

Republic of the Philippines
 Supreme Court
 Manila

THIRD DIVISION

HEIRS OF DIONISIO DELOY G.R. No. 241841
 and PRAXEDES MARTONITO

DELOY, as represented by
 POLICARPIO M. DELOY, THE
 CITY ASSESSOR OF TRECE
 MARTIRES CITY, and THE
 REGISTER OF DEEDS for the
 CITY OF TRECE MARTIRES,

Petitioners,

Present:

CAGUIOA, J., Chairperson,
 LEONEN,**
 INTING,
 GAERLAN, and
 SINGH, JJ.

- versus -

VERNA R. BASA-JOAQUIN, as
 represented by their Attorney-In-
 Fact MAURINO J. SALAZAR,
 HEIRS OF SPOUSES MARIANO
 DEL ROSARIO and MACARIA
 GUEVARRA,* and HEIRS OF
 MAXIMA GUEVARRA, as
 represented by ANGELITA G.
 DEL ROSARIO-ZOLETA,

Respondents.

Promulgated:

November 28, 2022

X-----

DECISION

INTING, J.:

Before the Court is a Petition for Review on *Certiorari*¹ under

* Referred to as "Macaria Guevara" in some parts of the *rollo* (see *rollo*, pp. 4, 16).

** Designated additional Member per Raffle dated August 23, 2022 vice Associate Justice Japar B. Dimaampao.

¹ *Rollo*, pp. 16-51.

Rule 45 of the Rules of Court assailing the Decision² dated March 12, 2018 and the Resolution³ dated August 24, 2018 of the Court of Appeals (CA) in CA-G.R. CV No. 102176. The CA affirmed the Joint Decision⁴ dated April 24, 2012 of Branch 23 of the Regional Trial Court (RTC) of Trece Martires City, Cavite in Sp. Proc. Case Nos. TMSCA-005-08 and TMSCA-0008-07.

The Antecedents

Siblings Dionisio Deloy (Dionisio) and Isabel Deloy (Isabel) were the registered owners of Lot No. 4012, a six-hectare parcel of land located at the Sta. Cruz de Malabon Estate, City of Trece Martires, Province of Cavite,⁵ and covered under Transfer Certificate of Title (TCT) No. T-13784. Dionisio occupied five hectares while Isabel occupied one hectare thereof.⁶

Dionisio sold portions of the lot that he occupied.⁷ One of the buyers, Tomasa Figueroa (Tomasa), filed a petition for the approval of the subdivision plan of Lot No. 4012.⁸ The subdivision plan was approved by the Court of First Instance of Trece Martires City on February 15, 1966.⁹ Lot No. 4012 was thus subdivided into 13 lots: (1) Lot No. 4012-A; (2) Lot No. 4012-B; (3) Lot No. 4012-C; (4) Lot No. 4012-D; (5) Lot No. 4012-E; (6) Lot No. 4012-F; (7) Lot No. 4012-G; (8) Lot No. 4012-H; (9) Lot No. 4012-I; (10) Lot No. 4012-J; (11) Lot No. 4012-K; (12) Lot No. 4012-L; and (13) Lot No. 4012-M.¹⁰

The approved subdivision plan and the owner's duplicate copy of TCT No. T-13784 were submitted to the Office of the Register of Deeds (RD) of the Province of Cavite. However, the RD informed Isabel and Dionisio that TCT No. T-13784 must be reconstituted because its original copy was lost in a fire sometime in June 1959. Thus, TCT No. T-13784 was reconstituted as TCT No. (T-13784) RT 12612 registered in the names of the following persons with their corresponding shares: (1) Isabel – 10,000 square meters (sq.m.); (2) Spouses Daniel and Francisca Paredes (Spouses Paredes) – 5,000 sq.m.; (3) Tomasa – 1,200 sq.m.;

² Id. at 53-73-A. Penned by Associate Justice Jhosep Y. Lopez (now a Member of the Court) and concurred in by Associate Justices Japar B. Dimaampao (now a Member of the Court) and Manuel M. Barrios.

³ Id. at 76-77.

⁴ Id. at 244-254. Penned by Executive Judge Aurelio G. Icasiano, Jr.

⁵ It was previously part of the Municipality of Tanza (see id. at 79).

⁶ Id. at 55.

⁷ Id. at 56.

⁸ Id. at 143-A-144.

⁹ Id. at 137.

¹⁰ Id. at 56.

