughter to become a nun in France.

5. On March 1983, respondents Siojo and Caluntad approached and convinced petitioner Ruiz of the necessity of filing a replevin suit by respondent Siojo against petitioner Ruiz to foreclose any right which Mr. Joaquin may have over the property. The case was docketed as Civil Case No. 37590 before the Regional Trial court of Quezon City (Branch XCV). However, he was not informed of the status of the case and by means of malicious, fraudulent and illegal manipulations, a judgment was rendered in their favor, and through misrepresentations, succeeded in getting TCT No. 25102 to the damage and prejudice of Ruiz in the amount of P1 M.

6. On May 28, 1985, Ruiz sold the property to Mr. Christian M. Prohn for P7.2 M; although the latter was aware of the status of Ruiz's title to the property.

7. Siojo, upon learning of the sale, pleaded for the return of the P300,000.00 to which Ruiz agreed.

8. A Deed of Reconveyance was executed by Siojo in favor of Ruiz which was acknowledged before Notary Public Jose Padolinas on September 27, 1985 as Document No. 445, Page No. 90, Book No. 487, Series of 1985.

9. In view of the contract of sale in favor of Mr. Prohn, Ruiz was assured by respondent Caluntad that the decision of the Supreme Court as to the appeal of Mr. Joaquin was forthcoming.

10. That unknown to Ruiz, respondents, by conniving with one another, succeeded in getting TCT No. 25102. It was only upon his inquiry at the Supreme Court that he learned that the title to the property has been delivered to the respondent.

11. Due to respondent Siojo's refusal to return the TCT No. 25102, Ruiz filed the replevin case before the Regional Trial Court of Zambales but later, he moved for its dismissal upon realizing the need to nullify the decision rendered by the Regional Trial Court of Quezon City in Civil Case No. 37590.

Respondent Siojo filed his Answer with Counterclaim in CA-G.R. No. 15411 on September 26, 1988 (Rollo, pp. 59-83) while that of respondent Caluntad was filed on October 2, 1988 (Ibid., pp. 84-107).

On petitioner's motion, the respondent Court of Appeals gave petitioner until August 22, 1989 to file his amended petition (Ibid., p. 142). On September 21, 1989, petitioner's amended petition was admitted, the same having been filed within the period granted by the Court. Respondents were required to answer the amended petition (Ibid., p. 163). Respondents filed a Motion for Reconsideration of the September 21, 1989 Resolution of respondent Court of Appeals on October 12, 1989 pointing out that the petition was filed out of time and that Ruiz was directed to implead the trial court that rendered the decision sought to be annulled but he also impleaded Atty. Jambora which is in violation of Rule 10 of the Rules of Court (Ibid., pp. 282-285). On October 20, 1989, respondent Court of Appeals required petitioner to comment on respondent Siojo's Motion for Reconsideration (Ibid., p. 286). Ruiz filed an Urgent Motion for Extension of Time to Comment wherein he stated that respondent's Motion for Reconsideration is pro-forma, hence on the basis of the time-honored principle of law — *res ipsa loquitur* — submitted the incident for resolution (Ibid., p. 168).

On February 28, 1990, respondent Court of Appeals issued the questioned resolution, the dispositive portion of which reads:

"WHEREFORE, for late filing of the amended petition; and for petitioner's failure, among other things, to file his opposition or comment on respondents' motion for reconsideration dated October 12, 1989 despite being required to do so, among other things, Our resolution of September 21, 1989 is hereby set aside, the amended petition filed on August 23, 1989 is denied admission, and the instant petition is hereby DISMISSED.

SO ORDERED."

(Ibid., p. 171)

Ruiz filed his motion for reconsideration on March 26, 1990 (Ibid., p. 172) which was denied by the respondent Court of Appeals on May 8, 1990.

Hence, this petition which was given due course on January 16, 1991. On the same day, the notice of death of the petitioner, filed by his counsel, Atty. Eduardo Balaoing, with the information that the petitioner is survived by his widow Lourdes E. Ruiz and children Alman, Paul, Joan and Joseph, all surnamed Ruiz, with residence and postal address at 88 Jose Abad Santos St., Heroes Hill, Quezon City, with prayer that copies of court processes be sent to them to give them reasonable time to hire the services of another counsel, was noted and granted (Ibid., p. 353).

Petitioner Ruiz submits that the respondent court seriously erred when it dismissed CA-G.R. No. 15411 on mere technical grounds. He admits that the amended petition was filed one day late but such delay is not sufficient to warrant the dismissal of the petition. He stressed that the amended petition was admitted by respondent Court of Appeals in its resolution dated September 21, 1989, which also directed the Clerk of Court of the Regional Trial Court of Quezon City (Branch XCV) to elevate the complete records of Civil Case No. 37590 (Petitioner's Memorandum p. 420).

