



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

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MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court
Third Division
OCT 21 2020

SUPREME COURT OF THE PHILIPPINES
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HELEN P. DENILA,
Petitioner,

G.R. No. 206077

Present:

- versus -

LEONEN, J., Chairperson,
GESMUNDO,
CARANDANG,
ZALAMEDA, and
GAERLAN, JJ.

**REPUBLIC OF THE PHILIPPINES,
CITY GOVERNMENT OF DAVAO,
BRGY. 74-A MATINA CROSSING
FEDERATION, INC.,** represented by
its President, **LOLITA P. TANO,**
**MATINA BALUSONG NEIGHBOR-
HOOD ASSOCIATION, INC.,** repre-
sented by its President, **FE I. BETIOS,**
**ST. PAUL NEIGHBORHOOD ASSO-
CIATION, INC.,** represented by its
President, **ESTRELLA E. NAMATA,**
**ST. BENEDICT XVI NEIGHBOR-
HOOD ASSOCIATION, INC.,** rep-
resented by its President, **MELCHOR
LECIONAN, SHALOM NEIGHBOR-
HOOD ASSOCIATION, INC.,** rep-
resented by its President, **ROMEO
PACHO, ALEJANDRO ALONZO,
JR., MARITES ALONZO-LILOC,
ARACELI ALONZO-DIOLASO,
ROBERTO ALONZO, EULALIA
ANGELITUD, EVANGELINE
BAUTISTA, SALVADOR BAUTISTA,
FELIMON BILIRAN, JR., LOURDES
BILIRAN, REYNALDO BILIRAN,
ARSENIO BRIONES, NORMA CAL,
MARILYN CAÑETE, EDGARDO**

COSTANTE, JOY BILL DELA CRUZ, MARJORIE DELA CRUZ, JOHN JAMES ESPINOSA, ROMAR CAÑETE, TIMOTEO¹ C. FLORES, JEMUEL GAUDICOS, LILY LISONDRA, ERWIN PACADA, ALMA PAGALAN, LEONARDO PELOÑO, REYNALDO POLIQUIT, VIRGILIO REUYAN, JESUS REUYAN, SR., ROGELIO REUYAN, ARLAN SILVA, CARMELITA SILVA, ROMMEL SILVA, GRACE TEMONERA, ERLINDA VALENCIA, and DEL CARMEN MATINA APLAYA NEIGHBORHOOD ASSOCIATION,

Respondents.

Promulgated:

July 15, 2020

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DECISION

GESMUNDO, J.:

Compliance with jurisdictional requirements is strictly mandatory in a special proceedings case as it is the operative fact which vests a court with the power and authority to validly take cognizance and decide a case.

Preview

The case involves a Petition² for Review filed by Helen Perez Denila seeking to: (a) reverse and set aside the July 25, 2012 Decision³ of the Court of Appeals (CA) – Special Former Twenty-Second Division in CA-G.R. SP No. 03270-MIN which granted the Republic of the Philippines' (*Republic*) petition for relief from judgment; and (b) reinstate the March 4, 2008 Decision⁴ of the Regional Trial Court of Davao City, Branch 14 (RTC) in SP. PROC. No. 7527-2004 which ordered the reconstitution of the owner's duplicate Original Certificates of Title (OCT) Nos. 164, 219, 220, 301, 337,

¹ Also referred to as "Tomoteo" in some parts of the *rollo*.

² *Rollo*, pp. 10-55.

³ *Id.* at 57-96; penned by Associate Justice Edgardo A. Camello with Associate Justices Edgardo T. Lloren and Ma. Luisa Quijano Padilla, concurring.

⁴ *Id.* at 107-112; penned by former Presiding Judge George E. Omelio.

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514 and 67 originally registered in the name of Constancio S. Guzman (*Constancio*).

Antecedents

Historical Background

The dispute traces its roots back to the time when Constancio and his common-law wife Isabel Luna (*Isabel*) had several parcels of land in Davao City registered under their collective names in which they were issued the aforementioned OCTs sometime in November 1925.⁵ When both Constancio and Isabel passed away intestate during the Second World War, they left no direct heirs and were survived by Heirs of Constancio Guzman, Inc. (*HCGI*) — a corporation whose stakeholders were children and grandchildren of Constancio's only sibling, Manuel Guzman.⁶

On June 8, 2001, HCGI filed four (4) separate Petitions for Reconstitution of Title of Lost and/or Destroyed OCT Nos. 219, 337, 67 and 164 before the RTC; and, during the initial hearing, the same court required Davao City's Register of Deeds (*RD*) to submit a report on the status of the aforementioned Certificates of Title.⁷

On July 25, 2002, Davao City's Acting Register of Deeds, Atty. Florenda Patriarca, submitted a report showing that: (a) OCT No. 337 in the name of both spouses Constancio and Isabel had already been cancelled and had been the subject of several transfers, the latest being to the Republic of the Philippines; (b) OCT No. 219 in the name of both spouses Constancio and Isabel had likewise been cancelled and had been the subject of several transfers, the latest being in favor of a certain Antonio L. Arroyo (*Arroyo*); (c) OCT No. 164 in the name of both spouses Constancio and Isabel had been the subject of several transfers and is currently registered in the name of Arroyo; (d) OCT No. 67 in the name of Constancio himself had also been cancelled and transferred several times, the latest being in the name of Madeline Marfori.⁸

⁵ Id. at 102-103, see *Heirs of Don Constancio Guzman, Inc. v. Judge Carpio*, G.R. No. 159579, November 24, 2003 (Unsigned Resolution).

⁶ Id.

⁷ Id.

⁸ Id.

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On May 12, 2003, the RTC dismissed all the petitions for reconstitution as it was clear from the report of the RD that OCT Nos. 337, 219, 164 and 67 were neither mutilated, destroyed, nor lost, but were in fact cancelled as a result of both voluntary and involuntary subsequent transfers.⁹

Aggrieved, HCGI directly elevated the case to this Court *via* Petition for Review on *Certiorari*.

On November 24, 2003, this Court's Third Division issued a Resolution in *Heirs of Don Constancio Guzman, Inc. v. Judge Carpio (Heirs of Guzman, Inc.)*¹⁰ denying HCGI's Petition for Review ratiocinating that: (a) there was a blatant disregard of the hierarchy of courts and that no exceptional or compelling circumstance had been cited; (b) there was no proof that the Certificates of Title intended to be reconstituted were in fact lost or destroyed; and (c) that the evidence on record reveals that OCT Nos. 337, 219, 164 and 67 were actually cancelled on account of various conveyances.

Present Reconstitution Case

On June 22, 2004, petitioner filed an "*Amended Petition for Reconstitution of Original Certificates of Titles*"¹¹ before the RTC seeking to direct Davao City's RD to reconstitute OCT Nos. 164, 219, 220, 301, 337, 514 and 67 alleging, among others, that:

- 1) The subject OCTs were originally registered in the name of Constancio and Isabel;¹²
- 2) A certain Bellie S. Artigas (*Artigas*) had been entitled to a 40% share in Constancio's estate and was authorized to recover, administer and dispose of all properties in the said estate pursuant to her agreement with Constancio;¹³
- 3) The parcels of land covered under the subject titles were sold to her by Artigas, as Constancio's attorney-in-fact, by way of a Deed of Absolute Sale;¹⁴

⁹ Id.

¹⁰ G.R. No. 159579, November 24, 2003 (Unsigned Resolution).

¹¹ *Rollo*, pp. 101-106.

¹² Id. at 103.

¹³ Id. at 104-105.

¹⁴ Id. at 103.

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- 4) She is currently in possession of the lands covered by the subject OCTs;¹⁵
- 5) She had caused a re-survey of the parcels of land covered under the subject OCTs;¹⁶
- 6) The original copies of the subject OCTs were kept inside the repositories of Davao City's RD;¹⁷
- 7) Davao City's RD issued a Certification which stated that the subject OCTs were "not available among [its] files[,] the same maybe (*sic*) mutilated or destroyed,"¹⁸
- 8) The parcels of land covered under the subject OCTs had "no co-owners, mortgagees and/or lessees" and had no corresponding certificates of title issued to other persons which had been lost or destroyed;¹⁹
- 9) The parcels of land covered under the subject OCTs had "no buildings or other structures of strong materials" which "[did] not belong to [petitioner];"²⁰
- 10) The fruit-bearing trees and other seasonal crops existing on the parcels of land covered under the subject OCTs had also been "sold/ceded/transferred" to her;²¹
- 11) The parcels of land covered under the subject OCTs were free from all liens and encumbrances;²²
- 12) There exists no deed or instrument affecting the parcels of land covered under the subject OCTs;²³ and
- 13) She is willing to pay the real estate taxes on the parcels of land covered under the subject OCTs.²⁴

¹⁵ Id. at 101.

¹⁶ Id. at 104.

¹⁷ Id. at 103.

¹⁸ Id.

¹⁹ Id. at 104.

²⁰ Id.

²¹ Id.

²² Id.

²³ Id.

²⁴ Id. at 105.

On September 6, 2005, the Office of the Solicitor General (*OSG*) filed an Entry of Appearance and deputized Davao City's Office of the City Prosecutor to handle the reconstitution case before the RTC.²⁵

Before the presentation of witnesses, the RTC issued a *Subpoena Duces Tecum* and *Ad Testificandum* directing the Land Registration Authority (*LRA*) and Davao City's RD to produce in court the certificates of title in the custody of their respective offices.²⁶

During the course of the trial, petitioner presented the testimony of Myrna Fernandez (*Fernandez*), Chief of the Document and Docket Division of the LRA. Fernandez testified that petitioner's respective copies of OCT Nos. 164, 219, 301, 337 and 67 and of Decree No. 195448 pertaining to OCT No. 514 are "faithful reproduction[s]" of the "original" copies "existing in [the LRA's] records and/or vault (*sic*) section."²⁷ She further attested that, as record custodian, her office only keeps a record regarding the existence of the subject OCTs and that the Register of Deeds makes the cancellation of these certificates of title though they are not required to notify or communicate such fact of cancellation to the LRA.²⁸ Finally, she also clarified that all matters pertaining reconstitution are forwarded to the LRA's Reconstitution Division whose duty is to prepare technical reports²⁹ after plotting and examining the plan appearing on the technical description of the lots covered by the certificates of title sought to be reconstituted.³⁰

For its part, the Republic presented the testimony of Atty. Asteria E. Cruzabra (*Atty. Cruzabra*), Davao City's then Deputy and Acting Register of Deeds who: (a) brought typewritten representations of OCT Nos. 164, 219, 2980, 220, 301 and T-514 as well as Transfer Certificate of Title (TCT) Nos. 356 and 1363; and (b) testified that the actual copies of the same certificates in her office's custody which were subjects of the *Subpoena Duces Tecum* and *Ad Testificandum* are mutilated and beyond recognition.³¹ She elaborated that, due to the subject OCTs' present condition, she issued the Certification to the effect that the same certificates are "mutilated and/or destroyed."³² Moreover, she explained that: (a) the typewritten representations of all the OCTs that she brought in open court had already been cancelled; (b) OCT No. 2980 and TCT No. 356 were derived from OCT No. 219; (c) TCT No. 1363 was derived from OCT No. 301; and

²⁵ Id. at 217.

²⁶ Id. at 109-111.

²⁷ Id. at 109.

²⁸ Id.

²⁹ Id. at 122-124.

³⁰ Id.

³¹ Id. at 110.

³² Id.

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(d) OCT No. T-514 brought in open court is a typewritten original document.³³ Finally, Atty. Cruzabra stated that the typewritten entries in the certificates of title she presented in open court show that the same documents had been cancelled and each had been replaced with a corresponding TCT.³⁴

Reacting to the Republic's evidence, petitioner objected to the admissibility and probative value of Atty. Cruzabra's documents because the copies of the purported titles are "not in their normal forms issued by the [RD] but were merely lifted and copied [from] a local [news]paper, the stroke and style of the signature of the then [RD], Patrocinio Quitain, varies from one document to another."³⁵ She stressed that "[t]he discrepancies are so apparent that no less than [Atty. Cruzabra] admitted that the strokes of Patrocinio Quitain are different."³⁶ Finally, she pointed out that "the alleged copies of OCT[s] and CTC[s] were typewritten on cheap onion skin bonds and that they were [so] typewritten in 1972 when [photocopying] machines [were] already abundant."³⁷

Regional Trial Court's Reconstitution Ruling

On March 4, 2008, the RTC – Branch 14 in SP. PROC. No. 7527-2004 through then Presiding Judge George E. Omelio (*Judge Omelio*) rendered a Decision in favor of petitioner essentially holding that: (a) the entries of cancellation at the back of the OCTs are not conclusive proof of the truth of such entries as they were not the authenticated copies of the originals;³⁸ (b) the testimonies of Fernandez had convinced him that the subject OCTs did exist in the LRA's office and that the same were all registered in the name of Guzman and Luna;³⁹ and (c) the Republic presented no proof (document or decree) as to the circumstances of the subject OCTs' cancellation.⁴⁰ The dispositive portion of such Decision reads as follows:

³³ Id.

³⁴ Id.

³⁵ Id.

³⁶ Id.

³⁷ Id.

³⁸ Id. at 111.

³⁹ Id. at 112.

⁴⁰ Id.

WHEREFORE, finding the instant petition well founded, the same is hereby granted.

The Registrar [*sic*] of Deeds of Davao City is hereby ordered to reconstitute the owner[']s Original Duplicate copy of Original Certificate of Titles No. **OCT No. 164, OCT No. 219, OCT No. 220, OCT No. 301, OCT No. 337, OCT No. 514 and OCT No. 67** with the approved Technical Description of said parcels of land attached with [*sic*] this petition be respectively inscribed thereto and that the titles to the said mentioned parcels of land be duly registered in the name of the original owner Constancio Guzman, and considering that the latter[,] through his attorney-in-fact Bellie S. Artigas[,] sold the same to herein petitioner (Exhs. "G" to "M"), the Register of Deeds, Davao City is further ordered to correspondingly issue Transfer Certificate of Titles over the subject parcels of land in the name of herein petitioner.

Cost against the petitioner.

SO ORDERED.⁴¹

Post-Regional Trial Court Proceedings

On March 27, 2008, the OSG received Judge Omelio's March 4, 2008 Decision.⁴²

On March 28, 2008, Clerk of Court V Atty. Ray Uson Velasco (*Atty. Velasco*) of RTC, Branch 14 issued a Certification⁴³ stating that: (a) copies of Judge Omelio's March 4, 2008 Decision were received by petitioner's counsel and Davao City's RD (as well as the Office of the City Prosecutor)⁴⁴ on March 5, 2008 and March 10, 2008, respectively; and (b) the same Decision had become final and executory.

On March 31, 2008, an Entry of Judgment⁴⁵ was issued by Atty. Velasco pursuant to the March 28, 2008 Certification.

On April 15, 2008, Atty. Cruzabra sent a letter to LRA Administrator Benedicto B. Ulep (*LRA Administrator Ulep*) elevating Judge Omelio's March 4, 2008 Decision by way of *en consulta*.⁴⁶

⁴¹ Id.

⁴² Id. at 217.

⁴³ Id. at 114.

⁴⁴ Id. at 117.

⁴⁵ Id. at 113.

⁴⁶ Id. at 60.

On April 18, 2008, petitioner filed an Urgent Motion for Execution claiming that, since no Motion for Reconsideration was filed by the adverse parties within the reglementary period, her motion must be granted.⁴⁷

On April 23, 2008, Judge Omelio granted petitioner's move for urgent execution and issued a corresponding Writ of Execution.⁴⁸

***Petition for Relief from Judgment
Proceedings***

On May 26, 2008, the Republic through the OSG filed a Petition for Relief from Judgment with the RTC seeking to set aside the March 4, 2008 Decision.⁴⁹

On September 3, 2008, Judge Omelio issued an Order⁵⁰ with the pertinent portions as follows:

That is why, it would appear that the undersigned Presiding Judge seemingly rendered the subject decision with lightning speed which is not in reality.

As there is already a doubt cast by these concerned sectors against the sense of impartiality and independence of the undersigned Presiding Judge he is therefore, voluntarily INHIBITING himself from further sitting in this case.

Let the record of this case be transmitted to the Office of the Executive Judge of this Court for re-raffling with the exception of Branch 14.

SO ORDERED.

Here, Judge Omelio directed the transmittal of the case records to the Office of the Executive Judge for re-raffle.⁵¹ The case was eventually re-raffled to Judge Ridgway M. Tanjili (*Judge Tanjili*).⁵²

⁴⁷ Id.

⁴⁸ Id. at 60 and 115.

⁴⁹ Id. at 60.

⁵⁰ Id. at 296-297.

⁵¹ Id. at 61.

⁵² Id.

On September 15, 2008, Judge Tanjili issued an Order re-setting the date and time of the hearing previously set by Judge Omelio.⁵³

On June 29, 2009, LRA Administrator Ulep issued a Resolution in Consulta No. 4581 holding that, based on his office's records, the subject OCTs sought by petitioner to be reconstituted are all previously cancelled titles making rendering Judge Omelio's March 4, 2008 Decision unregistrable.⁵⁴

On August 12, 2009, Judge Tanjili unexpectedly inhibited himself from handling the reconstitution case.⁵⁵

Petition for Relief Ruling

On September 3, 2009, Judge Omelio, despite the absence of any raffle and without conducting a hearing,⁵⁶ re-assumed jurisdiction over the case and issued an Order⁵⁷ denying the Republic's Petition for Relief from Judgment for having been filed sixteen (16) days beyond the reglementary period based on the observation that the Prosecutor of Davao City received a copy of the March 4, 2008 Decision on March 10, 2008 and that the OSG belatedly filed the same petition for relief only on May 9, 2008.⁵⁸ Moreover, it also pointed out that Atty. Cruzabra, being Davao City's RD, "did nothing," "made a wrong interpretation of the Rules," and elevated the March 4, 2008 Decision *via consulta* to the LRA Commissioner instead of filing an appeal with the regular courts.⁵⁹ The dispositive portion⁶⁰ reads as follows:

Accordingly, the Petition for Relief from Judgment is hereby denied.

SO ORDERED.

Aggrieved by the Order, the Public Prosecutor of Davao City filed a Motion for Reconsideration from the Order of the Honorable Court Denying

⁵³ Id.

⁵⁴ Id. at 19; see also *Peralta v. Judge Omelio*, 720 Phil. 60, 72 (2013).

⁵⁵ Id. at 82.

⁵⁶ Id. at 283.

⁵⁷ Id. at 116-118.

⁵⁸ Id. at 117-118.

⁵⁹ Id. at 117.

⁶⁰ Id. at 118.