(4) Province of Cavite – 9,122 sq.m.; and (5) Spouses Dionisio and Praxedes Deloy (collectively, Spouses Deloy; Praxedes) – 39,634 sq.m.¹¹

Thereafter, TCT No. (T-13784) RT 12612 was cancelled and the following titles were issued as a result:¹²

TCT No.	Lot No.	Registered Owner	Area
T-19127	4012-A	Province of Cavite	8,550 sq.m.
T-19128	4012-B	Province of Cavite	3,168 sq.m.
T-19129	4012-C	Tomasa	1,200 sq.m.
T-19130	4012-G	Spouses Paredes	5,000 sq.m.
T-19131	4012-I	Isabel	10,000 sq.m.
T-19308	4012-D	Dionisio	600 sq.m.
T-19309	4012-E	Dionisio	300 sq.m.
T-19310	4012-F	Dionisio	450 sq.m.
T-19311	4012-H	Dionisio	15,328 sq.m.
T-19312	4012-J	Dionisio	10,000 sq.m.
T-19313	4012-K	Dionisio	5,000 sq.m.
T-19314	4012-L	Dionisio	5,000 sq.m.
T-19315	4012-M	Dionisio	360 sq.m.

Dionisio died in 1985. In 1989, his surviving spouse, Praxedes, discovered the issuance of the titles in the Province of Cavite's name when she looked for the certificates of title for Lot Nos. 4012-A and 4012-B.¹³ Praxedes and the other heirs of Dionisio filed a case for Annulment of Torrens Title and Deed of Conveyance with Damages against the Province of Cavite and the RD for the Province of Cavite docketed as Civil Case No. TM-695 (Annulment Case).¹⁴

On February 5, 1998, the RTC rendered its Decision¹⁵ in favor of Praxedes and the other heirs in the Annulment Case:

WHEREFORE, premised on the foregoing the Court renders judgment for the plaintiffs and against the defendants, to wit:

1) Declaring any deed of conveyance presented by defendants Province of Cavite and the Register of Deeds for the Province of Cavite as null and void;

2) Declaring Transfer Certificate of Titles Nos. T-19127 and T-19128 null and void and ordering the cancellation thereof;

¹¹ Id.

¹² Id. at 56-57. See also id. at 80-84, 87-94.

¹³ Id. at 58.

¹⁴ Id. at 248.

¹⁵ Id. at 128-140. Penned by Executive Judge Jose J. Parenpela, Jr.

3) Ordering the Register of Deeds for the Province of Cavite to issue the corresponding torrens titles over the land subject matter hereof in the name of the late Dionisio Deloy or his heirs to be disposed of in accordance with law after payment of the corresponding fees.

SO ORDERED.¹⁶

On appeal, the CA in its Decision¹⁷ dated August 23, 2001 in CA-G.R. CV No. 61119 ruled as follows:

WHEREFORE, the assailed judgment is **AFFIRMED** insofar as it declared **NULL** and **VOID** and ordered the cancellation of TCT No. T-19127 and T-19128.

The Register of Deeds is directed to cancel the reconstituted TCT No. (T-13784) RT-12612 and re-issue a new one in its original form, without prejudice to the annotation of subsequent dealings thereon. The cancellation of such title and the issuance of new titles in lieu thereof shall be made only after compliance with Section 51 of PD 1529 and other pertinent laws.

SO ORDERED.¹⁸ (Emphases in the original.)

After the foregoing Decision became final and executory, the RD for Trece Martires City cancelled TCT No. (T-13784) RT 12612¹⁹ and issued TCT No. (T-13784) RT-12612) T-66696²⁰ in lieu thereof. All the certificates of title issued in the name of the Province of Cavite were cancelled.²¹

Verna Basa-Joaquin (Verna), the Heirs of Spouses Mariano and Macaria Del Rosario (Spouses Del Rosario), and the Heirs of Maxima Guevarra (collectively, respondents; Heirs of Maxima), alleged that the reconstitution affected the certificates of title issued in their respective names:²²

¹⁶ Id. at 140.

¹⁷ Id. at 142-155. Penned by Associate Justice Delilah Vidallon Magtolis and concurred in by Associate Justices Teodoro P. Regino and Josefina Guevara-Salonga.

¹⁸ Id. at 155.

¹⁹ Records (Civil Case No. TMSCA-005-08), p. 49; records (Civil Case No. TMSCA-0008-07), p. 45.

²⁰ *Rollo*, p. 79.

²¹ Id. at 59.

²² Id.

TCT No.	Lot No.	Registered Owner
(T-43159) T-8554	4012-J	Verna
(T-25562) T-22749	4012-K	Maxima
(T-29268) T-69602	4012-L	Spouses Del Rosario

Verna alleged that her parents, Spouses Gregorio and Iluminada Basa (Spouses Basa),²³ purchased Lot No. 4012-J from Dionisio in 1967. Thus, TCT No. T-19312 was cancelled and TCT No. T-25563²⁴ was issued in their names. On May 4, 1970, Verna purchased Lot No. 4012-J. TCT No. T-25563 was cancelled and TCT No. T-43159²⁵ was issued in her name as a result. TCT No. T-43159 was renumbered as TCT No. (T-43159) T-8554²⁶ when the RD for Trece Martires City was created.²⁷