He asserts that a closer scrutiny of his Urgent Motion for Extension of Time to Comment dated November 20, 1989 would show that his counsel filed his comment when he made the following statement:

"However, it may be amiss to state that the petitioner's motion for Leave of Court to admit Amended Petition well explained the necessity of amending the aforesaid petition, which motion for reconsideration of respondent's failed (to) refute; the latter's motion for reconsideration is utmost (sic) pro-forma; hence, on the basis of the time-honored principle of law — RES IPSO LOQUITUR — petitioner, most respectfully submit the incident for resolution."

Accordingly, Ruiz insisted that considering the well established principle that pleadings should be liberally construed, the respondent court should have considered the aforequoted statement as his comment (Ibid., pp. 423-444).

Ruiz further contends that the inclusion of Atty. Jambora as a party-respondent was neither aimed to delay the early disposition of the case nor did it alter the cause of action. His inclusion was done solely for the purpose of presenting a complete case that would settle the case in a single proceeding (Ibid., p. 427).

On the other hand, respondent Siojo submits that the petitioner is guilty of gross negligence when he failed to implead the trial judge that rendered the decision sought to be annulled and in filing his petition beyond the period granted by the court despite the warning that no further extension will be granted (Respondents' Memorandum, Rollo, p. 386). Furthermore, even the instant petition was filed out of time. The May 8, 1990 resolution of the respondent Court of Appeals was received by the petitioner on May 18, 1990, from which date he had 15 days or until June 2, 1990 to appeal to this Court. He was granted a 30-day extension or until July 3, 1990 to file this petition. However, records show that this petition was filed on July 12, 1990 which is clearly beyond the period allowed by the Court (Ibid., p. 390).

It is well settled that litigations should, as much as possible, be decided on their merits, and not on technicalities, and that every party litigant must be afforded the amplest opportunity for the proper and just determination of his case, free from unacceptable plea of technicalities. This Court, in the exercise of equity jurisdiction, may disregard technicalities in order to resolve the case on its merits based on evidence (Tesorero vs. Mathay, 185 SCRA 124 [May 8, 1990]).

A careful perusal of the records however shows that even if the issue of technicalities is disregarded, and the case

be decided on the merits, still no sufficient grounds can be found to grant the petition.

In his petition filed before the respondent Court of Appeals, docketed as CA-G.R. No. 15411, Ruiz sought to annul the judgment rendered by the Regional Trial Court of Quezon City (Branch XCV) in Civil Case No. 37590 which was allegedly obtained through deceit and malicious manipulation and that he was never notified of any proceeding concerning the case. But certain requirements must be established before a judgment can be the subject of an action for annulment. A judgment can be annulled only on two (2) grounds: (a) the judgment is void for want of jurisdiction or lack of due process of law; or (b) it has been obtained by fraud (*Mercado vs. Ubay*, 187 SCRA 719 [July 24, 1990]). An action to annul a final judgment on the ground of fraud will lie only if the fraud is extrinsic or collateral in character. It is regarded as extrinsic or collateral where it has prevented a party from having a trial or from presenting all of his case to the court (*Asian Security and Insurance Co., Inc. vs. Island Steel, Inc.*, 118 SCRA 233 [November 15, 1982]).

A perusal of the records reveals that none of these grounds exists to warrant the annulment of the decision of the trial court. Petitioner's receipt of the summons is shown by the return submitted by the sheriff dated June 24, 1983 (Original Records, p. 15). He was represented by Atty. H.A. Jambora who, on July 8, 1983, filed an Urgent Motion for Extension of Time to File an Answer (*Ibid.*, pp. 17-18) which, however, was not filed despite the extension granted by the lower court. Nevertheless, Atty. H.A. Jambora was consistently furnished copy of court orders as well as the decision rendered by the court a quo as shown by the registry receipts on record. It has been settled that when a party appears by counsel in an action in court, all notices required to be given must be served to the counsel and not to the client, for the rule is that notice to the counsel is notice to the client (*Lincoln Gerard, Inc. vs. NLRC*, 187 SCRA 701 [July 23, 1990]). He cannot, therefore allege that he was not aware of the case and that he was not given a chance to present his case in court.

Upon the other hand, there is no allegation of fraud whether intrinsic or extrinsic.

PREMISES CONSIDERED, the petition is hereby DENIED for lack of merit.

SO ORDERED.

Melencio-Herrera, (Chairman), and Regalado, JJ., concur.

Padilla, J., no part, related to petitioner's counsel.

Sarmiento, J., on leave.

[*] Penned by Associate Justice Jesus M. Elbinias and concurred in by Presiding Justice Rodolfo A. Nocon and Associate Justice Pedro A. Ramirez.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.