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the Petition for Relief Filed by the Solicitor General and Inhibition of the Honorable Presiding Judge.⁶¹

On October 1, 2009, Judge Omelio issued an Order denying the Public Prosecutor's Motion for Reconsideration.⁶²

***Petition for Certiorari Proceedings
in the Court of Appeals***

On October 22, 2009, the Republic filed a Petition for *Certiorari* [Under Rule 65 of the Rules of Court] with Prayer for Temporary Restraining Order with the CA pointing out that Judge Omelio committed grave abuse of discretion in issuing the September 3, 2009 and October 1, 2009 Orders for: (a) being contrary to jurisprudence; and (b) denial of due process by exhibiting bias and partiality towards petitioner as he unilaterally re-assumed jurisdiction over the petition for relief case despite his previous inhibition.⁶³

On March 17, 2010, the CA issued a Temporary Restraining Order *via* Resolution enjoining Judge Omelio from enforcing the RTC's March 4, 2008 Decision as well as the September 3, 2009, the October 1, 2009 and the March 4, 2010 Orders.⁶⁴

On May 18, 2010, the CA issued a Writ of Preliminary Injunction to prevent any grave and irreparable injury to the rights of the Republic and Atty. Cruzabra pending the resolution of the Petition for *Certiorari*.⁶⁵

***Fencing Permit, Writ of Demolition,
and Intervention of herein Private
Respondents***

On May 25, 2010, despite the pendency of the *certiorari* proceedings before the CA, Judge Omelio issued an Order (upon motion of petitioner) directing the Davao City Engineer's Office to issue a Fencing Permit over the properties covered by OCT Nos. 164, 219, 220, 301, 337, 514 and 67.⁶⁶

⁶¹ Id. at 61.

⁶² Id. at 61-62.

⁶³ Id. at 62.

⁶⁴ Id. at 21 and 63.

⁶⁵ Id.

⁶⁶ Id.

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On June 30, 2010, Atty. Cruzabra filed a Manifestation with the CA informing the latter of Judge Omelio's highly contumacious May 25, 2010 Order which directly violated the May 18, 2010 Writ of Preliminary Injunction.⁶⁷

In response to Atty. Cruzabra's June 30, 2010 Manifestation, petitioner filed an Ex-Parte Motion for Clarification pointing out that: (a) the parcels of land subject in the instant reconstitution case are being unlawfully occupied by informal settlers; (b) the "request" for Fencing Permit is to enclose the same properties in order to prevent intrusion by unscrupulous informal settlers; (c) Judge Omelio's May 25, 2010 is not a direct violation of the injunctive *writ* issued by the CA because it cannot be considered an enforcement of the final and executory March 4, 2008 Decision of the RTC granting the petition for reconstitution.⁶⁸

On October 5, 2010, the CA, in a Resolution and in view of petitioner's move for clarification, assented to Judge Omelio's May 25, 2010 Order for the issuance of a fencing permit as well as a Writ of Demolition.⁶⁹ Here, it opined that the issuance of a Fencing Permit would not violate or injure the rights of all parties for it is a necessary measure for preservation which would, instead, tend to "preserve and protect" the area in question from trespass and depredation by third persons.⁷⁰

On October 8, 2010, Judge Omelio issued an Order reiterating its directive to the City Engineer's Office to issue a Fencing Permit in petitioner's favor.⁷¹ In the same Order, he also issued a Writ of Demolition for the clearing of structures erected on the properties covered by the OCTs sought to be reconstituted.⁷²

On November 11, 2010, Brgy. 74-A Matina Crossing Federation, Inc. (represented by its President, Lolita P. Tano), Matina Balusong Neighborhood Association, Inc. (represented by its President, Fe I. Betios), St. Paul Neighborhood Association, Inc. (represented by its President, Estrella E. Namata), St. Benedict XVI Neighborhood Association, Inc. (represented by its President, Melchor Lecionan), and Shalom Neighborhood Association, Inc. (represented by its President, Romeo Pacho) filed a Joint Motion to Intervene with Leave of Court with Prayer for Reconsideration

⁶⁷ Id. at 63-64.

⁶⁸ Id. at 21 and 64.

⁶⁹ Id. at 65.

⁷⁰ Id. at 65-66.

⁷¹ Id. at 66.

⁷² Id.

(with attached Joint Petition for *Certiorari-in-Intervention*) with the CA claiming that they have a legal interest in the matter in controversy because: (a) they are the actual occupants and possessors of the properties covered by the subject OCTs; (b) they were not notified of the reconstitution proceedings in the court below; (c) their intervention will not unduly delay the resolution of the case or prejudice the rights of the original parties; (d) their rights will not be fully protected in a separate proceeding; and (e) the issuance of a Fencing Permit will authorize the petition to enter the several parcels of land including those possessed by them.⁷³

On November 17, 2010, Judge Omelio recalled the “special” Writ of Demolition in an Order⁷⁴ with the relevant portions reproduced as follows:

THE Order of the Court dated OCTOBER 8, 2010 is hereby amended to the effect that the City Engineer’s Office or its Building Officials, Davao City, pursuant to the Resolution of the Court of Appeals dated October 5, 2010 in Sp. Proc. No. 75-2004 is directed to issue a Fencing Permit to Applicant Helen Denila after which the latter has to perform the act of fencing the metes and bounds of her area subject of the instant case.

As to the special writ of demolition issued by the Court dated October 8, 2010, the same is hereby **SET ASIDE** or **RECALLED**. Petitioner may instead file a separate ordinary action to this effect if she so desire(s), but not under the instant special proceeding.

On November 26, 2010, Alejandro Alonzo, Jr., Marites Alonzo-Liloc, Araceli Alonzo-Diolaso, Roberto Alonzo, Eulalia Anglilitud, Evangeline Bautista, Salvador Bautista, Felimon Biliran, Jr., Lourdes Biliran, Reynaldo Biliran, Arsenio Briones, Norma Cal, Marilyn Cañete, Edgardo Costante, Joy Bill Dela Cruz, Marjorie Dela Cruz, John James Espinosa, Romar Cañete, Timoteo C. Flores, Jemuel Gaudicos, Lily Lisondra, Erwin Pacada, Alma Pagalan, Leonardo Peloño, Reynaldo Poliquit, Virgilio Reuyan, Jesus Reuyan, Sr., Rogeleo Reuyan, Arlan Silva, Carmelita Silva, Rommel Silva, Grace Temonera, Erlinda Valencia and Del Carmen Matina Aplaya Neighborhood Association filed a Very Urgent Omnibus Motion for: (a) leave of Court to Intervene and to Admit the Hereto Attached Petition-In-Intervention; (b) Reconsideration of the Resolution dated 05 October 2010; and (c) the Issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction and/or in the alternative to direct the Honorable Public Respondent Presiding Judge and Public Respondent City Government of Davao through the City Engineer’s Office to defer implementation of the

⁷³ Id. at 66-67.

⁷⁴ Id. at 67 and 300-301.

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Order dated 08 October 2010 and issuance of the Fencing Permit in favor of private respondent Helen Denila with the CA claiming that: (a) they have a legal interest in the matter subject of the litigation and that allowing them to intervene will not unduly delay the resolution of the case for it will prevent multiplicity of suits; (b) petitioner had speciously asked for a Fencing Permit without disclosing that they are actual occupants and possessors of the real properties subject in the reconstitution case; and (c) the construction of a fence would cause them irreparable injury and injustice, especially if they were deprived of their day in court.⁷⁵

On December 7, 2010, Davao City filed a Motion for Leave of Court to Intervene with the RTC stating that: (a) the Barangay Hall of Barangay 74-A, as well as the Talomo Police Station which it funded, is within the lots covered by the OCTs sought to be reconstituted and the demolition of those structures would result in the damage of these improvements; (b) one of the properties which will be affected by Judge Omelio's October 8, 2010 Order is presently registered in the Republic's name and is part of Maa Diversion Road which is a major road/highway forming part of the road network of the City; (c) the issue of fencing was never raised in the reconstitution proceedings and it was never required to file any Comment by the RTC through Judge Omelio in violation of its right to due process; and (d) it intervened in the present case for it was constrained to protect its rights and interest.⁷⁶

On the same day, Davao City also filed its Petition for *Certiorari*-in-Intervention with Urgent Application for a Temporary Restraining Order and Writ of Preliminary Injunction with the CA seeking to participate in the *certiorari* proceedings already initiated by the Republic.⁷⁷

On April 11, 2011, the Republic through the OSG filed its Manifestation (in lieu of Comment) with the CA stating that the intervenors should be allowed to intervene considering that they were not notified of the reconstitution proceedings *a quo*.⁷⁸

On April 28, 2011, the CA promulgated a Resolution⁷⁹ granting all the motions to intervene and recalling its October 5, 2010 Resolution which, in turn, assented to Judge Omelio's May 25, 2010 Order for the issuance of a fencing permit. The relevant portion of the Resolution reads:

⁷⁵ Id. at 68.

⁷⁶ Id. at 69-70.

⁷⁷ Id. at 70.

⁷⁸ Id. at 71.

⁷⁹ Id. at 298-310.

Acting on the pertinent pleadings on file, the Court RESOLVES to: (1) NOTE the *Rejoinder to Intervenors-Petitioner's Reply to Respondents' Omnibus Comment/Opposition* filed by private respondent Helen P. Denila; (2) NOTE that per verification report by the Judicial Record's [*sic*] Division, the Office of the Solicitor General (OSG) has not filed its Comment to the *Joint Motion to Intervene with Leave of Court with Prayer for Reconsideration (with attached Joint Petition for Certiorari-in-Intervention)* filed by Lolita P. Tano, et al., and to the *Omnibus Motion: (a) for Leave of Court to Intervene and to Admit attached Petition-In-Intervention, (b) for Reconsideration of the Court's Resolution dated 5 October 2010, and (c) for Issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction* filed by Alejandro Alonzo, Jr., et al.; (3) NOTE that no compliance has been made by the OSG to the Court's 24 January 2011 directive to file a Comment to the City of Davao's *Motion for Leave to Intervene*; (4) GRANT the Joint Motion to Intervene with leave of Court filed by movants Lolita P. Tano, et al.; (5) GRANT the Motion for Leave to Intervene filed by movants Alejandro Alonzo, Jr., et al.; (6) GRANT the Motion for Leave of Court to Intervene filed by the movant City of Davao; (7) ADMIT the Petition-for-Certiorari-in-Intervention with Urgent Application for a Temporary Restraining Order and Writ of Preliminary Injunction filed by the City of Davao as it has already paid the docket and other lawful fees; (8) DIRECT the prospective intervenors, Lolita P. Tano, et al., and Alejandro Alonzo, Jr., et al., to pay the required docket and other lawful fees within five (5) days from notice; (9) HOLD IN ABEYANCE the admission of the Joint Petition-for-Certiorari-In-Intervention filed by Lolita P. Tano, et al., and the Petition-for-Intervention filed by Alejandro Alonzo, Jr., et al. pending compliance with the preceding directive; (10) RECALL the Resolution of July 13, 2010 insofar as it declared this case submitted for decision; and, (11) RECALL Our October 5, 2010 Resolution, only in so far as We assented to the issuance of the fencing permit.

SO ORDERED.⁸⁰

Court of Appeals' Certiorari Ruling

On July 25, 2012, the CA in CA-G.R. SP No. 03270-MIN rendered a Decision⁸¹ against petitioner ratiocinating that: (a) the Republic had seasonably filed the petition for relief since the reglementary period should be counted from the date of receipt of the OSG — not the Davao City's Office of the City Prosecutor;⁸² (b) the present reconstitution case as regards OCT Nos. 219, 337, 67 and 164 cannot prosper for it is barred by *res judicata* pursuant to this Court's ruling in the case of *Heirs of Guzman, Inc.*

⁸⁰ Id. at 309-310.

⁸¹ Id. at 57-96.

⁸² Id. at 73-74.

which Judge Omelio should have taken judicial notice of;⁸³ (c) Judge Omelio acted with grave abuse of discretion in dismissing the Republic's petition for relief without any hearing;⁸⁴ and (d) petitioner failed to comply with the requirements of Republic Act No. 26⁸⁵ (*R.A. No. 26*) because she failed to notify the intervenors-private respondents of the present reconstitution proceedings before the RTC and her petition is not based on an existing owner's, co-owner's, mortgagee's or lessee's duplicate OCT.⁸⁶ The decretal portion⁸⁷ of the same Decision reads as follows:

ACCORDINGLY, We GRANT the petition. The assailed 4 March 2008 Decision and 3 September 2009 and 1 October 2009 Orders of the Regional Trial Court, Branch 14, in Special Proceeding Case No. 7527-2004 are **VOIDED and SET ASIDE**.

SO ORDERED.

Aggrieved by the CA's judgment in granting the Writ of *Certiorari* in favor of the Republic, petitioner moved for reconsideration.

On March 1, 2013, the CA issued a Resolution⁸⁸ denying petitioner's Motion for Reconsideration on the finding that the arguments raised "are merely reiterative of the same arguments or grounds already discussed and passed upon in [its] decision."⁸⁹

Post-Court of Appeals Proceedings

On April 22, 2013, petitioner assailed the CA's July 25, 2012 Decision and March 1, 2013 Resolution through an appeal by *certiorari* under Rule 45 primarily seeking for the reinstatement of the RTC's March 4, 2008 Decision which ordered the reconstitution of OCT Nos. 164, 219, 220, 301, 337, 514 and 67 under the former's name.⁹⁰

⁸³ Id. at 74-81.

⁸⁴ Id. at 81-84.

⁸⁵ An Act Providing a Special Procedure for the Reconstitution of Torrens Certificates of Title Lost or Destroyed (September 25, 1946); citation omitted.

⁸⁶ *Rollo*, pp. 84-95; citing *Republic v. Spouses Sanchez*, 527 Phil. 571, 585-599 (2006); citation omitted; *Republic v. Heirs of Julio Ramos*, 627 Phil. 123, 134-136 (2010).

⁸⁷ Id. at 95.

⁸⁸ Id. at 97-100.

⁸⁹ Id. at 99.

⁹⁰ Id. at 10-55.

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On October 10, 2013, Atty. Maria Theresa D. Biongan-Pescadera (*Atty. Biongan-Pescadera*), Davao City's new Register of Deeds (*RD*), caused the reconstitution of OCT Nos. 301⁹¹ and 219⁹² while the case was still pending with this Court and despite the existence of the CA's July 25, 2012 Decision.

Parties' Arguments

Petition

Petitioner faults the CA for granting the Republic's Petition for *Certiorari* and nullifying Judge Omelio's March 4, 2008 Decision as well as his September 3, 2009 and October 1, 2009 Resolutions because: (a) the certified photocopies, reconstitution reports, certifications (that all the subject OCTs were not available among their files) purportedly issued by the RD as well as testimonies of key employees of Davao City's RD office pertaining to the subject certificates of title are valid and statutorily-recognized sources of reconstitution;⁹³ (b) the Deed of Absolute Sale between her and Artigas is enough to establish her interest over the properties subject of the reconstitution;⁹⁴ (c) she had complied with the jurisdictional requirements of notice and publication for being able to post her petition for reconstitution in the City Hall of Davao City as well as⁹⁵ the Official Gazette which serves as notice to the whole world; (d) the lack of notice to the private respondents was cured when her petition for reconstitution was published in the newspaper of general circulation;⁹⁶ (e) the intervenors-private respondents do not have a legal and valid interest over the certificates of title of the lands in question because they are informal settlers who were not occupants at the time the petition for reconstitution was filed;⁹⁷ (f) the Republic failed to file a Motion for Reconsideration — a condition *sine qua non* in the filing of a petition for *certiorari* — as the same was declared as *pro forma* by Judge Omelio;⁹⁸ (g) the CA's findings are not supported by the evidence found in the records of the case because it "dwelt so much on the allegation[s] x x x raised by the intervenors-private respondents;⁹⁹ (h) the March 4, 2008 Decision had already become immutable for having attained finality;¹⁰⁰ (i) *res judicata* is inapplicable in the case at hand because the court that took cognizance of the

⁹¹ Id. at 311-312.

⁹² Id. at 314-316.

⁹³ Id. at 24-28.

⁹⁴ Id. at 28.

⁹⁵ Id. at 30-31.

⁹⁶ Id. at 31-33.

⁹⁷ Id. at 33-35.

⁹⁸ Id. at 35-36.

⁹⁹ Id. at 36-38.

¹⁰⁰ Id. at 38-40.

reconstitution cases pertaining to OCT Nos. 219, 337, 67 and 164 did not acquire jurisdiction over her person as a party to the case and because this Court did not rule on the merits of that case;¹⁰¹ (j) Judge Omelio did not abuse his discretion when he revoked his inhibition and denied the Republic's Petition for Relief from Judgment because he was merely exercising the residual powers of the court that rendered judgment on the petition for reconstitution of title;¹⁰² (k) Judge Omelio did not abuse his discretion in summarily denying the Republic's Petition for Relief from Judgment without hearing because the same pleading was filed out of time;¹⁰³ and (l) the intervenors-private respondents should have litigated their cause in a separate proceeding because the instant reconstitution case is not an adjudication of their ownership on the subject lands.¹⁰⁴

Comments

The Republic, in response to petitioner's claims, contends that: (a) the Petition for Relief from Judgment was seasonably filed because it received the RTC's March 4, 2008 Decision on March 27, 2008 — not March 10, 2008 which is the date of receipt by the Public Prosecutor of Davao City;¹⁰⁵ (b) this Court had already held in *Republic of the Philippines v. Mendoza*,¹⁰⁶ that the reglementary period "should be counted from the date the Solicitor General received a copy of the decision because the service of the decision upon the city fiscal did not operate as a service upon the Solicitor General;"¹⁰⁷ (c) Judge Omelio no longer had jurisdiction to rule on the Republic's Petition for Relief from Judgment when he voluntarily inhibited himself from participating in the case;¹⁰⁸ (d) Judge Omelio abused his discretion in failing to conduct a hearing before dismissing the petition for relief;¹⁰⁹ (e) Procedural Rules should "receive a liberal interpretation in order to promote their object and to assist the parties in obtaining a just, speedy and inexpensive determination of every action;"¹¹⁰ (f) the CA did not err in holding that petitioner is barred by *res judicata* from seeking another reconstitution for OCT Nos. 219, 337, 67 and 164;¹¹¹ (g) Judge Omelio should have taken judicial notice of this Court's Resolution in *Heirs of*

¹⁰¹ Id. at 40-43.

¹⁰² Id. at 43-45.

¹⁰³ Id. at 45-48.

¹⁰⁴ Id. at 48-49.

¹⁰⁵ Id. at 222.

¹⁰⁶ 210 Phil. 445, 448 (1983).

¹⁰⁷ *Rollo*, pp. 223-224.

¹⁰⁸ Id. at 225-226, citing *Gov. Garcia v. Hon. Burgos*, 353 Phil. 740, 771 (1998).

¹⁰⁹ Id. at 226-228, citing *Miraflor v. Hon. Carpio-Morales*, 250 Phil. 487, 492 (1988).

¹¹⁰ Id. at 228-229, citing *Funtilla v. Court of Appeals*, 181 Phil. 442, 447 (1979).

¹¹¹ Id. at 230-234, citing *Quasha Ancheta Pena & Nolasco Law Office v. The Special Sixth Division of the Court of Appeals*, 622 Phil. 738, 749 (2009).