Respondents Heirs of Maxima alleged that Maxima purchased Lot No. 4012-K from Dionisio on July 21, 1967 and that TCT No. T-19313 was cancelled and TCT No. (T-25562) T-22749²⁸ was issued in lieu thereof.²⁹ Likewise, Heirs of Spouses Del Rosario alleged that Spouses Del Rosario purchased Lot No. 4012-L from Dionisio on April 24, 1968; thus, TCT No. T-19314 was cancelled and TCT No. (T-29268) T-69602³⁰ was issued in lieu thereof.³¹

To respondents' surprise, the RD for Trece Martires City sent them a letter on June 20, 2007 asking them to surrender the owner's duplicate copy of their respective titles for the purpose of annotating the adverse claim of Heirs of Spouses Deloy. Respondents complied. In addition to the annotation, the Heirs of Spouses Deloy also placed a notice on Lot Nos. 4012-J, 4012-K, and 4012-L that reads:³²

BABALA

Para sa kaalaman ng lahat:

Ang 3 parsela ng lupa na kilala bilang Lote 4012-K, 4012-L at 4012-J ay tunay na pag-aari ng mga mag-asawang Dionisio Deloy at Praxedes Martonito Deloy. Ang mga loteng ito ay nasasaklaw na

²³ Referred to as Spouses Gregorio and Iluminada Del Rosario in some parts of the *rollo* (see *id.* at 59, 71-72.)

²⁴ Records (Civil Case No. TMSCA-005-08), p. 326.

²⁵ *Id.* at 21.

²⁶ *Id.* at 22.

²⁷ *Rollo*, pp. 59-60.

²⁸ Records (Civil Case No. TMSCA-0008-07), p. 17.

²⁹ *Rollo*, p. 247.

³⁰ Records (Civil Case No. TMSCA-0008-07), p. 16.

³¹ *Rollo*, p. 247.

³² *Id.* at 60.

ngayon ng mga titulo na mayroong bilang gaya ng mga ss[.]:

para sa lote 4012-K – TCT No. T-81202

lote 4012-L – TCT No. T-81203

lote 4012-J – TCT No. T-81201

Ang pagkakaroon ng titulo na binabanggit sa itaas ay sang[-]ayon sa desisyon ng Court of Appeals Case No. CA-G.R. CV. No. 61119, na pinalabas ng nasabing hukuman noong Agosto 23, 2001, at naging final executory [sic] noong November 22, 2001.³³

Subsequently, the certificates of title of respondents were canceled and new ones were issued all in the name of Dionisio:³⁴

Old TCT No.	Lot No.	New TCT No.
(T-43159) T-8554	4012-J	T-81201
(T-25562) T-22749	4012-K	T-81202
(T-29268) T-69602	4012-L	T-81203

TCT Nos. T-81201, T-81202, and T-81203 were cancelled after the settlement of the Estate of Spouses Deloy. TCT No. 82597³⁵ was then issued in the name of Heirs of Spouses Deloy on January 25, 2008.³⁶ This prompted respondents to file their respective petitions for quieting of title or removal of the cloud thereof and damages with prayer for temporary restraining order and/or preliminary injunction before the RTC.³⁷ The case filed by Verna was docketed as Sp. Proc. Case No. TMSCA-005-08,³⁸ while the case filed by Heirs of Spouses Del Rosario and respondents Heirs of Maxima was docketed as Sp. Proc. Case No. TMSCA-0008-07.³⁹

Heirs of Spouses Deloy filed their Answers to the petitions before the RTC.⁴⁰ They alleged that the Special Power of Attorney (SPA), executed by respondent Verna to authorize Maurino J. Salazar (Maurino) to act as her attorney-in-fact, was ineffectual.⁴¹ They also argued that the cancellation of TCT No. (T-13784) RT 12612 should result in the cancellation of all the titles derived from it, pursuant to the ruling in the

³³ Records (Civil Case No. TMSCA-005-08), p. 295.

³⁴ *Rollo*, p. 60.

³⁵ *Id.* at 99.

³⁶ *Id.* at 61.

³⁷ *Id.* at 244-245.

³⁸ *Id.* at 156-169.

³⁹ *Id.* at 101-114.

⁴⁰ *Id.* at 214-222, 224-234.

⁴¹ *Id.* at 227.