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Guzman, Inc.,¹¹² (h) the CA did not err in holding that the RTC did not comply with the requirements of Sections 12 and 13 of R.A. No. 26;¹¹³ (i) the doctrines of immutability of judgments and *res judicata* only apply to final and executory decisions — not to Judge Omelio’s March 4, 2008 Decision which did not acquire jurisdiction to proceed with the reconstitution case for failure to comply with the requirements of Sections 12 and 13 of R.A. No. 26;¹¹⁴ and (j) a Motion for Reconsideration need not be required in a Petition for *Certiorari* when the decision or order being assailed, such as the RTC’s March 4, 2008 Decision, is a patent nullity.¹¹⁵

Intervenors-private respondents Lolita P. Tano, Fe I. Betios, Estrella E. Namata, Melchor Lecionan and Romeo Pacho also filed their joint Comment¹¹⁶ claiming that: (a) Sections 9 and 10 of R.A. No. 26 pertaining to the service of notices to actual occupants or possessors of lands covered by certificates of title subject in a petition for reconstitution of title were not complied with;¹¹⁷ (b) *res judicata* applies to petitioner (as far as OCT Nos. 219, 337, 67 and 164 are concerned) even if she was not a party in the case of *Heirs of Guzman, Inc.* because the latter was in the same predicament as petitioner’s in this previously-settled case;¹¹⁸ and (c) their belatedly-pursued intervention in this case was warranted considering that they have not been served with any notice of the instant petition for reconstitution of title as required by R.A. No. 26.¹¹⁹

Intervenors-private respondents Alejandro Alonzo, Jr., Marites Alonzo-Liloc, Araceli Alonzo-Diolaso, Roberto Alonzo, Eulalia Angelitud, Evangeline Bautista, Salvador Bautista, Felimon Biliran, Jr., Lourdes Biliran, Reynaldo Biliran, Arsenio Briones, Norma Cal, Marilyn Cañete, Edgardo Costante, Joy Bill Dela Cruz, Marjorie Dela Cruz, John James Espinosa, Romar Cañete, Timoteo C. Flores, Jemuel Gaudicos, Lily Lisondra, Erwin Pacada, Alma Pagalan, Leonardo Peloño, Reynaldo Poliquit, Virgilio Reuyan, Jesus Reuyan, Sr., Rogeleo Reuyan, Arlan Silva, Carmelita Silva, Rommel Silva, Grace Temonera and Erlinda Valencia, for their part, jointly filed their “Comment/Opposition (To Petitioner’s Petition for Review on *Certiorari* Dated 19 April 2013)”¹²⁰ claiming that: (a) they

¹¹² Id. at 234-236, citing *Conducto v. Judge Monzon*, 353 Phil. 796, 812-815 (1998); *Lantaco, Sr. v. Judge Llamas*, 195 Phil. 325, 341 (1981).

¹¹³ Id. at 236-240, citing *Republic v. Spouses Sanchez*, 527 Phil. 571, 595 (2006).

¹¹⁴ Id. at 240-241, citing *Calalang v. Register of Deeds of Quezon City*, 284 Phil. 343, 354 (1992); *Francisco v. Judge Bautista*, 270 Phil. 503, 507 (1990); *Estoesta, Sr. v. Court of Appeals*, 258-A Phil. 779, 789-790 (1989); citation omitted.

¹¹⁵ Id. at 241-242, citing *Marawi Marantao General Hospital, Inc. v. Court of Appeals*, 402 Phil. 356, 370-371 (2001).

¹¹⁶ Id. at 168-175.

¹¹⁷ Id. at 169-170.

¹¹⁸ Id. at 170-172, citing *Sempio v. Court of Appeals*, 348 Phil. 627, 636 (1998).

¹¹⁹ Id. at 172-174.

¹²⁰ Id. at 367-382.

are actual occupants of the lots covered in the subject OCTs sought to be reconstituted being residents therein;¹²¹ (b) the lands that they are presently occupying are actually owned by Arroyo;¹²² (c) the RTC, even if it has jurisdiction to entertain Petitions for Reconstitution of Title, had no authority to issue an order directing the demolition of the structures erected on the areas covered by subject OCTs;¹²³ (d) there was failure to faithfully comply with all jurisdictional requirements in R.A. No. 26 because the actual occupants of the lots covered by the subject OCTs were never notified of the pendency of the Petition for Reconstitution of Title before the RTC;¹²⁴ (e) they were not accorded due process when Judge Omelio issued the *Writ* of Demolition for they were never given a day in court to present their arguments;¹²⁵ and (f) they have legal interest in the outcome of the instant reconstitution of title as their rights will be adversely affected by the final verdict.¹²⁶

The City of Davao likewise filed its Comment (Petition for Review on *Certiorari*)¹²⁷ arguing that: (a) petitioner failed to comply with the jurisdictional requirements enumerated in Section 12 of R.A. No. 26 because some areas embraced by the certificates of title sought to be reconstituted are situated within the commercial and residential districts in the city and that several government properties (Barangay Hall of Barangay 74-A situated in a lot covered by TCT No. T-2981 is located within the property described in OCT No. 514; a portion of lot under TCT No. T-131158 derived from OCT No. 377 is registered in the name of the Republic; Talomo Police Station which is part of the Davao City Police Office situated in a lot covered by TCT No. FP-1243 and registered in the name of Vicenta D. Lastima is located within the property embraced in OCT No. 514) are “glaring to the eyes;”¹²⁸ (b) posting and publication cannot cure the defects in the petition for reconstitution which alleged that there are no structures erected on the lands covered by certificates of title sought to be reconstituted by petitioner;¹²⁹ and (c) it has a legal and valid interest over the lands covered by the certificates of title sought to be reconstituted because, aside from having properties situated in the lands described in the subject certificates, the RTC had granted and tried to implement petitioner’s motion to compel the city to issue a Fencing Permit.¹³⁰

¹²¹ Id. at 368.

¹²² Id. at 369.

¹²³ Id. at 370.

¹²⁴ Id. at 371-375.

¹²⁵ Id. at 375-378.

¹²⁶ Id. at 378-379.

¹²⁷ Id. at 205-212.

¹²⁸ Id. at 205-207.

¹²⁹ Id. at 207.

¹³⁰ Id. at 207-209.

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Atty. Cruzabra, on her part, filed a Manifestation and/or Comment¹³¹ adopting¹³² the OSG's Comment and adding that: (a) Judge Omelio proffered no valid reason in revoking his inhibition and subsequently denying summarily the Republic's Petition for Relief from Judgment;¹³³ (b) Judge Omelio indeed granted petitioner's motion for the issuance of a Fencing Permit on May 25, 2010 and issued an Order directing the City Engineer of Davao City to issue the same permit;¹³⁴ (c) the RTC as presided by Judge Omelio had no residual jurisdiction on account of the CA's April 28, 2011 Resolution which hindered the implementation of the former tribunal's directive against the City of Davao for the issuance of a Fencing Permit;¹³⁵ (d) petitioner failed to comply with the jurisdictional requirements under Sections 12 and 13 of R.A. No. 26 regarding the allegations of absence or presence of structures on the lands covered by certificates of title sought to be reconstituted and service of notices to actual occupants;¹³⁶ (e) Judge Omelio had already been dismissed by this Court from judicial service on account of rendering the March 4, 2008 Decision;¹³⁷ and (f) despite the CA's Decision which nullified the RTC's March 4, 2008 Decision, the current Register of Deeds who replaced her upon retirement still proceeded to issue new original copies OCT Nos. 219¹³⁸ and 301.¹³⁹

Reply

Petitioner, upon receiving the respective comments of all respondents, filed a couple of sets of Reply¹⁴⁰ arguing that: (a) respondents "failed to establish and prove with concrete and convincing evidence" that they were present and were occupying the properties covered by the subject OCTs "before or during the inception of the proceedings;¹⁴¹ (b) Judge Omelio was justified in issuing a Fencing Permit because he had retained "general supervisory control over the process of the execution" relative to the March 4, 2008 Decision;¹⁴² (c) the City of Davao "failed to prove" that she failed to comply with the jurisdictional requirements because the notice of hearing relative to the instant petition for reconstitution of title case was posted at the

¹³¹ Id. at 281-295.

¹³² Id. at 282.

¹³³ Id. at 282-283.

¹³⁴ Id. at 283-284.

¹³⁵ Id. at 284.

¹³⁶ Id. at 285-289, citing *Alabang Development Corporation v. Hon. Valenzuela*, 201 Phil. 727, 731 (1982); *The Director of Lands v. Court of Appeals*, 190 Phil. 311, 372 (1981); *Manila Railroad Company v. Moya*, 121 Phil. 1122, 1127 (1965).

¹³⁷ Id. at 290.

¹³⁸ Id. at 314-316.

¹³⁹ Id. at 311-313.

¹⁴⁰ Id. at 248-273 and 323-346.

¹⁴¹ Id. at 249.

¹⁴² Id. at 249 and 251.

main entrance of the City Hall Building and that the structures erected on the properties under the subject OCTs have been erected after the same petition was filed before the RTC;¹⁴³ (d) this Court's ruling in *Heirs of Guzman, Inc.* does not constitute *res judicata* because the same principle was only raised during the *certiorari* proceedings before the CA and that same case was not decided on the merits and had different sets of evidence;¹⁴⁴ (e) Judge Omelio's March 4, 2008 Decision became immutable and unalterable after it attained finality;¹⁴⁵ (f) the OSG's recourse of seeking a relief from judgment is not the proper remedy because it was guilty of gross negligence when it failed to timely file a Motion for Reconsideration or an appeal against Judge Omelio's March 4, 2008 Decision;¹⁴⁶ and (g) the unilateral reversal of the voluntary inhibition was anchored on a valid reason as the lots covered by the subject OCTs turned out to be different from those previously handled by Judge Omelio when he was still engaged in the private practice of law.¹⁴⁷

Issues

I

Whether the CA committed a reversible error in finding grave abuse of discretion and reversing the RTC's September 3, 2009 Order which summarily denied the Republic's petition for relief from judgment.

II

Whether the CA committed a reversible error in nullifying the RTC's March 4, 2008 Decision through the issuance of a Writ of Certiorari.

III

Whether the CA committed a reversible error in allowing the actual occupants of the lots subject in the present reconstitution of title case to participate in the certiorari proceedings.

¹⁴³ Id. at 251-255 and 336-338.

¹⁴⁴ Id. at 255-261 and 331-336.

¹⁴⁵ Id. at 261-263 and 338-340.

¹⁴⁶ Id. at 263-265 and 324-327.

¹⁴⁷ Id. at 266-269 and 327-331.

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IV

Whether this Court should impose disciplinary sanctions on Atty. Lanelyn D. Pangilinan (Atty. Pangilinan) and Atty. Maria Theresa D. Biongan–Pescadera (Atty. Biongan Pescadera) for performing acts inconsistent with their sworn duties as Members of the Bar.

Ruling***Parameters of Review***

At the outset, this Court reiterates the basic procedural rule that it is not a trier of facts and that only pure questions of law may be raised in a petition for review on *certiorari* under Rule 45.¹⁴⁸ Although jurisprudence has provided several exceptions to this rule,¹⁴⁹ such exceptions must be alleged, substantiated and proved by the parties so that this Court may effectively evaluate and review the factual issues raised.¹⁵⁰ Notably, like all other modes of appeal, the function of a Petition for Review on *Certiorari* under Rule 45 is to enable this Court to determine and correct any error of judgment committed in the exercise of jurisdiction.¹⁵¹

By comparison, nothing is more settled than the principle that a special civil action for *certiorari* under Rule 65 will prosper only if grave abuse of discretion is alleged and proved to exist.¹⁵² Likewise, jurisprudence is also settled in defining the phrase “grave abuse of discretion” as the capricious and whimsical exercise of judgment, equivalent to lack of jurisdiction; or, the exercise of power in an arbitrary manner by reason of passion, prejudice, or personal hostility, so patent or so gross as to amount to an evasion of a positive duty, to a virtual refusal to perform the mandated duty, or to act at all in contemplation of the law.¹⁵³ In some rare instances, the term “grave abuse” even refers to cases in which there has been a gross misapprehension of facts¹⁵⁴ — but only for the limited purpose of establishing the allegation of grave abuse of discretion.¹⁵⁵ Correspondingly, the term “without jurisdiction” means that the court acted with *absolute* lack of authority; while the term “excess of jurisdiction” means that the court

¹⁴⁸ *Mangahas v. Court of Appeals*, 588 Phil. 61, 77 (2008).

¹⁴⁹ See *Carbonell v. Carbonell-Mendes*, 762 Phil. 529, 537 (2015).

¹⁵⁰ *Pascual v. Burgos*, 776 Phil. 167, 169 (2016).

¹⁵¹ See *Marasigan v. Fuentes*, 776 Phil. 574, 581 (2016); citation omitted.

¹⁵² *Novateknika Land Corporation v. Philippine National Bank*, 706 Phil. 414, 423 (2013); *Spouses Bergonia v. Court of Appeals*, 680 Phil. 334, 341 (2012); citation omitted.

¹⁵³ *Republic v. Sandiganbayan*, 678 Phil. 358, 397-398 (2011); citation omitted.

¹⁵⁴ *United Coconut Planters Bank v. Looyuko*, 560 Phil. 581, 592 (2007); citation omitted.

¹⁵⁵ See *Abedes v. Court of Appeals*, 562 Phil. 262, 276 (2007).

transcended its power or acted without any statutory authority.¹⁵⁶ As such, petitioner has the burden of proof to show that the act of the public respondent in issuing the impugned order (or decision, in some cases) lacked or exceeded its jurisdiction because mere abuse is not enough — it must be grave.¹⁵⁷ This is done by clearly showing, to the satisfaction of the reviewing court, the presence of caprice and arbitrariness in the exercise of discretion on the part of the inferior court or tribunal.¹⁵⁸

In seeking to utilize the benefit from a competent court's corrective hand of *certiorari*, a petitioner must bear in mind that such procedural remedy is essentially supervisory and is specifically invoked to keep lower courts and other tribunals within the bounds of their jurisdiction.¹⁵⁹ A *Writ of Certiorari* is an extraordinary remedy which may only be availed of when there is no appeal or when there is no plain, speedy and adequate remedy in the ordinary course of law.¹⁶⁰ Unlike the different modes of appeal, the supervisory jurisdiction of a court over the issuance of a *Writ of Certiorari* cannot be exercised for the purpose of reviewing the intrinsic correctness of a lower court judgment — on the basis either of the law or the facts of the case, or of the wisdom or legal soundness of the decision.¹⁶¹ This is because a *Writ of Certiorari* is a remedy used to correct errors of jurisdiction — for which reason, it must clearly show that the public respondent had no jurisdiction to issue an order or to render a decision.¹⁶² Viewed in a different angle, such extraordinary *writ* is strictly confined to the determination of the propriety of the trial court's jurisdiction — whether it had the authority to take cognizance of the case and if so, whether the exercise of its jurisdiction has or has not been attended by grave abuse of discretion amounting to lack or excess of jurisdiction.¹⁶³ Therefore, the remedy itself is narrow in scope.¹⁶⁴

At this juncture, it now becomes important to point out that, much like reviewing the legal correctness of a CA decision in resolving a Petition for *Certiorari* under Rule 65 involving decisions and final orders of the National Labor Relations Commission, this Court will evaluate the case in the prism of whether the CA correctly determined the presence or absence of grave abuse of discretion on the part of the court *a quo*.¹⁶⁵ The ruling in *Inocente*

¹⁵⁶ *Tagle v. Equitable PCI Bank*, 575 Phil. 384, 396 (2008), citing *Alafriz v. Nable*, 72 Phil. 278, 280 (1941); citation omitted.

¹⁵⁷ *Tan v. Spouses Antazo*, 659 Phil. 400, 404 (2011).

¹⁵⁸ See *Olanolan v. Commission on Elections*, 494 Phil. 749, 756-757 (2005).

¹⁵⁹ *Cruz v. People*, 812 Phil. 166, 171 (2017).

¹⁶⁰ *Cunanan v. Court of Appeals*, 793 Phil. 400, 409 (2016).

¹⁶¹ *China Banking Corporation v. Cebu Printing and Packaging Corporation*, 642 Phil. 308, 320 (2010).

¹⁶² *AGG Trucking v. Yuag*, 675 Phil. 108, 120 (2011).

¹⁶³ *Ysidoro v. Hon. Leonardo-De Castro*, 681 Phil. 1, 14-15 (2012).

¹⁶⁴ *Spouses Dipad v. Spouses Oliván*, 691 Phil. 680, 686 (2012), citation omitted.

¹⁶⁵ See *Our Haus Realty Development Corporation v. Parian*, 740 Phil. 699, 709 (2014).

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v. St. Vincent Foundation for Children and Aging, Inc.,¹⁶⁶ explains this concept in the following manner:

In resolving the present Rule 45 petition, we are therefore, bound by the intrinsic limitations of a Rule 65 *certiorari* proceeding: it is an extraordinary remedy aimed solely at correcting errors of jurisdiction or acts committed without jurisdiction, or in excess of jurisdiction, or with grave abuse of discretion amounting to lack of jurisdiction. It does not address mere errors of judgement, unless the error transcends the bounds of the tribunal's jurisdiction.¹⁶⁷

Accordingly, the questions that need to be answered while keeping the aforementioned parameters of review in mind are the following:

- (1) Did the CA commit a reversible error in finding grave abuse of discretion on the RTC's part for issuing the September 3, 2009 Order which summarily denied the Republic's Petition for Relief from Judgment?
- (2) Did the CA commit a reversible error in nullifying the RTC's March 4, 2008 Decision by issuing a *Writ of Certiorari*?

This Court answers in the negative for the following reasons:

On reversing and finding grave abuse of discretion on the RTC's September 3, 2009 Order which summarily denied the Republic's Petition for Relief from Judgment

- I. *The CA was correct in holding that Judge Omelio went beyond the bounds of his authority when he: (a) unilaterally withdrew his inhibition, (b) re-assumed jurisdiction, and (c) summarily denied the Republic's Petition for Relief from Judgment.*

A critical component of due process is a hearing before an impartial and disinterested tribunal.¹⁶⁸ All the other elements of due process, like notice and hearing, would be meaningless if the ultimate decision would

¹⁶⁶ 788 Phil. 62 (2016).

¹⁶⁷ *Id.* at 73-74.

¹⁶⁸ *Webb v. People*, 342 Phil. 206, 215 (1997).

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come from a partial and biased judge.¹⁶⁹ Such constitutional principle is the basis of Section 1, Rule 137 of the Rules of Court which states:

Section 1. Disqualification of judges. — No judge or judicial officer shall sit in any case in which he, or his wife or child, is pecuniarily interested as heir, legatee, creditor or otherwise, or in which he is related to either party within the sixth degree of consanguinity or affinity, or to counsel within the fourth degree, computed according to the rules of the civil law, or in which he has been executor, administrator, guardian, trustee or counsel, or in which he has been presided in any inferior court when his ruling or decision is the subject of review, without the written consent of all parties in interest, signed by them and entered upon the record.

A judge may, in the exercise of his sound discretion, disqualify himself from sitting in a case, for just or valid reasons other than those mentioned above.

The aforementioned rule contemplates two (2) kinds of inhibition: (a) compulsory; and (b) voluntary.¹⁷⁰ Under the *first* paragraph of the aforementioned Rule, it is conclusively presumed that judges cannot actively and impartially sit in the instances mentioned.¹⁷¹ The *second* paragraph, which embodies voluntary inhibition, leaves to the sound discretion of the judges concerned whether to sit in a case for other just and valid reasons, with only their conscience as guide.¹⁷² It is the latter kind of inhibition which rests on the subjective ground of conscience; that is why cases under such category should be analyzed on a case-to-case basis.

In the case of Judge Omelio's voluntary inhibition, this Court makes it clear that a trial judge who voluntarily inhibits himself **loses jurisdiction** to hear a case.¹⁷³ However, while a judge in extremely rare instances may reconsider his previous inhibition and re-assume jurisdiction after a careful re-assessment of the circumstances of the case,¹⁷⁴ the better course is to disqualify himself to avoid being misunderstood and to preserve his reputation for probity and objectivity.¹⁷⁵

¹⁶⁹ *People v. Hon. Ong*, 523 Phil. 347, 356 (2006); citation omitted.

¹⁷⁰ *Chin v. Court of Appeals*, 456 Phil. 440, 449 (2003).

¹⁷¹ *BGen (Ret.) Ramiscal, Jr. v. Hon. Justice Hernandez*, 645 Phil. 550, 557 (2010).

¹⁷² *Pagoda Philippines, Inc. v. Universal Canning, Inc.*, 509 Phil. 339, 345 (2005); citation omitted.

¹⁷³ See *City Government of Butuan v. Consolidated Broadcasting System, Inc.*, 651 Phil. 37, 52 (2010); citation omitted.

¹⁷⁴ *Id.*

¹⁷⁵ *Ty v. Banco Filipino Savings and Mortgage Bank*, 467 Phil. 290, 306 (2004).

A judge who voluntarily inhibits himself from handling a case means that he had doubts regarding his impartiality. Such recusal is commendable on his part for it preserves the integrity of the Judiciary's ability to dispense impartial justice. However, a re-assumption of jurisdiction on the part of the judge who had previously inhibited from a particular proceeding gives the public an impression that he may have acquired some form of personal interest in the outcome of the case. For reasons of preserving the public's faith in the Judiciary's capability to dispense impartial justice, the best option of a judge who made a prior voluntary inhibition is to continue the same. This is especially applicable to multi-*sala* courts such as the RTC of Davao City.¹⁷⁶ Section 8(a), Chapter V of A.M. No. 03-8-02-SC¹⁷⁷ entitled "Guidelines on the Selection of Executive Judges and Defining their Powers, Prerogatives and Duties," which also happens to govern the mechanism for assignment of cases to different branches in a multi-*sala* court, provides:

SEC. 8. *Raffle and re-assignment of cases in ordinary courts where judge is disqualified or voluntarily inhibits himself/herself from hearing case.*—

(a) Where a judge in a multiple-branch court is disqualified or voluntarily inhibits himself/herself, the records shall be returned to the Executive Judge and the latter shall cause the inclusion of the said case in the next regular raffle for re-assignment. A newly-filed case shall be assigned by raffle to the disqualified or inhibiting judge to replace the case so removed from his/her court. (citations omitted)

Indeed, no case may be assigned without being raffled, and no judge may choose the cases assigned to him.¹⁷⁸ The raffle of cases is intended to ensure the impartial adjudication of cases by protecting the integrity of the process of distributing or assigning cases to judges.¹⁷⁹ Such process assures the public that the right of the parties to be heard by an impartial and unbiased tribunal is safeguarded while also protecting judges from any suspicion of impropriety.¹⁸⁰ More importantly, "[t]his Court has repeatedly and consistently demanded 'the **cold neutrality** of an impartial judge' as the **indispensable imperative of due process.**"¹⁸¹

¹⁷⁶ See Section 14 (l), Chapter II of Batas Pambansa Bilang 129 (August 14, 1981), as amended.

¹⁷⁷ February 15, 2004.

¹⁷⁸ See Supreme Court Circular No. 7, September 23, 1974 (*per* Chief Justice Querube C. Makalintal); see also *Andres v. Judge Majaducon*, 594 Phil. 591, 601 (2008).

¹⁷⁹ *In Re: Partial Report on the Results of the Judicial Audit Conducted in the MTCC, Branch 1, Cebu City*, 567 Phil. 103, 123 (2008).

¹⁸⁰ See *Re: An Undated Letter with the Heading "Expose" of a Concerned Mediaman on the Alleged Illegal Acts of Judge Julian C. Ocampo III of the Municipal Trial Court in Cities Branch 1, Naga City and Clerk of Court Renato C. San Juan, MTCC Naga City*, 411 Phil. 504, 519 (2001).

¹⁸¹ *Lai v. People*, 762 Phil. 434, 442 (2015).

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It now becomes clear from the foregoing discussions that Judge Omelio exceeded the bounds of his authority when he bypassed the raffling process and re-assumed jurisdiction over the Republic's Petition for Relief from Judgment — both without any apparent justification. Judge Omelio's failure to heed the guidelines provided in Section 8(a) of A.M. No. 03-8-02-SC amounts to a serious transgression of due process as the litigants (most especially respondents) were deprived of the benefits of a fair and neutral resolution of their case. Worse, Judge Omelio also violated the basic tenets of due process when he denied the Republic's Petition for Relief from Judgment without conducting a hearing; thereby denying the State an opportunity to raise its concerns or objections on the re-assumption of jurisdiction as provided in Section 6, Rule 38 of the Rules of Court.¹⁸² Due to these serious jurisdictional transgressions, this Court considers him **absolutely devoid of authority** in taking action on and expeditiously denying the Republic's Petition for Relief from Judgment. Since **orders of inhibition are judicial in nature**,¹⁸³ **due process requirements apply** and the parties should at least be heard before any act or resolution may be done resulting either in the denial of any motion to inhibit or in the re-assumption of jurisdiction by a presiding magistrate; thereby making the instant case under one of those several instances where the corrective hand of *certiorari* may be utilized.

At this point, however, this Court is not yet ready to make a sweeping statement of totally prohibiting judges from re-assuming jurisdiction in a case where he had already inhibited from as there might still be some unforeseen and unpredictable instances calling for such an extraordinary measure. Nevertheless, magistrates should be guided by the rule that **a re-assumption of jurisdiction may *only* be done in a manner that does not to contravene any existing administrative issuance of this Court.**

Thus, this Court holds that the RTC's September 3, 2009 Order denying the Republic's Petition for Relief from Judgment is void for being tainted with grave abuse of discretion as a result of Judge Omelio's unauthorized re-assumption of jurisdiction.

¹⁸² Section 6. *Proceedings after answer is filed.* — After the filing of the answer or the expiration of the period therefor, the court shall hear the petition and if after such hearing, it finds that the allegations thereof are not true, the petition shall be dismissed; but if it finds said allegations to be true, it shall set aside the judgment or final order or other proceeding complained of upon such terms as may be just. Thereafter the case shall stand as if such judgment, final order or other proceeding had never been rendered, issued or taken. The court shall then proceed to hear and determine the case as if a timely motion for a new trial or reconsideration had been granted by it (Section 6, Rule 38 of the RULES OF COURT).

¹⁸³ *Atty. Fernandez v. Judge Vasquez*, 669 Phil. 619, 628 (2011); citation omitted.

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II. *The CA was correct in taking cognizance of an order denying the Petition for Relief from Judgment because a Writ of Certiorari is a comprehensive remedy against errors of jurisdiction.*

As discussed earlier, a *Writ of Certiorari* may only be issued for the correction of jurisdictional errors or grave abuse of discretion amounting to lack or excess of jurisdiction.¹⁸⁴ Being an “inflexible”¹⁸⁵ remedy of “limited scope and of narrow character”¹⁸⁶ “designed for the correction of jurisdictional errors,”¹⁸⁷ it cannot substitute for a lost appeal.¹⁸⁸

However, the **instances** in which *certiorari* will issue cannot be defined, because to do so is to destroy the comprehensiveness and usefulness of the extraordinary writ.¹⁸⁹ Jurisprudence recognizes **certain situations** when the extraordinary remedy of *certiorari* may be deemed proper, such as: (a) when it is necessary to prevent irreparable damages and injury to a party; (b) where the trial judge capriciously and whimsically exercised his judgment; (c) where there may be danger of a failure of justice; (d) where an appeal would be slow, inadequate and insufficient; (e) where the issue raised is one purely of law; (f) where public interest is involved; and (g) in case of urgency.¹⁹⁰ Moreover, the same remedy **may be availed of even if the lost appeal** was occasioned by a **party's neglect or error in the choice of remedies** when: (a) public welfare and the **advancement of public policy** dictates; (b) the broader interest of justice so requires; (c) the writs issued are null and void; or (d) the **questioned order** amounts to an **oppressive exercise of judicial authority**.¹⁹¹ Ultimately, it is better on balance that this Court look beyond procedural requirements and overcome the ordinary disinclination to exercise supervisory powers so that a void order of a lower court may be controlled to make it conformable to law and justice.¹⁹²

Relatedly, the principle of **liberal construction** of procedural rules has been allowed by this Court in the following cases: (a) where a rigid application will result in manifest failure or miscarriage of justice, especially

¹⁸⁴ *Bugaoisan v. OWI Group Manila, Inc.*, 825 Phil. 764, 774 (2018).

¹⁸⁵ See *Cruz v. People*, 812 Phil. 166, 172 (2017).

¹⁸⁶ See *Gabriel v. Petron Corporation*, 829 Phil. 454, 460 (2018).

¹⁸⁷ See *Madrigal Transport, Inc. v. Lapanday Holdings Corporation*, 479 Phil. 768, 779 (2004); citations omitted.

¹⁸⁸ See *De los Reyes v. People*, 516 Phil. 89, 92 (2006); citation omitted.

¹⁸⁹ *Heirs of Spouses Reterta v. Spouses Mores and Lopez*, 671 Phil. 346, 360 (2011).

¹⁹⁰ *Pahila-Garrido v. Tortogo*, 671 Phil. 320, 338 (2011).

¹⁹¹ *Hanjin Engineering and Construction Co. Ltd./Nam Hyum Kim v. Court of Appeals*, 521 Phil. 224, 244-245 (2006); see *Acaín v. Intermediate Appellate Court*, 239 Phil. 96, 104 (1987).

¹⁹² *Bordomeo v. Court of Appeals*, 704 Phil. 278, 296 (2013).

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if a party successfully shows that the alleged defect in the questioned final and executory judgment is not apparent on its face or from the recitals contained therein; (b) where the interest of substantial justice will be served; (c) where the resolution of the motion is addressed solely to the sound and judicious discretion of the court; and (d) where the injustice to the adverse party is not commensurate with the degree of his thoughtlessness in not complying with the procedure prescribed.¹⁹³ In addition, jurisprudence also teaches us that, aside from matters of life, liberty, honor or property which would **warrant** the **suspension** of the Rules of the **most mandatory character** and an examination and review by the appellate court of the lower courts findings of fact, the other elements that should be considered are the following: (a) the **existence of special or compelling circumstances**; (b) the **merits** of the case; (c) a cause not entirely attributable to the fault or negligence of the party favored by the suspension of the rules; (d) a lack of any showing that the review sought is merely frivolous and dilatory; and (e) the other party will not be unjustly prejudiced thereby.¹⁹⁴

In this case, the records show that the RTC's March 4, 2008 Decision was received by Davao City's Office of the **City Prosecutor** on **March 10, 2008**; while the same judgment was received by the **OSG** only on **March 27, 2008**. Technically, the State through the OSG has fifteen (15) days from its actual receipt on March 27, 2008 or **until April 11, 2008** to appeal the RTC's March 4, 2008 Decision — **not** fifteen (15) days from the deputized prosecutor's receipt on March 10, 2008 or until March 25, 2008. Suspiciously, Atty. Velasco, the RTC's Clerk of Court, **prematurely declared** the RTC's March 4, 2008 Decision as **final and executory** on **March 28, 2008** — only a day after the OSG actually received the said judgment.¹⁹⁵ This obviously goes against the established jurisprudential principle that "copies of orders and decisions served on the deputized counsel, acting as an agent or representative of the Solicitor General, are not binding until they are actually received by the latter;"¹⁹⁶ all in acknowledgement of the OSG's principal role as the "principal law officer and legal defender of the Government"¹⁹⁷ as provided under Section 35(1), Chapter 12, Title III, Book IV of the Administrative Code of 1987. This means that the proper basis for computing a reglementary period and for determining whether a decision had attained finality is service on the OSG.¹⁹⁸

¹⁹³ *Abrenica v. Law Firm of Abrenica, Tungol and Tibayan*, 534 Phil. 34, 46 (2006).

¹⁹⁴ *Sanchez v. Court of Appeals*, 452 Phil. 665, 674 (2003); citation omitted.

¹⁹⁵ *Rollo*, p. 114.

¹⁹⁶ *National Power Corporation v. National Labor Relations Commission*, 339 Phil. 89, 101 (1997); citation omitted.

¹⁹⁷ *Gonzales v. Chavez*, 282 Phil. 858, 875-876 (1992); citation omitted.

¹⁹⁸ *Republic of the Philippines v. Viaje*, 779 Phil. 405, 415 (2016); citations omitted.

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Confoundingly, the OSG opted to file a Petition for Relief from Judgment against the RTC's March 4, 2008 Decision on May 26, 2008 — the sixtieth (60th) calendar day from receipt of such Judgment on March 27, 2008.¹⁹⁹ Regrettably, even if the same pleading was filed within the reglementary period to file a Petition for Relief from judgment, the OSG still pursued the *wrong remedy* and effectively *lost its statutory right to appeal*. It could have ignored the prematurely-issued March 31, 2008 Entry of Judgment and, instead, filed a Motion for Reconsideration or new trial from the March 4, 2008 Decision or a notice of appeal before the lapse of April 11, 2008.²⁰⁰

Nevertheless, this Court finds the attendant circumstances strongly compelling as to warrant the suspension of the applicable mandatory rules regarding strict compliance of reglementary periods and proper modes of review. The **proceedings** for the **execution** of the March 4, 2008 Decision — pursuant to the prematurely-declared March 31, 2008 Entry of Judgment — had **already commenced even before** the OSG's **last day** to file a motion for **reconsideration** (or **new trial**) or **notice of appeal** on April 11, 2008 **had lapsed**. As such, Judge Omelio's acts of passively allowing Atty. Velasco to issue the subject Entry of Judgment prematurely and failing to take any corrective steps amounts to an oppressive exercise of judicial authority because it unnecessarily **forces the aggrieved party** (in this case, the Republic) **to participate in parallel proceedings of pursuing concurrent remedies** (of execution *and* of appeal or *certiorari*, when pursued due to grave abuse of discretion) — thereby giving rise to multiplicity of suits.²⁰¹ Participating in multiple parallel proceedings is not only vexatious;²⁰² it also unnecessarily wastes the time and resources of the adversely affected party. Given this observation, it now appears that Judge Omelio was indifferent to both the misapplication of rules on strictly complying with reglementary periods as well as the consequences on the part of the parties affected by the spawning of concurrent proceedings before the RTC (for execution and *writ* of demolition proceedings) and the CA (for *certiorari* proceedings). Since Judge Omelio's act — in giving due course

¹⁹⁹ *Rollo*, p. 74.

²⁰⁰ A Motion to Recall an Entry of Judgment is practically a useless remedy at this point as it does not have the effect of suspending the reglementary period to file an appeal. Moreover, judgments or orders become final and executory by operation of law — not by judicial declaration (*Philippine Savings Bank v. Papa*, 823 Phil. 725, 736 [2018]). The finality of a judgment becomes a fact *upon the lapse of the reglementary period* of appeal if no appeal is perfected, or no motion for reconsideration or new trial is filed (*Barrio Fiesta Restaurant v. Beronia*, 789 Phil. 520, 539 [2016]; citation omitted). Verily, the trial court need not even pronounce the finality of the order or judgment as the same becomes final by operation of law (*Franco-Cruz v. Court of Appeals*, 587 Phil. 307, 317 [2018]). In other words, an entry of judgment does not make the judgment so entered as final and executory when it is not so in truth because it **merely records the fact** that a judgment, order or resolution has become final and executory — it is **not the operative act that makes the judgment, order or resolution final and executory** (*Realty Sales Enterprises, Inc. v. Intermediate Appellate Court*, 254 Phil. 719, 723 [1989]).

²⁰¹ Public policy is firmly set against unnecessary multiplicity of suits (See *Riviera Golf Club, Inc. v. CCA Holdings, B.V.*, 760 Phil. 655, 671 [2015]; citations omitted).

²⁰² *Cf. Magestrado v. People*, 554 Phil. 25, 40 (2007).

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to petitioner's *Urgent Motion for Execution* instead of dismissing it outright — appears to be in tolerance of Atty. Velasco's erroneous issuance of the March 31, 2008 Entry of Judgment, any likelihood that the OSG's Motion for Reconsideration or Notice of Appeal from the March 4, 2008 Decision might be given due course or granted is virtually *nil*.

Moreover, Judge Omelio's May 25, 2010 Order which directed the Davao City Engineer's Office to **issue a Fencing Permit** over the properties covered by the OCTs sought to be reconstituted, as well as the October 8, 2010 ***Writ of Demolition*** for the clearing of structures erected on the properties covered by the same OCTs **while the *certiorari* proceedings before the CA were still pending**, conclusively show that judicial authority had been exercised in an *oppressive manner*. The situation should have called for the application of "judicial courtesy" on his part which is exercised by suspending a lower court's proceedings although there is no injunction or an order from a higher court as a matter of respect and for practical considerations.²⁰³ And even though judicial courtesy remains the exception rather than the rule, it will apply as there is a **strong probability** that the issues before the higher court would be rendered **moot and moribund** as a result of the continuation of the proceedings in the lower court.²⁰⁴

Since a substantial number of actual occupants (of the lots covered by the OCTs sought to be reconstituted) had started to file their respective pleadings-in-intervention, the RTC through Judge Omelio should have exercised a considerable amount of prudence by refraining from performing or engaging in acts which are consistent with executing a final judgment. Issuing a Fencing Permit and a demolition *writ* for existing structures are the constitutive of final acts of execution which is almost certain to inflict an irreversible damage on the parties involved and frustrate whatever action that the CA may adopt to resolve the entire pending dispute. As such, Judge Omelio should have exercised due restraint in giving due course to petitioner's pleadings which practically sought for the execution of the RTC's March 4, 2008 Decision even without an injunctive *writ* issued by the CA. His insouciant attitude in continuing to conduct proceedings incidental to execution only added to the complexity of the entire dispute, annoyingly belabored all parties into participating in several unnecessary proceedings, and made the attendant conundrums considerably burdensome for higher courts to untangle.

²⁰³ *Bro. Oca v. Custodio*, 814 Phil. 641, 675 (2017); citations omitted.

²⁰⁴ *Sara Lee Philippines, Inc. v. Macatlang*, 750 Phil. 646, 654 (2015).

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Hence, under these oppressive circumstances, it is fair to conclude that the CA **correctly took cognizance** of respondents' **petitions for certiorari** in spite of the Republic having lost its right to appeal.