Annulment Case.⁴² Thus, they argued that the titles of respondents were spurious and should be cancelled. As for the placement of the sign on the properties giving notice that Spouses Deloy are the real owners thereof, Heirs of Spouses Deloy asserted that it was simply an exercise of their right of ownership over the properties.⁴³

Nonetheless, the RTC subsequently declared that Heirs of Spouses Deloy were precluded from presenting their evidence due to their repeated failure to appear in court.⁴⁴

The RTC Ruling

The RTC ruled in favor of respondents in its Decision⁴⁵ dated April 24, 2012, the dispositive portion of which provides:

WHEREFORE, premises considered, judgment is hereby rendered:

Quieting the title and clearing any cloud of doubts that may appear in the subject property involved in these petitions:

(In Civil Case No. TMSCA-005-08)

- a. that TCT No. (T-43159) T-8554-TMC-08-1212 issued in the name of Verna R. Basa-Joaquin and entered on May 4, 1970 is declared to be valid and subsisting;
- b. that the annotations in entry nos. 26141 and 26142 at the back of TCT No. (T-43159) T-8554-TMC-08-1212 be cancelled and deleted;
- c. that the Register of Deeds of Trece Martires City is directed to cancel TCT No. T-82597-TMC-08-1385 in the names of the 'HEIRS OF SPOUSES DIONSIO DELOY AND PRAXEDES MARTONITO;
- d. the City Assessor of Trece Martires City is directed to cancel Tax Declaration No. 33-A;
- e. the private respondents are directed to pay P50,000.00 as reasonable attorney's fees.

⁴² Id. at 231-232.

⁴³ Id. at 216, 226.

⁴⁴ See Order dated August 16, 2011. Records (Civil Case No. TMSCA-005-08), p. 335; records (Civil Case No. TMSCA-0008-07), p. 264. Penned by Executive Judge Aurelio G. Icasiano, Jr.

⁴⁵ *Rollo*, pp. 244-254.

(In Civil Case No. TMSCA-008-07) [sic]

- a. that TCT No. (29268) T-69602 in the names of the late Spouses Mariano Del Rosario and Macaria Guevarra issued on April 24, 1968 and TCT No. (T-25562) T-22749 in the name of the late Maxima Guevarra issued on July 21, 1967 declared to be valid and subsisting;
- b. that the annotations in entry nos. 26141 and 26142 at the back of TCT No. (T-29268) T-69602 and TCT No. (T-25562) T-22749 be cancelled and deleted;
- c. That the Register of Deeds of Trece Martires City is directed to cancel TCT No. 81202 and TCT No. T-81203 both in the name of "DIONISIO DELOY married to PRAXEDES MARTONITO";
- d. that the City Assessor of Trece Martires City is directed to cancel Tax Declaration No. 1016-A and Tax Declaration No. 1017-A;
- e. The private respondents are directed to pay P50,000.00 as reasonable attorney's fees

And the Private Respondents are directed to pay the costs of suit.

SO ORDERED.⁴⁶ (Emphases in the original.)

According to the RTC, the problem arose from the implementation of the ruling of the CA in the Annulment Case. While the RD did not act in bad faith in cancelling all the derivative titles of TCT No. (T-13784) RT 12612, it failed to consider the properties of respondents. The RTC found the registration of the title over Lot Nos. 4012-J, 4012-K, and 4012-L, in the name of respondents to be in order as the certificates of title issued in their names were never declared to be missing. The RTC held that respondents' prayer for the quieting of title and removal of clouds should be granted because they are the real and true owners of Lot Nos. 4012-J, 4012-K, and 4012-L.⁴⁷

Heirs of Spouses Deloy filed a Motion for New Trial.⁴⁸ When the RTC denied it,⁴⁹ they appealed to the CA.⁵⁰

⁴⁶ Id. at 253-254.

⁴⁷ Id. at 250-253.

⁴⁸ Id. at 255-263.

⁴⁹ See Order dated July 11, 2012; id. at 267. Penned by Executive Judge Aurelio G. Icasiano, Jr.

⁵⁰ See Notices of Appeal dated July 26, 2012 and July 30, 2012. Records (Civil Case No. TMSCA-005-08), pp. 409-410; records (Civil Case No. TMSCA-0008-07), pp. 360-361.

The CA Ruling

The CA affirmed the RTC in its Decision⁵¹ dated March 12, 2018; thus:

WHEREFORE, premises considered, the appeal is **DENIED**. The Joint Decision dated April 24, 2012 of the Regional Trial Court of Trece Martires City, Branch 23, in Civil Case Nos. TMSCA-005-08 and TMSCA-0008-07 is hereby **AFFIRMED**.

SO ORDERED.⁵² (Emphases in the original.)