On nullifying the RTC's March 4, 2008 Decision through the issuance of a Writ of Certiorari

I. *The CA correctly nullified the RTC's March 4, 2008 Decision when it issued the subject Writ of Certiorari.*

The doctrine of finality of judgment or immutability of judgment articulates that a decision which has acquired finality becomes immutable and unalterable; it may no longer be modified in any respect even if the modification is meant to correct erroneous conclusions of fact and law, and whether it be made by the court that rendered it or by the Highest Court of the land.²⁰⁵ This principle is a matter of sound public policy, which rests upon the practical consideration that every litigation must come to an end.²⁰⁶

Nonetheless, the immutability of judgment doctrine admits of some exceptions which are: (a) the correction of clerical errors; (b) the so-called *nunc pro tunc* entries which cause no prejudice to any party; (c) void judgments; and (d) whenever circumstances transpire after the finality of the decision rendering its execution unjust and inequitable.²⁰⁷ Of these exceptions, the last couple of items in the enumeration (void judgments and supervening evident rendering the execution unjust and inequitable) may not be summarily performed by the court concerned because they are necessarily threshed out in another proceeding.

In a procedural context, a final and executory judgment may be set aside in one of the following: (a) petition for relief from judgment under Rule 38; (b) direct action to annul and enjoin the enforcement of the judgment;²⁰⁸ and (c) direct action either by *certiorari* or by collateral attack against the challenged judgment which is void upon its face, or that the nullity of the judgment is apparent by virtue of its own recitals.²⁰⁹ This means that some exceptions to the immutability of judgment doctrine have been expanded to include the grounds of the foregoing remedies. "Void

²⁰⁵ *FGU Insurance Corporation v. Regional Trial Court of Makati City*, Br. 66, 659 Phil. 117, 123 (2011).

²⁰⁶ *Mercury Drug Corporation v. Spouses Huang*, 817 Phil. 434, 445 (2017); citations omitted.

²⁰⁷ *Villa v. Government Service Insurance System*, 619 Phil. 740, 750 (2009); citation omitted.

²⁰⁸ Now embodied in Rule 47 of the Rules of Court which was promulgated pursuant to Section 9(2) of Batas Pambansa Blg. 129 (The Judiciary Reorganization Act of 1980).

²⁰⁹ *Macabingkil v. People's Homesite & Housing Corporation*, 164 Phil. 328, 345 (1976); cited in *Arcelona v. Court of Appeals*, 345 Phil. 250, 264 (1997).

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judgments,” for example, encompasses the grounds enumerated under Rules 38 and 47 to include: (a) fraud; (b) accident; (c) mistake; (d) excusable negligence; (e) denial of due process;²¹⁰ (f) extrinsic fraud; and (g) lack of jurisdiction. Likewise, supervening events which render the execution of an unjust and inequitable final judgment also allow an aggrieved party to pursue the remedy of filing a Petition for *Certiorari* against the order or writ of execution.²¹¹

In the case at hand, it was the RTC’s September 3, 2009 Order which summarily denied the Republic’s Petition for Relief from Judgment — not the March 4, 2008 Decision which granted the petition for reconstitution — that was reviewed under *certiorari*. If Section 1, Rule 65 is to be followed in its literal sense, the CA’s actions would be limited to **nullifying** (or **modifying**) the RTC’s September 3, 2009 Order of denial and directing the **reinstatement** of the **proceedings** relative to the Republic’s **Petition for Relief from Judgment**.²¹² Doing so would only delay the resolution of the entire dispute leading to a circuitous and protracted litigation between all parties; thereby wasting not only their time and resources but also the Judiciary’s. Since the **records available** to the CA and this Court **are substantial enough** to enable it to determine whether the March 4, 2008 Decision is tainted with grave abuse of discretion, there now arises a need to apply the concept of equity jurisdiction and allow a *pro tanto* review — in a *certiorari* proceeding — of all the RTC’s issuances in other proceedings. This is because the March 4, 2008 Decision gave rise to the Republic’s Petition for Relief from Judgment. Thus, consistent with this Court’s constitutional mandate to promulgate rules which shall provide a simplified and inexpensive procedure for the speedy disposition of cases,²¹³ precursor proceedings and their corresponding issuances which are **intimately related** to issuances being reviewed under extraordinary and comprehensive *certiorari* proceedings may be passed upon pursuant to the concept of equity jurisdiction.

To start with, equity is the principle by which substantial justice may be attained in cases where the prescribed or customary forms of ordinary law are inadequate.²¹⁴ In relation to the concept of equity, equity jurisdiction aims to provide complete justice in cases where a court of law is unable to

²¹⁰ See *Diona v. Balangue*, 701 Phil. 19, 31 (2013).

²¹¹ See *BPI Employees Union-Metro Manila v. Bank of the Philippine Islands*, 673 Phil. 599, 614 (2011); see Section 1(f), Rule 41 of the Rules of Court; see also *De Ocampo v. RPN-9/Radio Philippines Network, Inc.*, 775 Phil. 169, 177 (2011).

²¹² Additionally, the parties cannot also speculate that the derivative effect of annulling an order denying a petition for relief from judgment will also have the effect of granting such petition for relief because the original dismissal was summary and did not give the parties the opportunity to fully-ventilate their causes or positions.

²¹³ See CONSTITUTION, Art. VIII, Sec. 5, par. 5.

²¹⁴ *Reyes v. Lim*, 456 Phil. 1, 10 (2003).

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adapt its judgments to the special circumstances of a case because of a resulting legal inflexibility when the law is applied to a given situation.²¹⁵ For equity jurisdiction to be successfully invoked, the factual antecedents of a plea for the exercise of liberality must be clear.²¹⁶

As firmly established in the records of the case, special circumstances were indeed attendant (*i.e.* the presence of several intervenors who are actual occupants of the lots covered by the OCT's sought by petitioner to be reconstituted and who are in danger of being deprived of their occupation). The same set of circumstances necessitates this Court to suspend the usual application of procedural rules in order to address serious allegations of injustices brought about by the complexity of the proceedings. As clarified earlier, when available records undoubtedly support the facts which are enough for this Court to pass upon the merits of a case intimately related to the one being reviewed at bench, a *pro tanto* review of such related case (especially in a *certiorari* proceeding) becomes justifiable.

Here, the CA was justified in **nullifying** the March 4, 2008 Decision in a *certiorari* proceeding. Considering the aforementioned special circumstances, a reinstatement of the proceedings relative to the Petition for Relief from Judgment will only make the dispute between the contending parties protracted and circuitous. Fittingly, this Court also deems it proper that the issue regarding the March 4, 2008 Decision's jurisdictional validity be resolved now to avoid further delay in the disposition of this case.²¹⁷ Under the present circumstances and also by reason of the adequacy of available records, the CA was justified in wielding the powers of a *cert writ* when it: (1) exercised equity jurisdiction albeit unknowingly; and (2) resolved the issue on whether to grant or deny the Petition for Relief from Judgment as if it were filed before it.

Relatedly, this Court deems it best to clarify that the CA also did not err in unknowingly or subconsciously applying the concept of equity jurisdiction **even if** the **grounds** for a successful Petition for Relief from Judgment **were absent** in this case. Admittedly, the records bear no evidence that Atty. Velasco's act (of prematurely entering a judgment which had not yet become final) was a result of petitioner's acts, fraudulent or otherwise. In both Rules 38 and 47, the grounds referred to here are those **which have been committed by prevailing parties** — not those which have been committed by the court or its personnel because the same may be

²¹⁵ *Regulus Development, Inc. v. Dela Cruz*, 779 Phil. 75, 86 (2016).

²¹⁶ *Viva Shipping Lines, Inc. v. Keppel Philippines Marine, Inc.*, 781 Phil. 95, 122 (2016).

²¹⁷ *Cf. Orquiola v. Court of Appeals*, 435 Phil. 323, 332 (2002).

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corrected by means of an **appeal**.²¹⁸ This notwithstanding, equity jurisdiction may be exercised by the CA in a *certiorari* proceeding for it to nullify a judgment being assailed in a petition for relief because **serious allegations of lack or absence of jurisdiction were raised**. Failure to comply with mandatory jurisdictional requirements in a special proceedings case is one such instance.

Finally, as regards petitioner's assertion of the immutability of final judgments doctrine, this Court rejects the same as respondents raised serious allegations **affecting** the RTC's **authority** to take cognizance of the subject reconstitution case and power to render the March 4, 2008 Decision. In this instance, a re-examination as to the **jurisdictional validity** of the March 4, 2008 Decision cannot simply be barred or prevented by a simple invocation of the immutability doctrine. Once the allegations of absence of jurisdiction are proven by the party assailing it, it now becomes the burden of the other to prove presence of jurisdiction. Special proceedings cases are dependent on express statutory requirements regarding jurisdiction in order for said proceedings and judgments to be wholly valid. Thus, in the case of reconstitution of title, a petitioner has the burden to successfully substantiate with evidence all the statutorily-mandated jurisdictional requirements.

II. The CA correctly found the RTC to have exceeded its jurisdiction in granting the petition for reconstitution of title despite the failure of petitioner to comply with some jurisdictional requirements.

Jurisdiction is the basic foundation of judicial proceedings.²¹⁹ It is simply defined as the power and authority — conferred by the Constitution or statute — of a court to hear and decide a case.²²⁰ Without jurisdiction, a judgment rendered by a court is null and void and may be attacked anytime.²²¹ Indeed, a void judgment is no judgment at all — it can neither be the source of any right nor the creator of any obligation; all acts performed pursuant to it and all claims emanating from it have no legal effect.²²²

²¹⁸ See *Baclaran Marketing Corporation v. Nieva*, 809 Phil. 92, 103 (2017); *City of Dagupan v. Maramba*, 738 Phil. 71, 91 (2014); *Redeña v. Court of Appeals*, 543 Phil. 358, 368 (2007); *Agan v. Heirs of Spouses Nueva*, 463 Phil. 834, 841 (2003), see also Section 2, Rule 38 of the Rules of Court.

²¹⁹ *People v. Mariano*, 163 Phil. 625, 629 (1976).

²²⁰ *Bank of the Philippine Islands v. Hong*, 682 Phil. 66, 72 (2012).

²²¹ *Bilag v. Ay-ay*, 809 Phil. 236, 243 (2017).

²²² *Padre v. Badillo*, 655 Phil. 52, 54 (2011).

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In adjudication, the concept of jurisdiction has several *aspects*, namely: (a) jurisdiction over the **subject matter**; (b) jurisdiction over the **parties**; (c) jurisdiction over the **issues** of the case; and (d) in cases involving property, jurisdiction over the *res* or the **thing** which is the subject of the litigation.²²³ Additionally, a court must also acquire jurisdiction over the **remedy** in order for it to exercise its powers validly and with binding effect.²²⁴

First, jurisdiction over the subject matter is the power to hear and determine the general class to which the proceedings in question belong and is conferred by the sovereign authority which organizes the court.²²⁵ Second, jurisdiction over the parties is the power of the courts to make decisions that are binding on them and is based on due process.²²⁶ This is acquired through voluntary appearance, in the case of the plaintiff or petitioner, or through the coercive power of legal processes, in the case of the defendant or respondent.²²⁷ Third, jurisdiction over the issues pertains to a tribunal's power and authority to decide over matters which are either disputed by the parties or simply under consideration. This aspect of jurisdiction is closely tied to jurisdiction over the remedy and over the subject matter which, in turn, is generally determined in the allegations of the initiatory pleading (complaint or petition) and not the result of proof.²²⁸ However, unlike jurisdiction over the subject-matter, jurisdiction over the issues may be conferred by either express or implied consent of the parties.²²⁹ Fourth, jurisdiction over the *res* pertains to the court's authority over the object or thing subject of the litigation as well as its power to bind the same with its judgment. Last, jurisdiction over the remedy pertains to authority of a tribunal to take cognizance and pass upon the propriety of petitioner or complainant's reliefs sought. The same aspect of jurisdiction is dependent on either the statute providing for a specific procedure for the recognition of a particular right (*i.e.* reconstitution of certificate of title, registration of title, *etc.*) or the procedure promulgated by this Court pursuant to its constitutional powers (*i.e.* *habeas corpus*, *quo warranto*, declaratory relief, *etc.*).

Pertinently, certain statutes confer jurisdiction, power, or authority while others provide for the **procedure** by which that power or authority is projected into judgment — the first deals with the powers of the court in the

²²³ *Boston Equity Resources, Inc. v. Court of Appeals*, 711 Phil. 451, 464 (2013).

²²⁴ *De Pedro v. Romasan Development Corporation*, 748 Phil. 706, 723 (2014).

²²⁵ *United States v. Jayme*, 24 Phil. 90, 92 (1913).

²²⁶ *People's General Insurance Corporation v. Guansing*, G.R. No. 204759, November 14, 2018.

²²⁷ See *Prudential Bank (now Bank of the Philippine Islands) v. Magdamit, Jr.*, 746 Phil. 649, 666 (2014).

²²⁸ Cf. *Navaja v. De Castro, et al.*, 761 Phil. 142, 150-151 and 153 (2015).

²²⁹ *Bernabe v. Vergara*, 73 Phil. 676, 677 (1942).

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real and substantive sense while the other class with the procedure by which such powers are put into action.²³⁰ As in this case, **special proceedings** are creatures of statutes (or constitutional provisions in the case of extraordinary writs like *habeas corpus*) that **do both** — **confer jurisdiction** on specific courts **while providing for a specific procedure to be followed** in order for the resulting judgment to be valid. The reason is that a special proceeding is a remedy by which a party seeks to establish a status, a right, or a particular fact.²³¹ It is unlike ordinary civil actions in which a party called a “complainant” who seeks for either the enforcement or protection of a right or the prevention or redress of a wrong.²³² Here, the case has one definite party, who petitions or applies for a declaration of a status, right, or particular fact, but **no definite** adverse party.²³³ As such, the trial court must have **jurisdiction** to take cognizance of such petition or application in compliance with the **specific procedure** provided by law. The **authority to proceed** is conferred by a statute which is why the **manner of obtaining jurisdiction** is mandatory and the same must be strictly complied with.²³⁴ One must be mindful that the **acquisition** of jurisdiction is not a direct result of the inherent power of courts to settle actual controversies involving injured or conflicting rights *per se* — **it traces its source from substantive laws which set or fix jurisdictional requirements for petitioners to not only allege but also prove in order to vest and validate the handling tribunal’s authority as well as the proceedings already conducted.** This makes jurisdiction in special proceedings primarily **dependent** on petitioner’s **strict compliance** with statutory requirements which fix the authority of the court to take cognizance of the case and pass a judgment thereon. Consequently, a petitioner’s noncompliance with jurisdictional requirements in a special proceedings case removes a court’s authority thereby rendering the whole proceedings void.

At this juncture, the issue that needs to be resolved is: Was petitioner able to comply with the jurisdictional requirements enumerated in R.A. No. 26?

This Court answers in the negative.

²³⁰ *De Jesus v. Garcia*, 125 Phil. 955, 960 (1967).

²³¹ Section 3(c), Rule 1 of the Rules of Court.

²³² See *Heirs of Yappingchay v. Hon. Del Rosario*, 363 Phil. 393, 398 (1999).

²³³ *Montañer v. Shari’a District Court, 4th Shari’a Judicial District, Marawi City*, 596 Phil. 815, 826 (2009).

²³⁴ See *The Government of the Philippines v. Aballe*, 520 Phil. 181, 191-192 (2006).

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Reconstitution²³⁵ of title is a special proceeding.²³⁶ Being a special proceeding, a petition for reconstitution must allege and prove certain specific jurisdictional facts before a trial court can acquire jurisdiction.²³⁷ R.A. No. 26, as amended, is the special law which provides for a specific procedure for the reconstitution of Torrens certificates of title lost or destroyed; Sections 2 and 3 thereof provide how original certificates of title and transfer certificates of title shall be respectively reconstituted and from what specific sources successively enumerated therein such reconstitution shall be made.²³⁸ It *confers jurisdiction* upon trial courts to hear and decide petitions for judicial reconstitution; however, before the court can properly act, assume and acquire jurisdiction or authority over the petition and grant the reconstitution prayed for, petitioner must observe certain special requirements and mode of procedure prescribed by the law.²³⁹ More importantly, substantial compliance with jurisdictional requirement is not enough because the acquisition of jurisdiction over a reconstitution case is hinged on a **strict compliance** with the requirements of the law.²⁴⁰

Conversely, noncompliance with *all* jurisdictional requirements in special proceedings (such as reconstitution of title) adversely affects the trial court's jurisdiction over the *subject matter* of the case and, in cases where a specific procedure is outlined by law, over the *remedy* pursued by petitioner. Failure to comply with any of the jurisdictional requirements for a petition for reconstitution renders the whole proceedings null and void.²⁴¹ Strict observance of this rule is vital to prevent parties from exploiting reconstitution proceedings as a quick but illegal way to obtain Torrens certificates of title over parcels of land which turn out to be already covered by existing titles.²⁴² Comparatively, this Court cannot even take a lenient approach in resolving reconstitution cases because **liberal construction of the Rules does not apply to substantive requirements specifically enumerated by a statute,**²⁴³ especially so if *matters affecting jurisdiction*

²³⁵ Judicial reconstitution of title under R.A. No. 26 is akin to other special proceedings which generally require not only the publication of notices but must also be served to interested parties (see Sections 1 and 2 of Rule 74; Section 3 of Rule 76; Sections 2, 3 and 4 of Rule 86; Section 7 and 8 of Rule 89; Section 2 and 3 of Rule 91; Section 6 of Rule 93; Sections 4 and 5, Rule 99; Sections 3 and 5, Rule 103; Sections 2 and 4, Rule 104; Sections 3 and 4, Rule 105; Sections 3 and 4, Rule 106; Sections 4 and 6, Rule 107; Sections 4 and 5, Rule 108) as well as the presentation in evidence (preliminary marking and formal offer) of such proof of publication and service to notices of hearing to interest parties as part of mandatory jurisdictional requirements; see also Sections 9, 11 and 13 of R.A. 26. **To prove compliance with the jurisdictional requirements before the court should receive evidence in support of the petition, the petitioner is required to mark as exhibits the proof of publication and service of notice to the interested parties as well as proof of the actual publication of the notice of hearing.**

²³⁶ See *Republic v. Hon. Mangotara*, 638 Phil. 353, 469 (2010); see also Section 22 of R.A. No. 26.

²³⁷ See *Tahanan Development Corporation v. Court of Appeals*, 203 Phil. 652, 681 (1982).

²³⁸ *Alipoon v. Court of Appeals*, 364 Phil. 591, 598 (1999).

²³⁹ *Sta. Lucia Realty and Development, Inc., v. Cabrigas*, 411 Phil. 369, 387-388 (2001).

²⁴⁰ *Republic v. De Asis, Jr.*, 715 Phil. 245, 255 (2013).

²⁴¹ *Republic v. Camacho*, 711 Phil. 80, 93 (2013).

²⁴² *Republic v. Santua*, 586 Phil. 291, 300 (2008).

²⁴³ Cf. *Castillo v. Republic*, 667 Phil. 729, 746 (2011).

are involved. In other words, the principle of liberality cannot be applied to statutory requirements as they are not technical rules of procedure which may be brushed aside by the courts to serve the higher reason of resolving the case on the merits. In special proceedings, the merits directly hinges on petitioner's compliance with statutory requirements proven in court to establish a status, right or particular fact.