First, the CA held that the SPA executed by Verna sufficed because she acknowledged it before the Deputy Consul General. It accepted the SPA submitted by Heirs of Spouses Del Rosario in favor of Angelita Del Rosario-Zoleta (Angelita) when it was filed together with the formal offer of evidence of Heirs of Spouses Del Rosario and Heirs of Maxima in the RTC. It declared that any defects in respondents' Verification with Certification Against Forum Shopping are deemed cured by their subsequent submission of the necessary authorization of the party who executed it.⁵³

Second, the CA ruled that the RTC was correct in denying Heirs of Spouses Deloy's motion for new trial because of their failure to prove that fraud, accident, mistake, or excusable negligence prevented them from participating in the scheduled hearings. It also declared that their counsel cannot fault the RTC for sending notice to the collaborating counsel because notice to one of several counsels is notice to all.⁵⁴

Finally, the CA held that respondents were able to prove by preponderance of evidence that they have titles over Lot Nos. 4012-J, 4012-K, and 4012-L.⁵⁵ It found nothing that would compel Spouses Basa, Spouses Del Rosario, and Maxima to investigate any hidden defects on the certificates of title possessed by Dionisio at the time they purchased the lots from him.⁵⁶ It also ruled that Heirs of Spouses Deloy failed to show that the titles issued to respondents were attended by fraud. It noted that the registration of TCT No. T-25563-171 in Iluminada's name is consistent with the annotation at the back of TCT No. T-19312.

⁵¹ *Rollo*, pp. 53-73-A.

⁵² *Id.* at 73.

⁵³ *Id.* at 65-66.

⁵⁴ *Id.* at 66-68.

⁵⁵ *Id.* at 70.

⁵⁶ *Id.* at 70-71.

With respect to the transfer of the title over Lot No. 4012-J after Spouses Basa passed away, the CA noted the fact that respondent Verna remains as their heir and is a compulsory co-owner of the property together with the other heirs. According to the CA, the registration of the title over Lot No. 4012-J in Verna's name created an implied trust between her and the other heirs pursuant to Article 1451⁵⁷ of the Civil Code of the Philippines (Civil Code). As for the titles of Spouses Del Rosario and Maxima, the CA observed that Heirs of Spouses Deloy did not raise any argument questioning its validity; and even assuming that the titles of respondents were declared defective in the Annulment Case, it stressed that such ruling is not binding upon them as they were not impleaded in the case.⁵⁸

Heirs of Spouses Deloy filed a motion for reconsideration.⁵⁹ After the CA denied it,⁶⁰ they filed a Petition for Review on *Certiorari*⁶¹ before the Court.

The Issues

- I. Whether the CA erred in finding that respondents substantially complied with the requirement of a certificate of non-forum shopping;
- II. Whether the CA erred in upholding the RTC's denial of petitioners Heirs of Spouses Deloy's motion for new trial; and
- III. Whether the CA erred in affirming the RTC's ruling to grant respondents' petitions to quiet title.⁶²

The Court's Ruling

The Court grants the petition.

⁵⁷ ARTICLE 1451. When land passes by succession to any person and he causes the legal title to be put in the name of another, a trust is established by implication of law for the benefit of the true owner.

⁵⁸ *Rollo*, pp. 71-73.

⁵⁹ *Id.* at 328-333.

⁶⁰ See Resolution dated August 24, 2018; *id.* at 76-77.

⁶¹ *Id.* at 16-47.

⁶² See *id.* at 29.

Admittedly, the issues raised in the petition are factual in nature and are therefore, as a general rule, not for the Court to entertain. However, an exception applies in the case: the ruling of the CA is “premised on a misapprehension of facts or a failure to consider certain relevant facts which, if properly considered, would justify a different conclusion.”⁶³

Respondents substantially complied with the requirement of a certificate of non-forum shopping.

Section 5, Rule 7 of the Rules of Court requires the filing of a certificate against forum shopping, viz.:

SECTION 5. *Certification Against Forum Shopping.* — The plaintiff or principal party shall certify under oath in the complaint or other initiatory pleading asserting a claim for relief, or in a sworn certification annexed thereto and simultaneously filed therewith: (a) that he has not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency and, to the best of his knowledge, no such other action or claim is pending therein; (b) if there is such other pending action or claim, a complete statement of the present status thereof; and (c) if he should thereafter learn that the same or similar action or claim has been filed or is pending, he shall report that fact within five (5) days therefrom to the court wherein his aforesaid complaint or initiatory pleading has been filed.

Failure to comply with the foregoing requirements shall not be curable by mere amendment of the complaint or other initiatory pleading but shall be cause for the dismissal of the case without prejudice, unless otherwise provided, upon motion and after hearing. The submission of a false certification or non-compliance with any of the undertakings therein shall constitute indirect contempt of court, without prejudice to the corresponding administrative and criminal actions. If the acts of the party or his counsel clearly constitute willful and deliberate forum shopping, the same shall be ground for summary dismissal with prejudice and shall constitute direct contempt, as well as a cause for administrative sanctions.⁶⁴

⁶³ See *Lorenzana v. Lelina*, 793 Phil. 271, 280-281 (2016).