Accordingly, in obtaining a new title in lieu of the lost or destroyed one, petitioner must be mindful of R.A. No. 26 which laid down procedures that must be **strictly followed** in view of the danger that reconstitution could be the source of anomalous titles or unscrupulously availed of as an easy substitute for original registration of title proceedings.²⁴⁴ Even in the absence of an opposition, a petition for reconstitution which does not strictly adhere to the requirements of the law will not be granted in the pretext that the same proceeding will not affect the ownership or possession of the property.²⁴⁵ Hence, it is the reason why this Court has held in numerous cases involving reconstitution of title that noncompliance with the prescribed procedure and requirements deprives the trial court of jurisdiction over the subject matter or nature of the case and, consequently, all its proceedings are rendered null and void.²⁴⁶

For the trial court *to acquire jurisdiction* over the petition for reconstitution, the *occupants* of the property *should be notified* of the petition.²⁴⁷ In other words, it is beyond cavil that the **requirement of actual notice** to the **occupants and the owners** of the adjoining property under Sections 12 and 13 of R.A. No. 26 **is itself mandatory to vest jurisdiction** upon the court in a petition for reconstitution of title and essential in order to allow said court to take the case on its merits.²⁴⁸ Verily, noncompliance with these requirements, especially as regards the notice of hearing as provided for under Section 13 of the same law, is fatal and the trial court cannot acquire jurisdiction over the petition for reconstitution.²⁴⁹ This Court emphasizes that the purposes of the stringent and mandatory character of the legal requirement of mailing the notice to the actual occupants of property covered by the certificates of title to be reconstituted are: (a) to safeguard against spurious and unfounded land ownership claims; (b) to apprise all interested parties of the existence of such action; and (c) to give them enough time to intervene in the proceeding.²⁵⁰ At all times, clear and

²⁴⁴ See *Angat v. Republic*, 609 Phil. 146, 167 (2009).

²⁴⁵ See *Republic v. Mancao*, 764 Phil. 523, 524-525 (2015).

²⁴⁶ *Republic v. Susi*, 803 Phil. 348, 358 (2017).

²⁴⁷ *Opriasa v. The City Government of Quezon City*, 540 Phil. 256, 266 (2006).

²⁴⁸ *Republic v. Court of Appeals*, 368 Phil. 412, 424 (1999).

²⁴⁹ See *Allama v. Republic*, 283 Phil. 538, 543 (1992).

²⁵⁰ *Republic v. Estipular*, 391 Phil. 211, 221 (2000).

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convincing evidence proving the jurisdictional requirements must exist before a court may order the reconstitution of a destroyed or lost title.²⁵¹

In this case, petitioner's allegation that the subject property was unoccupied at the time of the instant case's inception, aside from being unsubstantiated, eventually turned out to be false when a *Writ* of Demolition was sought after to execute the judgment of reconstitution. The presence of inhabited artificial and permanent structures erected on a particular land is an obvious indication of occupation or possession. To have such structures, inhabited by third persons, demolished through a court process is a clear act of recognition that the same land is indeed adversely occupied or possessed. Petitioner's act of seeking for the issuance of a *Writ* of Demolition is patently incongruous with the allegations in her petition for reconstitution of title that "there are no buildings or other structures of strong materials on the above-mentioned pieces of land which do not belong to [her]."²⁵² Moreover, she also failed to adduce any proof that the subject lots were actually unoccupied **at the time she filed her petition** for reconstitution of title as the records bear that the TCTs in the name of the intervenors-respondents have already been issued by the Registry of Deeds. These observations can only mean that petitioner failed to prove the jurisdictional requirement of sending notices to actual occupants and registered owners of the land covered by the certificate of title sought to be reconstituted. Therefore, the proceedings before the RTC (as presided by Judge Omelio) which resulted in the grant of the petition for reconstitution of title is void for being tainted with grave abuse of discretion as a consequence of petitioner's failure to prove all the jurisdictional requirements set in R.A. No. 26.

Besides, the Court *En Banc*'s pronouncement here is in consonance with its *dictum* in *Peralta v. Judge Omelio (Peralta)*²⁵³ — a portion of which pertains to an administrative complaint filed by Atty. Cruzabra against Judge Omelio involving the latter's March 4, 2008 Decision and proceeds from facts identical and intimately related to the case at hand — which reads:

Cruzabra charges respondent with ignorance of law and procedure, misconduct, bias, partiality and oppression in granting Denila's petition for reconstitution despite the previous ruling of this Court in *Heirs of Don Constancio Guzman, Inc. v. Hon. Judge Emmanuel Carpio* against the reconstitution of OCT Nos. 219, 337, 67 and 164, and the failure of Denila to comply with the jurisdictional requirements under R.A. No. 26 (indicating (1) the nature and description of the buildings and improvements not belonging to the owner of the land; and (2) the names and addresses of occupants or persons in possession of the property).

²⁵¹ *Dela Paz v. Republic*, 820 Phil. 907, 920 (2017).

²⁵² *Rollo*, p. 104.

²⁵³ 720 Phil. 60 (2013).

Cruzabra likewise assails respondent for revoking his previous inhibition and **denying the Republic's petition for relief from judgment without conducting a hearing** as required by Section 6, Rule 38 of the Rules of Court. The reason for similar denial of the motion for reconsideration filed by the OSG was also flimsy: the notice of hearing was addressed only to the Clerk of Court, even as the parties were all furnished with copies of the motion.

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However, we find respondent administratively liable in A.M. No. RTJ-11-2273 for gross ignorance of the law in (a) refusing to adhere to a prior ruling of this Court against the reconstitution of certain OCTs; (b) reversing his previous inhibition in Sp. Proc. No. 7527-2004; and (c) taking cognizance of Denila's motion for indirect contempt.

In granting Denila's petition for reconstitution of original and owner's duplicate copies of OCTs registered in the name of Constancio S. Guzman and Isabel Luna, respondent failed to take judicial notice of this Court's previous ruling rendered in *Heirs of Don Constancio Guzman, Inc. v. Hon. Judge Emmanuel Carpio* which involved the same OCT Nos. 219, 337, 67 and 164. The Resolution rendered by this Court's Third Division is herein reproduced:

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But more important, respondent **granted the petition for reconstitution** in Sp. Proc. 7527-2004 **despite noncompliance with the requirements under R.A. No. 26.**

The applicable provisions are Sections 2, 12 and 13 which state:

SECTION 2. Original certificates of title shall be reconstituted from such of the sources hereunder enumerated as may be available, in the following order:

- (a) The owner's duplicate of the certificate of title;
- (b) The co-owner's, mortgagee's, or lessee's duplicate of the certificate of title;
- (c) A certified copy of the certificate of title, previously issued by the register of deeds or by a legal custodian thereof;
- (d) An authenticated copy of the decree of registration or patent, as the case may be, pursuant to which the original certificate of title was issued;

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- (e) A document, on file in the registry of deeds, by which the property, the description of which is given in said document, is mortgaged, leased or encumbered, or an authenticated copy of said document showing that its original had been registered; and
- (f) Any other document which, in the judgment of the court, is sufficient and proper basis for reconstituting the lost or destroyed certificate of title.

[x x x x]

SEC. 12. Petitions for reconstitution from sources enumerated in Sections 2(c), 2(d), 2(e), 2(f), 3(c), 3(d), 3(e) and/or 3(f) of this Act, shall be filed with the proper Court of First Instance, by the registered owner, his assigns, or any person having an interest in the property. The petition shall state or contain, among other things, the following: (a) that the owner's duplicate of the certificate of title had been lost or destroyed; (b) that no co-owner's mortgagee's or lessee's duplicate had been issued, or, if any had been issued, the same had been lost or destroyed; (c) the location, area and boundaries of the property; (d) **the nature and description of the buildings or improvements, if any, which do not belong to the owner of the land, and the names and addresses of the owners of such buildings or improvements;** (e) **the names and addresses of the occupants or persons in possession of the property, of the owners of the adjoining properties and all persons who may have any interest in the property;** (f) a detailed description of the encumbrances, if any, affecting the property; and (g) a statement that no deeds or other instruments affecting the property have been presented for registration, or, if there be any, the registration thereof has not been accomplished, as yet. All the documents, or authenticated copies thereof, to be introduced in evidence in support of the petition for reconstitution shall be attached thereto and filed with the same: *Provided*, That in case the reconstitution is to be made exclusively from sources enumerated in Section 2(f) or 3(f) of this Act, the petition shall be further be accompanied with a plan and technical description of the property duly approved by the Chief of the General Land Registration Office, or with a certified copy of the description taken from a prior certificate of title covering the same property.

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SEC. 13. The court shall cause a notice of the petition, filed under the preceding section, to be published, at the expense of the petitioner, twice in successive issues of the Official Gazette, and to be posted on the main entrance of the provincial building and of the municipal building of the municipality or city in which the land is situated, at least thirty days prior to the date of hearing. The court shall likewise cause a copy of the notice to be sent, by registered mail or otherwise, at the expense of the petitioner, to every person named therein whose address is known, at least thirty days prior to the date of hearing. Said notice shall state, among other things, the number of the lost or destroyed certificate of title, if known, the name of the registered owner, the names of the occupants or persons in possession of the property, the owners of the adjoining properties and all other interested parties, the location, area and boundaries of the property, and the date on which all persons having any interest therein must appear and file their claim or objections to the petition. The petitioner shall, at the hearing, submit proof of the publication, posting and service of the notice as directed by the court.

In this case, the petition for reconstitution of the subject OCTs is based on Section 2(c), that is, on certified true copies of the said titles issued by a legal custodian from the LRA. However, **the amended petition and the notice of hearing failed to state the names and addresses of the occupants or persons in possession of the property and all persons who may have any interest in the property as required by Section 12.** There is also **no compliance with the required service of notice to the said occupants, possessors and all persons who may have any interest in the property.**

Records reveal that Denila indeed **failed to disclose in her amended petition for reconstitution that there are occupants and possessors in the properties** covered by the subject OCTs. Third parties, including the City Government of Davao filed motions for intervention in CA-G.R. SP 03270-MIN and manifested before the CA Cagayan de Oro City that several structures and buildings, including a *barangay* hall, a police station and a major public highway would be affected by the order for the issuance of a fencing permit and writ of demolition issued by respondent. These occupants and possessors have not been notified of the reconstitution proceedings. The March 4, 2008 decision itself shows that no notice was sent to any occupant, possessor or person who may have an interest in the properties.

The requirements prescribed by Sections 12 and 13 of R.A. No. 26 are mandatory and compliance with such requirements is jurisdictional. Notice of hearing of the petition for reconstitution of title must be served on the actual possessors of the property. Notice thereof by publication is insufficient. Jurisprudence is to the effect settled that in petitions for reconstitution of titles, actual owners and possessors of the land involved must be duly served with actual and personal notice of the petition.

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Compliance with the actual notice requirement is necessary for the trial court to acquire jurisdiction over the petition for reconstitution. If no notice of the date of hearing of a reconstitution case is served on a possessor or one having interest in the property involved, he is deprived of his day in court and the order of reconstitution is null and void.

In *Subido v. Republic of the Philippines*, this Court ruled:

As may be noted, Section 13 of R.A. No. 26 specifically enumerates the manner of notifying interested parties of the petition for reconstitution, namely: (a) publication in the Official Gazette; (b) posting on the main entrance of the provincial capitol building and of the municipal building of the municipality or city in which the land is situated; and (c) by registered mail or otherwise, to every person named in the notice. The notification process being mandatory, **noncompliance with publication and posting requirements would be fatal to the jurisdiction of the reconstituting trial court and invalidates the whole reconstitution proceedings.** So would failure to notify, in the manner specifically prescribed in said Section 13, interested persons of the initial hearing date. Contextually, Section 13 particularly requires that the notice of the hearing be sent to the property occupant or other persons interested, by registered mail or otherwise. The term "otherwise" could only contemplate a notifying mode other than publication, posting, or [through] the mail. That other mode could only refer to service of notice by hand or other similar mode of delivery.

It cannot be over-emphasized that R.A. No. 26 specifically provides the **special requirements and procedures that must be followed before the court can properly act, assume and acquire jurisdiction over the petition and grant the reconstitution prayed for.** These **requirements**, as the Court has repeatedly declared, are **mandatory.** Publication of notice in the Official Gazette and the posting thereof in provincial capitol and city/municipal buildings would not be sufficient. The **service of the notice** of hearing to parties affected by the petition for reconstitution, notably **actual occupant/s** of the land, either by registered mail or hand delivery **must also be made.** In the case at bar, the "**posting of the notice** at the place where TCT No. 95585 is situated" is **not**, as urged by petitioner, **tantamount to compliance** with the mandatory requirement that notice by registered mail or otherwise be **sent** to the person named in the notice.

In view of what amounts to a **failure to properly notify parties affected by the petition for reconstitution** of the date of the initial hearing thereof, the appellate court correctly held that **the trial court indeed lacked jurisdiction to take cognizance of such petition.** And needless to stress, barring the application in appropriate cases of the *estoppel* principle, a judgment rendered by a court without jurisdiction to

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take cognizance of the case is void, ergo, without binding legal effect for any purpose.

In *Ortigas & Co. Ltd. Partnership v. Velasco*, we have held Judge Tirso Velasco's acts of proceeding with the reconstitution despite awareness of lack of compliance with the prerequisites for the acquisition of jurisdiction under R.A. No. 26, and disregarding adverse findings or evidence of high officials of LRA that militates against the reconstitution of titles, to be of serious character warranting his dismissal from the service. We also charged Judge Velasco with knowledge of this Court's pronouncement in *Alabang Development Corporation v. Valenzuela* and other precedents admonishing courts to exercise the "greatest caution" in entertaining petitions for reconstitution of allegedly lost certificates of title and taking judicial notice of innumerable litigations and controversies that have been spawned by the reckless and hasty grant of such reconstitution of allegedly lost or destroyed titles as well as of the numerous purchasers who have been victimized by forged or fake titles or whose areas simply expanded through table surveys with the cooperation of unscrupulous officials.

Here, respondent's bad faith in disregarding the jurisdictional requirements in reconstitution proceedings is evident in his order for the issuance of a fencing permit and writ of demolition in favor of Denila. Respondent **should have been alerted by the presence of actual occupants and possessors when**, after the finality of the March 4, 2008 Decision which ordered the reconstitution of the subject OCTs, **Denila moved for the issuance of a writ of demolition for such belied her allegation in the amended petition that "[T]here are no buildings or other structures of strong materials on the above-mentioned pieces of land, which do not belong to the herein petitioner"** and the absence of any name and address of any occupant, possessor or person who may have an interest in the properties.

With the **failure to serve actual notice on these occupants and possessors**, Branch 14 had **not acquired jurisdiction** over Sp. Proc. No. 7527-2004, and therefore the March 4, 2008 **Decision rendered** by respondent is **null and void**. A **decision** of the court **without jurisdiction** is **null and void**; hence, it can never logically become final and executory. Such a judgment **may be attacked** directly or **collaterally**.

But respondent's bad faith is most evident in his reversal of his inhibition in Sp. Proc. No. 7527-2004 to act upon the petition for relief from judgment. Respondent voluntarily inhibited himself after rendition of the decision, only to resume handling the case and immediately denied the said petition for relief despite the previous order of Judge Tanjili setting the petition for hearing, and completely ignoring the jurisdictional defects of the decision raised by the OSG and Cruzabra.

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WHEREFORE, premises considered, Judge **George E. Omelio**, Presiding Judge of the Regional Trial Court, Branch 14 Davao City is found **GUILTY** of **Gross Ignorance of the Law** and violation of Canon 3 of the New Code of Judicial Conduct and is hereby **DISMISSED FROM THE SERVICE**, with forfeiture of all his retirement benefits, except his accrued leave credits, and with perpetual disqualification for re-employment in any branch, agency or instrumentality of the government, including government-owned or controlled corporations.

This Decision is immediately EXECUTORY.

SO ORDERED.²⁵⁴ (emphases supplied; citations omitted)

In this case, the afore-cited portion in *Peralta* clearly shows that Judge Omelio's March 4, 2008 Decision cannot be legally revived and reinstated. It is obvious that the very reason why Judge Omelio was dismissed from the judicial service by the Court *En Banc* was precisely because he was adjudged to be grossly ignorant of the law when he took cognizance of and eventually granted the subject petition for reconstitution of the subject certificates of title filed by petitioner **despite the lack of jurisdictional requirements**. Judge Omelio even failed to verify and cite a single evidence from the records which reasonably supports petitioner's factual allegations pertaining to the jurisdictional requirement of mailing notices to actual occupants or possessors of a property subject in a reconstitution case. Clearly, the RTC's grant of reconstitution favoring petitioner in its March 4, 2008 Decision was devoid of factual basis. This is due to the basic principle that courts cannot grant a relief without first ascertaining the evidence presented in support thereof because due process considerations require that judgments must conform to and be supported by the pleadings and evidence presented in court.²⁵⁵ Therefore, the RTC's March 4, 2008 Decision penned by Judge Omelio is beyond salvage.

III. The RTC ignored the basic principles of res judicata in allowing the reconstitution of OCT Nos. 219, 337, 67 and 164.

Res judicata is defined as a matter adjudged; a thing judicially acted upon or decided; a thing or matter settled by judgment.²⁵⁶ Under this rule, a final judgment or decree on the merits by a court of competent jurisdiction is conclusive of the rights of the parties or their privies, in all later suits and on

²⁵⁴ Id. at 75-76, 91-97 and 104.

²⁵⁵ See *Gaffney v. Butler*, 820 Phil. 789, 801-802 (2017); citation omitted.

²⁵⁶ *Mallion v. Alcantara*, 536 Phil. 1049, 1054 (2006); citation omitted.

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all points and matters determined in the previous suit.²⁵⁷ To invoke *res judicata*, the elements that should be present are: (a) the judgment sought to bar the new action must be final; (b) the decision must have been rendered by a court having jurisdiction over the subject matter and the parties; (c) the disposition of the case must be a judgment on the merits; and (d) there must be as between the first and second action, identity of parties, subject matter, and causes of action.²⁵⁸

Corollarily, judgments and final orders constituting *res judicata* are categorized into different concepts which have distinctive effects as provided under Section 47 of Rule 39 as follows:

SECTION 47. *Effect of judgments or final orders.* The effect of a judgment or final order rendered by a court of the Philippines, having jurisdiction to pronounce the judgment or final order, may be as follows:

- (a) In case of a judgment or final order **against a specific thing** or in respect to the probate of a will, or the administration of the estate of a deceased person, or in respect to the personal, political, or legal condition or status of a particular person or his relationship to another, the judgment or final order is conclusive upon the title to the thing, the will or administration, or the condition, status or relationship of the person; however, the probate of a will or granting of letters of administration shall only be *prima facie* evidence of the death of the testator or intestate;
- (b) In other cases, the judgment or final order is, **with respect to the matter directly adjudged** or as to any other matter that could have been raised in relation thereto, **conclusive between the parties and their successors in interest** by title subsequent to the commencement of the action or special proceeding, **litigating for the same thing and under the same title and in the same capacity**; and,
- (c) In any **other litigation between the same parties** or their successors in interest, that only is **deemed to have been adjudged in a former judgment** or final order **which appears upon its face to have been so adjudged**, or which was actually and necessarily included therein or necessary thereto. (emphases supplied)

It can be deduced in the aforementioned provisions that there are three (3) loose categories of final and executory judgments as regards their effects on subsequent and related proceedings. Paragraph (a) of the foregoing rule is commonly known to speak of judgments *in rem*; paragraph (b) is said to

²⁵⁷ *Spouses Topacio v. Banco Filipino Savings and Mortgage Bank*, 649 Phil. 331, 342 (2010); citation omitted.