⁶⁴ Under A.M. No. 19-10-20-SC (October 15, 2019), the provision now reads:

SECTION 5. *Certification against Forum Shopping.* — The plaintiff or principal party shall certify under oath in the complaint or other initiatory pleading asserting a claim for relief, or in a sworn certification annexed thereto and simultaneously filed therewith: (a) that he [or she] has not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency and, to the best of his [or her] knowledge, no such other action or claim is pending therein; (b) if there is such other pending action or claim, a complete statement

There is no question that respondents submitted a Verification and Certification Against Forum Shopping. However, Heirs of Spouses Deloy assail the lack of authority of the persons who signed it.⁶⁵ Maurino signed the Verification and Certification for Verna; while Angelita signed it for Heirs of Spouses Del Rosario and Heirs of Maxima. Verna attached a photocopy of the SPA that she executed together with the Acknowledgment issued by the Consulate General of the Philippines in San Francisco, California.⁶⁶ She submitted the original copy⁶⁷ thereof when she filed her formal offer of evidence.⁶⁸ As for Heirs of Spouses Del Rosario and Maxima, they submitted the original copy of the SPAs in favor of Angelita when they formally offered their evidence.⁶⁹

The Court has ruled that the belated submission of the proof of authority to sign the verification and certification against forum shopping is substantial compliance with the requirement under the Rules of Court.⁷⁰ Accordingly, respondents' belated submission of the original copies of the SPA proving that Maurino and Angelita were authorized to sign respondents' Verification and Certification Against Forum Shopping is not fatal to their cause.

In any case, the Court stresses that the rules on verification and forum shopping should not be interpreted with such absolute literalness as to subvert their own ultimate and legitimate objectives of promoting and facilitating the orderly administration of justice.⁷¹

In the recent case of *Torres v. Republic*,⁷² the Court clarified that “the requirement of strict compliance with the provisions on certification

of the present status thereof; and (c) if he [or she] should thereafter learn that the same or similar action or claim has been filed or is pending, he [or she] shall report that fact within five (5) calendar days therefrom to the court wherein his [or her] aforesaid complaint or initiatory pleading has been filed.

The authorization of the affiant to act on behalf of a party, whether in the form of a secretary's certificate or a special power of attorney, should be attached to the pleading.

Failure to comply with the foregoing requirements shall not be curable by mere amendment of the complaint or other initiatory pleading but shall be cause for the dismissal of the case without prejudice, unless otherwise provided, upon motion and after hearing. The submission of a false certification or non-compliance with any of the undertakings therein shall constitute indirect contempt of court, without prejudice to the corresponding administrative and criminal actions. If the acts of the party or his [or her] counsel clearly constitute willful and deliberate forum shopping, the same shall be ground for summary dismissal with prejudice and shall constitute direct contempt, as well as a cause for administrative sanctions.

⁶⁵ *Rollo*, pp. 30-34.

⁶⁶ Records (Civil Case No. TMSA-005-08), pp. 16-18.

⁶⁷ *Id.* at 291-293.

⁶⁸ *Id.* at 284-290.

⁶⁹ Records (Civil Case No. TMSA-0008-07), pp. 249-250, 254-255.

⁷⁰ *Dizon v. Matti, Jr.*, G.R. No. 215614 (Resolution), March 27, 2019.

⁷¹ *Fernandez v. Villegas*, G.R. No. 200191, August 20, 2014.

⁷² G.R. No. 247490, March 2, 2022.

against forum shopping merely underscores its mandatory nature to the effect that the certification cannot altogether be dispensed with or its requirements completely disregarded.”

The RTC was correct in denying the Heirs of Spouses Deloy's motion for new trial.

In its Order dated August 16, 2011, the RTC declared that Heirs of Spouses Deloy were precluded from presenting their evidence due to their repeated failure to appear in court.

A party declared in default may file a motion for new trial after judgment has been promulgated but before it attains finality.⁷³ The grounds for a motion for new trial under Section 1, Rule 37 of the Rules of Court, as amended, are as follows: (1) fraud, accident, mistake or excusable negligence which ordinary prudence could not have guarded against and by reason of which such aggrieved party has probably been impaired in his or her rights; or (2) newly discovered evidence, which he or she could not, with reasonable diligence, have discovered, and produced at the trial, and which if presented would probably alter the result.

Heirs of Spouses Deloy argued that the fact that they and their counsel failed to receive notices of the hearings for the presentation of their evidence is tantamount to extrinsic or collateral fraud, accident, mistake, or excusable negligence that should have justified the conduct of a new trial.⁷⁴

The Court disagrees.

Extrinsic or collateral fraud refers to “any fraudulent act of the prevailing party in litigation committed outside of the trial of the case, where the defeated party is prevented from fully exhibiting his [or her] side by fraud or deception practiced on him [or her] by his [or her] opponent, such as by keeping him [or her] away from court, by giving him [or her] a false promise of a compromise, or where an attorney fraudulently or without authority connives at his [or her] defeat.”⁷⁵ Petitioners Heirs of Spouses Deloy did not allege that respondents committed any act that prevented them from participating in the case, or

⁷³ *National Power Corp. v. Baysic*, G.R. No. 213893, September 25, 2019, citing *David v. Judge Gutierrez-Fruelda*, 597 Phil. 354, 361 (2009).

⁷⁴ *Rollo*, pp. 39-40.

⁷⁵ *Santos v. Santos*, G.R. No. 214593, July 17, 2019, citing *Lasala v. National Food Authority*, 767 Phil. 285, 301 (2015).

that their own counsels betrayed them. As such, there is no extrinsic or collateral fraud in the case.

Accident pertains to something that occurred by chance,⁷⁶ while mistake refers to mistake of fact and not of law and does not cover judicial errors by the trial court that can be corrected on appeal.⁷⁷ Heirs of Spouses Deloy did not expound on how their purported failure to receive notices of the hearings qualifies as an accident or mistake.

Negligence is excusable when it is so gross “that ordinary diligence and prudence could not have guarded against it.” It must be imputable to the party-litigants and not to their counsel.⁷⁸ Heirs of Spouses Deloy did not allege that they were negligent with respect to the case. Hence, the motion for new trial cannot be granted on the ground of excusable negligence.

In truth, Heirs of Spouses Deloy’s motion for new trial is grounded on the alleged violation of their right to due process for failure to receive notices of the hearings for the presentation of their evidence.⁷⁹ In his Affidavit of Merit⁸⁰ attached to the Motion for New Trial⁸¹ in Civil Case No. TMSCA-0008-07, Atty. Gabriel B. Octava (Atty. Octava), counsel for Heirs of Spouses Deloy, declared that the notices for the hearings scheduled on April 14, 2011, May 26, 2011, and June 16, 2011 were not served upon his law office. He further stated that the RTC Order dated August 16, 2012 directing the filing of a memorandum was only addressed to respondents and that he would have filed a memorandum for his clients if he were ordered to do so.⁸²

Atty. Francesca R. Custodio (Atty. Custodio), collaborating counsel for Heirs of Spouses Deloy, made similar assertions in her Affidavit of Merit⁸³ attached to the Motion for New Trial⁸⁴ in Civil Case No. TMSCA-005-08. She asserted that notices for the hearings scheduled on April 14, 2011, May 26, 2011, and June 16, 2011 were not served upon her law office. Although she stated that a copy of the Order dated August 16, 2012 was sent to the address of Atty. Octava, she

⁷⁶ *Spouses Leung v. Banco De Oro Unibank, Inc.*, G.R. No. 226780 (Notice), November 9, 2016.

⁷⁷ *City of Dagupan v. Maramba*, 738 Phil. 71, 91 (2014).

⁷⁸ *Id.* at 90.

⁷⁹ *Rollo*, pp. 40-41.

⁸⁰ Records (Civil Case No. TMSCA-0008-07), p. 325.

⁸¹ *Id.* at 316-323.

⁸² *Id.* at 325.

⁸³ Records (Civil Case No. TMSCA-005-08), p. 384.

⁸⁴ *Id.* at 373-382.

denied receiving one herself.⁸⁵ Notably, Policarpio Deloy, the duly appointed representative of petitioners Heirs of Spouses Deloy, did not deny receiving notices from the RTC in his Affidavits of Merit for Civil Case Nos. TMSCA-005-08 and TMSCA-0008-07.⁸⁶

Section 13, Rule 13 of the 1997 Rules of Court, as amended, states what constitutes proof of service:

SECTION 13. *Proof of Service.* — Proof of personal service shall consist of a written admission of the party served, or the official return of the server, or the affidavit of the party serving, containing a full statement of the date, place and manner of service. If the service is by ordinary mail, proof thereof shall consist of an affidavit of the person mailing of facts showing compliance with Section 7 of this Rule. If service is made by registered mail, proof shall be made by such affidavit and the registry receipt issued by the mailing office. The registry return card shall be filed immediately upon its receipt by the sender, or in lieu thereof the unclaimed letter together with the certified or sworn copy of the notice given by the postmaster to the addressee.⁸⁷

In Civil Case No. TMSCA-005-08, the RTC Order⁸⁸ dated May 26, 2011 does not indicate how it was served to Heirs of Spouses Deloy, while the RTC Order⁸⁹ dated June 16, 2011 appears to have been mailed to Atty. Custodio and Atty. Octava on June 30, 2011. The latter Order was allegedly delivered to Atty. Custodio on July 6, 2011. However, there is no proof of receipt for both of the aforementioned Orders in accordance with Section 13.

⁸⁵ Id. at 384.

⁸⁶ Records (Civil Case No. TMSCA-005-08), p. 383; records (Civil Case No. TMSCA-0008-07), p. 324.