²⁵⁸ *Ligtas v. People*, 766 Phil. 750, 772 (2015).

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refer to judgments *in personam*; and paragraph (c) is the concept understood in law as "conclusiveness of judgment."²⁵⁹

Traditionally, paragraphs (b) and (c) are both *in personam* proceedings technically pigeonholed in prior cases before this Court under the blanket of the *res judicata* proper.²⁶⁰ Here, only two (2) concepts of *res judicata* were previously recognized — (a) "bar by prior judgment" as enunciated in Section 47(b), Rule 39; and (b) "conclusiveness of judgment" as embodied in Section 47(c), Rule 39.²⁶¹ However, the concept of *res judicata* also embraces *in rem* proceedings embodied in paragraph (a) because "a judgment or final order against a specific thing ... is **conclusive upon the title to the thing** [or the *res*]."²⁶² This means that a judgment is directed "against the thing" which, as a consequence, "binds the whole world" because persons dealing with such "thing" are bound by the disposition of the tribunal which ruled on its legal status.²⁶³ As a consequence, **a final and executory judgment concluding an *in rem* proceeding becomes part of the legal attributes of the thing being litigated in which all persons dealing with it are bound to respect.**

Accordingly, since special proceedings pertain to a declaration of status, right or particular fact, judgments therein are said to be *in rem* as it binds the whole world. The reason for the all-encompassing reach of final *in rem* judgments is that **the "whole world" had been constructive parties** (with non-participants usually subjected to a prior order of general default) to the case the moment the jurisdictional requirement of publication was met by petitioner. Such is also the reason why **special proceedings** present a **justiciable controversy** as they treat the declaration of a thing's legal status as a claim of interest **against everyone**. Here, what is crucial is the due publication of such notice because it brings in the whole world as a party in the case and vests the court with jurisdiction to hear and decide it.²⁶⁴ In other words, an *in rem* proceeding is validated essentially through publication.²⁶⁵

²⁵⁹ See *Ocampo v. Domalanta*, 127 Phil. 566, 571 (1967); citation omitted.

²⁶⁰ See *Spouses Antonio v. Vda. De Morje*, 646 Phil. 90, 98-100 (2010).

²⁶¹ *Government Service Insurance System v. Group Management Corporation*, 666 Phil. 277, 312 (2011).

²⁶² The following are some of the examples of actions *in rem*: petitions directed against the "thing" itself or the *res* which concerns the status of a person, like a petition for adoption, correction of entries in the birth certificate; or annulment of marriage; nullity of marriage; petition to establish illegitimate filiation; registration of land under the Torrens system; and forfeiture proceedings (*Frias v. Alcayde*, 826 Phil. 713, 730 (2018)).

²⁶³ Cf. *De Pedro v. Romasan Development Corporation*, 748 Phil. 706, 725 (2014).

²⁶⁴ *The Barco v. Court of Appeals*, 465 Phil. 39, 57 (2004); see also *Civil Service Commission v. Magoyag*, 775 Phil. 182, 190 (2015).

²⁶⁵ *The Director of Lands v. Court of Appeals*, 342 Phil. 239, 248 (1997).

As applied in this case, this Court emphasizes that proceedings for judicial reconstitution of certificates of title are proceedings *in rem*.²⁶⁶ The object of such proceeding is to bar indifferently all who might be minded to make any objection against the right sought to be enforced, hence the judgment therein is binding theoretically upon the whole world.²⁶⁷ Here, it is required that the court must acquire jurisdiction over the *res* in order to render a valid judgment thereon — it is done either: (a) by seizure of the property under legal process, whereby it is brought into actual custody of the law; or (b) as a result of the institution of legal proceedings, in which the power of the court is recognized and made effective.²⁶⁸ In other words, the exercise of *in rem* jurisdiction depends on the court's exercise of exclusive custody and control over the *res*.²⁶⁹ Consequently, this makes the requirement of acquiring jurisdiction over the person of petitioner in a subsequent reconstitution case even unnecessary.²⁷⁰

More importantly, it is the compliance of jurisdictional requirements (such as the service of notice to all the actual occupants of the land covered by the certificate of title sought to be reconstituted) that vests the court with jurisdiction to validly take cognizance and rule on a reconstitution case. Adequately proving all factual allegations which are part of jurisdictional requirements with preponderant evidence is mandatory for the court to successfully acquire jurisdiction over the *res* and to render its own adjudicative power effective. Once jurisdiction is validly obtained by the court and the judgment in the reconstitution case becomes final, the findings therein can no longer be opened for review.²⁷¹ Thus, it follows that a person who is not a party to a previously settled reconstitution of title case cannot seek for the same remedy without violating the principle of *res judicata*.

In the case at hand, this Court had already ruled in the case of *Heirs of Guzman, Inc.* that OCT Nos. 219, 337, 67 and 164 in the name of Constancio and Isabel cannot be reconstituted because they have already been cancelled, transferred and registered in the name of other owners; one of them being Arroyo. Even if disposed by this Court through an unsigned resolution, the same ruling would still constitute an actual adjudication on the merits because the legal basis cited to support the conclusion on why there was an absence of reversible error committed in the challenged judgment signifies this Court's assent to the findings and conclusion of the lower court.²⁷² Though an unsigned resolution is neither reported nor

²⁶⁶ See *Republic v. Castro*, 594 Phil. 124, 132 (2008).

²⁶⁷ *Republic v. Court of Appeals*, 317 Phil. 653, 660 (1995); citation omitted.

²⁶⁸ *Biacco v. Philippine Countryside Rural Bank*, 544 Phil. 45, 55 (2007); citation omitted.

²⁶⁹ See *R.M.S. Titanic, Inc. v. Haver*, 171 F.3d 943 (1999).

²⁷⁰ See *Alba v. Dela Cruz*, 17 Phil. 49, 62 (1910).

²⁷¹ See *Esso Standard Eastern, Inc. v. Lim*, 208 Phil. 394, 406 (1983).

²⁷² See *Agoy v. Araneta Center, Inc.*, 685 Phil. 246, 251 (2012).

doctrinal,²⁷³ the judgment in this case is directed to the properties themselves and, thus, binds not only those who participated therein but also those who subsequently deal with the same properties involved. Obviously, the present case filed by petitioner seeking to have the certificates of same title reconstituted cannot legally prosper for the simple reason that she had already been prevented by the rule on *res judicata* from re-litigating the same matter. Therefore, Judge Omelio committed a fatal error amounting to grave abuse of discretion for ordering the reconstitution of OCT Nos. 219, 337, 67 and 164 in the name of Guzman and for disregarding the final and executory judgment regarding the legal status of these certificates of title.

IV. Judge Omelio denied the Republic's Motion for Reconsideration in utter disregard of established jurisprudence.

The general rule is that the three (3)-day notice requirement in motions under Sections 4 and 5, Rule 15 of the Rules of Court is mandatory.²⁷⁴ Nonetheless, when the adverse party had been afforded the opportunity to be heard, and has been indeed heard through the pleadings filed in opposition to the motion, the purpose behind the 3-day notice requirement is deemed realized.²⁷⁵ In effect, the defect was cured for the adverse party was still notified of the existence of said pleading.²⁷⁶

In perfunctorily denying the Republic's motion for reconsideration, Judge Omelio pointed out by citing *Col. Alvarez v. Judge Diaz, et al. (Col. Alvarez)*.²⁷⁷ that "[a] notice hearing addressed to the clerk of court and not to the parties is no notice at all."²⁷⁸ However, he failed to take note of the fact in *Col. Alvarez* that no proof was presented that the motion was indeed received by the counsel of the adverse party (save for the testimony of the movant's counsel that he delivered the motion personally to the adverse party's counsel) which was the reason why the same pleading was considered as a mere scrap of paper. No such negative factual finding was made in the October 1, 2009 Order which denied the Republic's Motion for Reconsideration. Hence, for lack of adequate basis in ordering such denial, this Court finds that the same order is tainted with grave abuse of discretion.

²⁷³ Section 6(c), Rule 13 of the Internal Rules of the Supreme Court (A.M. No. 10-4-20-SC [May 4, 2010]).

²⁷⁴ *Jehan Shipping Corporation v. National Food Authority*, 514 Phil. 166, 167 (2005).

²⁷⁵ *Cabrera v. Ng*, 729 Phil. 544, 550 (2014).

²⁷⁶ See *Philippine National Bank v. Judge Paneda*, 544 Phil. 565, 579 (2007).

²⁷⁷ 468 Phil. 347, 363 (2004).

²⁷⁸ *Rollo*, p. 121.

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Propriety of the Intervention

Intervention is a remedy by which a third party, not originally impleaded in the proceedings, becomes a litigant therein for a certain purpose: to enable the third party to protect or preserve a right or interest that may be affected by those proceedings.²⁷⁹ However, it is not an absolute right for the statutory rules or conditions for the right of intervention must be shown.²⁸⁰ Accordingly, to allow intervention: (a) it must be shown that the movant has **legal interest** in the matter in litigation, or is otherwise qualified; and (b) consideration must be given as to whether the adjudication of the rights of the original parties may be delayed or prejudiced, or whether the intervenor's rights may be protected in a **separate proceeding** or not — both requirements must concur, as the first is not more important than the second.²⁸¹ To sum it up, the legal interest as qualifying factor must be of a direct and immediate character so that *the intervenor will either gain or lose by the direct legal operation of the judgment.*²⁸² Hence, in all cases, the allowance or disallowance of a Motion for Intervention rests on the sound discretion of the court after consideration of the appropriate circumstances.²⁸³

Here, the previous discussions are clear that R.A. No. 26 requires petitioners in reconstitution of title cases to send notices to actual occupants of the land covered by certificates of title sought to be reconstituted. Since the City of Davao and the intervenors-private respondents are indeed actual occupants of different portions of lots covered by the subject certificates of title sought by petitioner to be reconstituted, they have a clear legal interest to protect. While reconstitution does not vest ownership because the only fact that has to be established is whether or not the original owner's duplicate copy of a certificate of title is still in existence,²⁸⁴ it emboldens the person — whose name appears on the face of the certificate of title as the registered owner — to exercise acts of dominion over the land identified and described therein. Additionally, a registered owner also enjoys the benefit and comfort of not having to ward off any collateral attack on the certificate of title.²⁸⁵ Such complication was confirmed by the fact that petitioner applied for and was issued with a *Writ* of Demolition as well as a favorable directive for the issuance of a Fencing Permit. This only bolsters all respondents' claim that their interests will not be protected in a separate proceeding. Demolition of permanent structures and perimeter fencing

²⁷⁹ *Ongco v. Dalisay*, 691 Phil. 462, 468 (2012); citation omitted.

²⁸⁰ *Mactan-Cebu International Airport Authority v. Heirs of Estanislao Miñoza*, 656 Phil. 537, 549 (2011).

²⁸¹ *Executive Secretary v. Northeast Freight Forwarders, Inc.*, 600 Phil. 789, 799-800 (2009).

²⁸² *Virra Mall Tenants Association, Inc. v. Virra Mall Greenhills Association, Inc.*, 674 Phil. 517, 525-526 (2011).

²⁸³ *Quinto v. Commission on Elections*, 627 Phil. 193, 219 (2010); citations omitted.

²⁸⁴ *Billote v. Solis*, 760 Phil. 712, 726 (2015).

²⁸⁵ See *Lee Tek Sheng v. Court of Appeals*, 354 Phil. 556, 561 (1998).

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adversely affects the possessory rights of all occupants in an immensely onerous manner. It is an ample basis for a court handling a reconstitution of title case to implead the un-notified occupants who may be deprived of their undisturbed possession.

For these reasons, it now becomes clear that such *de jure* recognition of ownership is favorable to the registered owner because a reconstituted certificate of title has certain adverse implications against the possessory rights of actual occupants. As a consequence, these actual occupants are now forced to defend their possessory rights as they are likely to be considered as the intruders. Verily, a separate proceeding undertaken for the purpose of assailing the true ownership of the person whose name is registered on the face of the certificate of title is circuitous and only contributes to the clogging of court dockets. Hence, the CA did not commit a reversible error in allowing all respondents to intervene in the *certiorari* proceedings initiated by the Republic in seeking to have its Petition for Relief from Judgment granted.

Administrative Sanctions Against Erring Members of the Bar

This Court has been exacting in its demand for integrity and good moral character of members of the Bar for them to uphold the integrity and dignity of the legal profession at all times.²⁸⁶ Lawyers should set a good example in promoting obedience to the Constitution and the laws.²⁸⁷ This is because a lawyer who performs his duty with diligence and candor not only protects the interest of his client; he also serves the ends of justice, does honor to the bar, and helps maintain the respect of the community to the legal profession.²⁸⁸ That is why the entrusted privilege to practice law carries with it correlative duties not only to the client but also to the court, to the bar, and to the public.²⁸⁹ To this end, all members of the bar are strictly required to at all times maintain the highest degree of public confidence in the fidelity, honesty, and integrity of their profession.²⁹⁰ Indeed, the law is an exacting taskmaster. Membership in the Bar, as so appropriately put, is a privilege burdened with conditions.²⁹¹

²⁸⁶ *Sipin-Nabor v. Atty. Bateria*, 412 Phil. 419, 424 (2001).

²⁸⁷ See *Garrido v. Attys. Garrido and Valencia*, 625 Phil. 347, 362 (2010).

²⁸⁸ *Santiago v. Atty. Fojas*, 318 Phil. 79, 87 (1995).

²⁸⁹ *Burbe v. Atty. Magulta*, 432 Phil. 840, 851 (2002).

²⁹⁰ *Ong v. Atty. Grijaldo*, 450 Phil. 1, 5 (2003); citation omitted.

²⁹¹ *Berenguer v. Carranza*, 136 Phil. 75, 76 (1969).

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Keeping in mind these general ethical guidelines, this Court proceeds to evaluate the acts of Atty. Pangilinan (one of petitioner's counsels), Atty. Velasco (RTC Davao City – Branch 14's Clerk of Court) and Atty. Biongan-Pescadera (Davao City's current Register of Deeds) which appear to be inconsistent with their sworn duties as Members of the Bar.

I. Atty. Lanelyn D. Pangilinan

Rule 10.02, Canon 10 of the Code of Professional Responsibility mandates that a lawyer shall not knowingly misquote or misrepresent the text of a decision or authority.²⁹² It is the duty of all officers of the court to cite the rulings and decisions of the Supreme Court accurately.²⁹³ Misquoting or intercalating phrases in the text of a court decision constitutes willful disregard of the lawyer's solemn duty to act at all times in a manner consistent with the truth.²⁹⁴

Atty. Pangilinan, in the present petition for review, cited this Court's ruling in *Republic v. Marasigan, et al. (Marasigan)*²⁹⁵ which the pertinent portions reproduced *in verbatim* as follows:

Section 23 of P.D. No. 1529 is entitled *Notice of initial hearing, publication, etc.* and provides, *inter alia*, that:

The public shall be given notice of initial hearing of the application for land registration by means of (1) publication; (2) mailing; and (3) posting.

As regards publication, it specifically provides:

Upon receipt of the order of the court setting the time for initial hearing, the Commissioner of Land Registration shall cause a notice of initial hearing to be published once in the Official Gazette and once in a newspaper of general circulation in the Philippines: *Provided, however*, that the publication in the Official Gazette shall be sufficient to confer jurisdiction upon the court x x x

This proviso was never meant to dispense with the requirement of notice by mailing and by posting. What it simply means is that in so far as publication is concerned, there is sufficient compliance if the notice is published in the Official Gazette, although the law mandates that it be

²⁹² *Commission on Elections v. Judge Noytay*, 354 Phil. 262, 273 (1998).

²⁹³ *Allied Banking Corporation v. Court of Appeals*, 461 Phil. 517, 533 (2003); citation omitted.

²⁹⁴ *Adez Realty, Incorporated v. Court of Appeals*, 289 Phil. 766, 773 (1992).

²⁹⁵ 275 Phil. 243 (1991).

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published "once in the Official Gazette and once in a newspaper of general circulation in the Philippines." However, publication in the latter alone would not suffice. This is to accord primacy to the official publication.

That such proviso was never meant to dispense with the other modes of giving notice, which remain mandatory and jurisdictional, is obvious from Section 23 itself. If the intention of the law were otherwise, said section would not have stressed in detail the requirements of mailing of notices to all persons named in the petition who, per Section 15 of the Decree, include owners of adjoining properties, and occupants of the land.

The above view of the Court of Appeals negates one of the principal purposes of the Decree, which is clearly expressed in its exordium, namely, to strengthen the Torrens System through safeguards to prevent anomalous titling of real property. It opens wide the doors to fraud and irregularities in land registration proceedings and in proceedings for the reconstitution of certificates of title. Judicial notice may be taken of the fact that only very few have access to or could read the Official Gazette, which comes out in few copies only per issue. If publication in the Official Gazette of the notice of hearing in both proceedings would be sufficient to confer jurisdiction upon the court, owners of both unregistered and registered lands may someday painfully find out that others have certificates of title to their land because scheming parties had caused their registration, or secured reconstituted certificates of title thereto and sold the property to third parties.

The belabored argument of respondent Court of Appeals that it would be unfair to impose upon the private respondent the duty to comply with the requirement of service of notice because it was not through her fault that the original copy of the Transfer Certificate of Title was lost is unacceptable since the law does not make any exception or exemptions; besides, it is, to say the least, a ludicrous proposition. Equally unacceptable is the opinion of said Court that it was the **duty of the trial court to serve the required notices** and private respondent should not be prejudiced if it failed to do so. It suggests, quite unfortunately, and gives the wrong impression that mandatory requirements of notices may be dispensed with if the failure to comply with them is attributable to the court. It likewise negates the principles of responsibility, integrity, loyalty and efficiency which the Constitution directs public officials and employees to faithfully observe. We should stress here that lapses on the part of courts or their personnel cannot be made a reason or a justification for non-observance of laws. By the very nature of their functions, they should be the first to obey the laws.²⁹⁶ (emphases supplied)

In advocating for petitioner's cause, Atty. Pangilinan boldly claimed that this Court held that "[u]nder Sec[tion] 13 of R.A. No. 26, the **duty to send notices** of the petition for reconstitution to adjoining owners and actual occupants is **imposed upon the [trial] court**"²⁹⁷ instead of reflecting the real

²⁹⁶ Id. at 252-254.

²⁹⁷ *Rollo*, p. 32.

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ruling which clearly enunciated that “[e]qually *unacceptable* is the opinion of said Court that **it was the duty of the trial court to serve the required notices** and private respondent should not be prejudiced if it failed to do so[;] [i]t suggests, quite unfortunately, and gives the wrong impression that mandatory requirements of notices may be dispensed with if the failure to comply with them is attributable to the court.” Such blatant act of misquoting jurisprudence is a clear badge of some desperate effort to mislead this Court into thinking that it was the RTC’s and not petitioner’s duty to notify actual occupants in a reconstitution of title case. It is the height of disrespect on the part of Atty. Pangilinan to insinuate that the RTC should have taken up petitioner’s cudgels in complying with the jurisdictional requirements for the latter’s petition for reconstitution to prosper even when the contrary statutory principle had already been clarified by jurisprudence. More so, her act of mangling the unequivocal statements in *Marasigan* is intellectually dishonest and is insulting to the intelligence of the Members of this Court.

Another important and fundamental tenet in legal ethics is that a lawyer owes fidelity to the cause of his or her client — but not at the expense of truth and the administration of justice.²⁹⁸ As officers of the court tasked with aiding this court in its dispensation of justice,²⁹⁹ lawyers take an oath that they will not wittingly or willingly promote any groundless, false or unlawful suit, nor give aid or consent to the same.³⁰⁰ Unfounded suits only serve to disrupt rather than promote the orderly administration of justice.³⁰¹ Moreover, an appeal is not a matter of right but a statutory privilege.³⁰² Being a mere privilege, all lawyers should put in mind that an appeal cannot be abusively utilized to support or advance utterly meritless causes. Thus, it is unethical for a lawyer to abuse or wrongfully use the judicial process such as prosecuting patently frivolous and meritless appeals or institute clearly groundless actions.³⁰³

In advancing petitioner’s desire to have OCT Nos. 219, 337, 67 and 164 reconstituted in the name of both spouses Constancio and Isabel, Atty. Pangilinan greatly appears to have chosen to ignore this Court’s ruling in the case of *Heirs of Guzman, Inc.* which had already considered the same certificates of title to have been validly cancelled, transferred and registered in the name of third persons. Instead of disagreeing with petitioner’s intransigent stance of pursuing the reconstitution of these certificates of title,

²⁹⁸ *In Re: G.R. No. 157659 “Eligio P. Mallari v. Government Service Insurance System, et al.”*, 823 Phil. 164, 176 (2018).

²⁹⁹ *Punzalan v. Judge Plata*, 423 Phil. 819, 833 (2001).

³⁰⁰ *Paz v. Atty. Sanchez*, 533 Phil. 503, 510 (2006).

³⁰¹ *Cf. Duduaco v. Judge Laquindanum*, 504 Phil. 9, 16 (2005).

³⁰² See *Heirs of Arturo Garcia I v. Municipality of Iba, Zambales*, 764 Phil. 408, 416 (2015).

³⁰³ *Millare v. Atty. Montero*, 316 Phil. 29, 34 (1995).

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she allowed herself to be used as an instrument of disruption in the administration of justice. Arguing that *res judicata* does not apply for the flimsy reason that petitioner is a stranger to the case in *Heirs of Guzman, Inc.* despite the obvious fact that the same judgment involved the **status** and **nature** of the lands covered by OCT Nos. 219, 337, 67 and 164 even treads dangerously along the border of gross ignorance of the law.³⁰⁴ Atty. Pangilinan should have been totally familiar with the basic principle that “[t]he judicial reconstitution of title is a proceeding *in rem*, constituting constructive notice to the whole world.”³⁰⁵ To make matters worse, she argued before this Court in this manner:

131. It must be noticed that the case of *Heirs of Constancio Guzman, v. Hon. Judge Emmanuel Carpio* was primarily dismissed because of violation of the rule on hierarchy of courts, it being a direct appeal to the Supreme Court from the trial court on its Order dated May 12, 2003 dismissing the petition for reconstitution. The merits of the petition was not discussed by the Supreme Court[.]³⁰⁶ (emphases supplied)

Contrastingly, the following portion of this Court’s ruling in *Heirs of Guzman, Inc.* is hereunder reproduced *in verbatim* as follows:

Moreover, even if we were to decide the instant case on the merits, the petition would still fail. Reconstitution of certificates of title, within the meaning of RA 26, means the restoration of the instrument which is supposed to have been lost *or destroyed* in its original form and condition. Petitioner failed to prove that the certificates of title intended to be reconstituted were in fact lost or destroyed. On the contrary, the evidence on record reveals that the certificates of title were cancelled on account of various conveyances. In fact, the parcels of land involved were duly registered in the names of the present owners whose acquisition of title can be clearly traced through a series of valid and fully documented transactions.³⁰⁷ (emphases supplied)

Such temerity of Atty. Pangilinan to deceive this Court into thinking that the ruling in *Heirs of Guzman, Inc.* did not tackle the merits of the prior reconstitution cases involving OCT Nos. 219, 337, 67 and 164 amounts to a betrayal of the Lawyer’s Oath. Such act unbecoming of a respected member of the Bar clearly warrants administrative disciplinary sanctions.

³⁰⁴ See *Rollo*, pp. 40-43.

³⁰⁵ *Muñoz v. Atty. Yabut, Jr.*, 665 Phil. 488, 514 (2011).

³⁰⁶ *Rollo*, pp. 41-42.

³⁰⁷ As cited in *Peralta v. Judge Omelio*, 720 Phil. 60, 88 (2013).

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II. *Atty. Ray Uson Velasco*

Canon 5 of the Code of Professional Responsibility requires that a lawyer be updated in the latest laws and jurisprudence.³⁰⁸ There is less than full compliance with the demands of professional competence, if a member of a bar does not keep himself abreast of the trend of authoritative pronouncements.³⁰⁹ More importantly, it is imperative that they be conversant with basic legal principles.³¹⁰ Unless they faithfully comply with such duty, they may not be able to discharge competently and diligently their obligations as members of the bar.³¹¹ Falling short of this duty amounts to gross ignorance of the law which is the disregard of basic rules and settled jurisprudence.³¹²

Relatedly, this Court has long held that "[the] administration of justice is circumscribed with a heavy burden of responsibility [which] requires that everyone involved in its dispensation — from the presiding judge to the lowliest clerk — live up to the strictest standards of competence, honesty, and integrity in the public service."³¹³ As the assumption of public office is impressed with paramount public interest, which requires the highest standards of ethics, persons aspiring for public office must observe honesty, candor and faithful compliance with the law.³¹⁴ As to clerks of court who are officers of the court,³¹⁵ these principles place a great deal of responsibility on their shoulders being the chief administrative officers of their respective courts.³¹⁶ As chief administrative officers, clerks of court must show competence, honesty and probity since they are charged with safeguarding the integrity of the court and its proceedings.³¹⁷ This is consistent with Section 1, Canon IV of the Code of Conduct for Court Personnel³¹⁸ which commands court personnel to perform their official duties properly and diligently at all times.³¹⁹

³⁰⁸ *Spouses Williams v. Atty. Enriquez*, 518 Phil. 372, 376 (2006); citation omitted.

³⁰⁹ *People v. Judge Gacott, Jr.*, 312 Phil. 603, 612 (1995).

³¹⁰ *Cerilla v. Atty. Lezama*, 819 Phil. 157, 168 (2017).

³¹¹ *Hernandez v. Atty. Padilla*, 688 Phil. 329, 336 (2012).

³¹² See *Department of Justice v. Judge Misleng*, 791 Phil. 219, 227 (2016).

³¹³ *Office of the Court Administrator v. Judge Necessario*, 707 Phil. 328, 333 (2013); citation omitted.

³¹⁴ *Judge Caguioa (Ret.) v. Aucena*, 688 Phil. 1, 8 (2012).

³¹⁵ See *Radiowealth, Inc. v. Agregado*, 86 Phil. 429, 439 (1950).

³¹⁶ *Office of the Court Administrator v. Judge Reyes*, 566 Phil. 325, 334 (2008); citation omitted.

³¹⁷ *Cabanatan v. Molina*, 421 Phil. 664, 673-674 (2001).

³¹⁸ A.M. No. 03-06-13-SC (Effective June 1, 2004).

³¹⁹ *Esaño v. Manaois*, 799 Phil. 622, 635 (2016).

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In this instance, this Court reproduces *in verbatim* the relevant portion of the March 28, 2008 Certification³²⁰ issued by Atty. Velasco as follows:

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that the DECISION issued by this Court dated March 4, 2008 in Special Proc. Case No. 7527-2004, entitled PETITION FOR JUDICIAL RECONSTITUTION OF ORIGINAL and OWNER'S DUPLICATE OF ORIGINAL CERTIFICATE OF TITLE OF THE REGISTRY OF DEEDS FOR DAVAO CITY and THE INSCRIPTION OF THE TECHNICAL DESCRIPTION THERETO; HELEN P. DENILA, Petition copies of which were received by the counsel for the petitioner on March 5, 2008 and by the Register of Deeds for the City of Davao on March 10, 2008, has now become FINAL and EXECUTORY.

This Certification is issued upon the request of the Petitioner.

Davao City, Philippines, March 28, 2008.

(signed)
ATTY. RAY USON VELASCO
Clerk of Court V

The aforementioned Certification became the basis of the March 31, 2008 Entry of Judgment³²¹ also issued by Atty. Velasco which, in turn, became the basis of the April 23, 2008³²² Writ of Execution³²³ which he also issued pursuant to Judge Omelio's grant of petitioner's April 18, 2008 Urgent Motion for Execution. Undoubtedly, Atty. Velasco's March 28, 2008 Certification triggered the series of irregularities subsequently committed by Judge Omelio relative to the untimely and hastily conducted execution proceedings of the March 4, 2008 Decision.

Atty. Velasco — being a member of the Bar employed by the Judiciary as Branch Clerk of Court — had been utterly remiss of his duty to be conversant with prevalent jurisprudence. The Court in *National Power*

³²⁰ *Rollo*, p. 114.

³²¹ *Id.* at 113.

³²² *Id.* at 60.

³²³ *Id.* at 115.

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*Corporation v. National Labor Relations Commission, et al.*³²⁴ had already declared in an unequivocal manner that “copies of orders and decisions served on the deputized counsel, acting as agent or representative of the Solicitor General, are not binding until they are actually received by the latter.” This means that the reglementary period to file an appeal or Motion for Reconsideration begins to run against the government only upon receipt of the judgment or final order by the OSG. For issuing a Certification attesting that the March 4, 2008 Decision had become final and executory, even without any information as to the OSG’s actual receipt of such judgment, Atty. Velasco ignored very nature of the Solicitor General’s unequivocal mandate for the government in legal proceedings — more particularly **in all land registration and related proceedings.**³²⁵ Such thoughtless disregard of basic principles on service of judgments or final orders to the OSG amounts to gross ignorance of the law and is inconsistent with a Clerk of Court’s duty to show competence, honesty and probity. It besmirches the Judiciary’s reputation and erodes the people’s faith in the justice system.

III. Atty. Maria Theresa D. Biongan– Pescadera

Canon 1 of the Code of Professional Responsibility states that “[a] lawyer shall uphold the Constitution, obey the laws of the land and promote respect for law and legal processes.” By virtue of this Canon, lawyers should always keep in mind that, although upholding the Constitution and obeying the law is an obligation imposed on every citizen, a lawyer’s responsibilities under Canon 1 mean more than just staying out of trouble with the law; as servants of the law and officers of the court, lawyers are required to be at the forefront of observing and maintaining the rule of law.³²⁶ Any act or omission that is contrary to, or prohibited or unauthorized by, or in defiance of, disobedient to, or disregards the law is included in the scope of “unlawful” conduct which, in turn, does not necessarily imply the element of criminality although the concept is broad enough to include such element.³²⁷ In the context of Canon 1, respect for the law encompasses faithful adherence to the legal processes.

³²⁴ 339 Phil. 89, 101 (1997).

³²⁵ *Republic v. Planes*, 430 Phil. 848, 863-864 (2002); citations omitted.

³²⁶ *Re: Report on the Financial Audit Conducted on the Books of Accounts of Atty. Raquel G. Kho, Clerk of Court IV, Regional Trial Court, Oras, Eastern Samar*, 549 Phil. 539, 542 (2007).

³²⁷ *Jimenez v. Atty. Francisco*, 749 Phil. 551, 565 (2014); citation omitted.

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Concomitantly, Section 27, Rule 138 of the Rules of Court includes the “willful disobedience of any lawful order of a superior court” as one of the grounds for disbarment or suspension from the practice of law. Lawyers are called upon to obey court orders and processes and respondents deference is underscored by the fact that willful disregard thereof will subject the lawyer not only to punishment for contempt but to disciplinary sanctions as well.³²⁸ Graver responsibility is imposed upon a lawyer than any other to uphold the integrity of the courts and to show respect to their processes.³²⁹ Moreover, Section 3(b), Rule 71 of the same Rules makes “[d]isobedience of or resistance to a lawful writ, process, order, or judgment of a court” one of the grounds from indirect contempt. Since “contempt of court” has been defined as a willful disregard or disobedience of a public authority,³³⁰ even a defiance directed against a judgment of a superior court which has not yet attained finality and is pending for review before this Court is considered contemptuous.

Before proceeding to examine Atty. Bionang-Pescadera’s official actions as Register of Deeds in relation to this case, this Court stresses that government lawyers in the discharge of their official tasks have more restrictions than lawyers in private practice.³³¹ Since public office is a public trust, the ethical conduct demanded upon lawyers in the government service is more exacting than the standards for those in private practice.³³² As such, government lawyers should be more sensitive to their professional obligations as their disreputable conduct is more likely to be magnified in the public eye.³³³

Generally speaking, a lawyer who holds a government office may not be disciplined as a member of the bar for misconduct in the discharge of his duties as a government official.³³⁴ However, if said misconduct as a government official also constitutes a violation of his oath as a lawyer, then he may be disciplined by this Court as a member of the Bar.³³⁵

In this case, although the CA’s July 25, 2012 Decision granting the Petition for *Certiorari* (as well as the RTC’s September 3, 2009 Order denying the petition for relief from judgment *and* the RTC’s March 4, 2008

³²⁸ *Sebastian v. Atty. Bajar*, 559 Phil. 211, 224 (2007).

³²⁹ *Bantolo v. Atty. Castillon, Sr.*, 514 Phil. 628, 633 (2005); citation omitted.

³³⁰ *Lorenzo Shipping Corporation v. Distribution Management Association of the Philippines*, 672 Phil. 1, 10 (2011).

³³¹ *Huyssen v. Atty. Gutierrez*, 520 Phil. 117, 127 (2006).

³³² *Olazo v. Justice Tinga (Ret.)*, 651 Phil. 290, 299 (2010).

³³³ *Igoy v. Atty. Soriano*, 419 Phil. 346, 359 (2001); citation omitted.

³³⁴ *Gonzales-Austria v. Judge Abaya*, 257 Phil. 645, 659 (1989); citation omitted.

³³⁵ *Atty. Vitriolo v. Atty. Dasig*, 448 Phil. 198, 207 (2003); citation omitted.

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Decision granting the Petition for Reconstitution of Title) **had not yet become final** when the OCT Nos. 301 and 219 were re-issued, the fact still remains that Atty. Biongan-Pescadera **ignored a standing judgment of a superior court**. Performing an act contrary to a decision of a superior court, even if the same has not yet attained finality, is a clear act of contempt and defiance against duly-sanctioned legal processes. Worse, her act of re-issuing some of the presently disputed certificates of title only added to the factual complexity of this case making it more burdensome for the courts in related or derivative disputes to resolve. The least that Atty. Biongan-Pescadera could have done was to maintain the *status quo* and wait for the case to become final and executory (or ultimately settled by this Court) before performing any act which would drastically affect the rights and obligations of the parties. Additionally, as to OCT No. 219, Atty. Biongan-Pescadera also ignored this Court's ruling in *Heirs of Guzman, Inc.* which had long attained finality and has barred by *res judicata* any future litigation affecting the same certificate of title.

Rules establishing structured legal processes command respect, especially from lawyers from both the public and the private sectors, for they are not empty rituals but part and parcel of the justice system itself. Without deference to legal processes, the administration of justice will run haywire causing confusion and instability as to the rights and obligations of the parties in all stages of litigation. Hence, Atty. Biongan-Pescadera's utter indifference to established court processes and complete disregard of the basic principle of *res judicata* are inconsistent with a government lawyer's sworn duty to "obey the laws of the land and promote respect for law and legal processes."

Conclusion

In sum, this Court reiterates that noncompliance with *all* the statutorily-mandated jurisdictional requirements in a Petition for Reconstitution of Certificate of Title renders the consequential proceedings void. For the trial court's jurisdiction in a reconstitution of title case to be validated, it must be clearly shown that petitioner had substantiated all the jurisdictional requirements with preponderant evidence. Blatantly, petitioner failed to prove the jurisdictional fact that notices were effectively sent to all occupants of the lots covered by the certificates of title sought to be reconstituted.



WHEREFORE, in view of the foregoing premises, this Court:

- 1) **DENIES** Helen P. Denila's Petition for Review on *Certiorari* and **AFFIRMS** the July 25, 2012 Decision of the Court of Court of Appeals – Special Former Twenty-Second Division, in CA-G.R. SP No. 03270-MIN, for failure to establish that the latter committed a reversible error in finding grave abuse of discretion on the part of the Regional Trial Court for promulgating the March 4, 2008 Decision as well as the September 3, 2009 and October 1, 2009 Orders in Special Proceeding Case No. 7527-2004;
- 2) **NULLIFIES** Original Certificates of Title Nos. 219 and 301 for being irregularly issued by Atty. Maria Theresa D. Biongan–Pescadera;
- 3) **REFERS** the findings against Atty. Ray Uson Velasco to the Office of the Court Administrator for appropriate action; and
- 4) **REFERS** the findings against Atty. Lanelyn D. Pangilinan and Atty. Maria Theresa D. Biongan–Pescadera to the Integrated Bar of the Philippines for appropriate action.

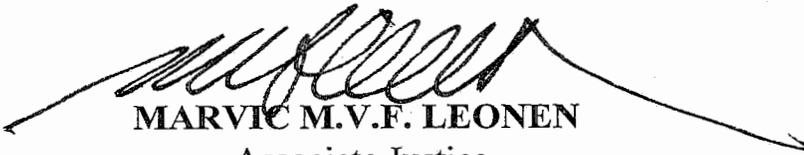
The Division Clerk of Court is hereby **ORDERED** to **FURNISH** the Office of the Court Administrator and the Integrated Bar of the Philippines copies of this Decision.

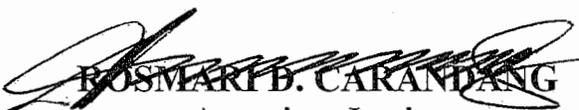
No pronouncement as to costs.

SO ORDERED.


ALEXANDER G. GESMUNDO
Associate Justice

WE CONCUR:


MARVIC M.V.F. LEONEN
Associate Justice
Chairperson


ROSMARIE B. CARANDANG
Associate Justice


RODIL V. ZALAMEDA
Associate Justice


SAMUEL H. GAERLAN
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARVIC M.V.F. LEONEN
Associate Justice
Chairperson, Third Division

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CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



DIOSDADO M. PERALTA
Chief Justice

CERTIFIED TRUE COPY

Mis-DCBatt
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court
Third Division

OCT 21 2020