⁸⁷ Under A.M. No. 19-10-20-SC (October 15, 2019), the provision now reads:

SECTION 17. *Proof of Service.* — Proof of personal service shall consist of a written admission of the party served, or the official return of the server, or the affidavit of the party serving, containing a statement of the date, place and manner of service. If the service is made by:

(a) Ordinary mail. — Proof shall consist of an affidavit of the person mailing stating the facts showing compliance with [S]ection 7 of this Rule.

(b) Registered mail. — Proof shall be made by [the] affidavit mentioned above and the registry receipt issued by the mailing office. The registry return card shall be filed immediately upon its receipt by the sender, or in lieu thereof[,] the unclaimed letter together with the certified or sworn copy of the notice given by the postmaster to the addressee.

(c) Accredited courier service. — Proof shall be made by an affidavit of service executed by the person who brought the pleading or paper to the service provider, together with the courier's official receipt or document tracking number.

(d) Electronic mail, facsimile, or other authorized electronic means of transmission. — Proof shall be made by an affidavit of service executed by the person who sent the e-mail, facsimile, or other electronic transmission, together with a printed proof of transmittal.

⁸⁸ Records (Civil Case No. TMSCA-005-08), p. 331. Penned by Executive Judge Aurelio G. Icasiano, Jr.

⁸⁹ Id. at 333. Penned by Executive Judge Aurelio G. Icasiano, Jr.

Similarly, there is no proof of receipt of the RTC Orders dated April 14, 2011⁹⁰ and June 16, 2011⁹¹ in Civil Case No. TMSCA-0008-07. The Order dated April 14, 2011 was supposedly mailed to Atty. Octava on May 2, 2011, while the Order dated June 16, 2011 has no indication of its mode of service.

To clarify though, on record, there is no Order dated April 14, 2011 in Civil Case No. TMSCA-005-08 and no Order dated May 26, 2011 in Civil Case No. TMSCA-0008-07.

Nonetheless, the lack of proof of receipt of the foregoing Orders is not enough basis to overturn the RTC Order⁹² dated August 16, 2011 declaring Heirs of Spouses Deloy in default. Atty. Custodio moved for the postponement of the hearing on March 24, 2011 in Civil Case No. TMSCA-005-08 so that it may be scheduled jointly with Civil Case No. TMSCA-0008-07.⁹³ The RTC previously issued an Order⁹⁴ on March 19, 2011 in Civil Case No. TMSCA-0008-07 setting the hearing for Heirs of Spouses Deloy's case on April 14, 2011. Neither Heirs of Spouses Deloy nor their counsel denied receiving a copy of this Order. Yet, they did not appear on April 14, 2011 or offer any justification for their absence.⁹⁵

Curiously, Atty. Octava received a copy of the RTC Order dated August 16, 2011 in both Civil Case Nos. TMSCA-005-08 and TMSCA-0008-07 notifying him that the Heirs of Spouses Deloy were precluded from presenting their evidence due to their repeated failure to appear on the scheduled hearing.⁹⁶ Though Atty. Octava argued that he would have filed a memorandum if he were ordered to do so by the RTC, there was nothing that prevented him from asking the court to allow him to file a memorandum for his clients. Heirs of Spouses Deloy likewise did not move to set aside the order declaring them in default.

As for the lack of notice to Atty. Custodio, it is well-settled that notice to one of the party's several counsels is notice to all the counsels.⁹⁷ Her lack of receipt is of no moment in light of Atty. Octava's

⁹⁰ Records (Civil Case No. TMSCA-0008-07), p. 260.

⁹¹ Id. at 262. Penned by Executive Judge Aurelio G. Icasiano, Jr.

⁹² Records (Civil Case No. TMSCA-005-08), p. 335 and Records (Civil Case No. TMSCA-0008-07), p. 264. Penned by Executive Judge Aurelio G. Icasiano, Jr.

⁹³ See Motion to Postpone Date of Hearing dated March 15, 2011; records (Civil Case No. TMSCA-005-08), pp. 328-329.

⁹⁴ Records (Civil Case No. TMSCA-0008-07), p. 258. Penned by Executive Judge Aurelio G. Icasiano, Jr.

⁹⁵ Id. at 259.

⁹⁶ Records (Civil Case No. TMSCA-005-08), p. 335.

⁹⁷ *Phil. Asset Growth Two, Inc. v. Fastech Synergy Phils., Inc.* 788 Phil. 355, 372 (2016).

receipt of a copy of the Order dated August 16, 2011. All told, Heirs of Spouses Deloy cannot validly claim that the RTC did not give them the opportunity to be heard. They offered no explanation, acceptable or otherwise, for being remiss in protecting their interest. Accordingly, their motion for new trial is bereft of merit.

Respondents failed to prove that their petition to quiet title is meritorious.

An action to quiet title is based on Article 476 of the Civil Code which provides:

ARTICLE 476. Whenever there is a cloud on title to real property or any interest therein, by reason of any instrument, record, claim, encumbrance or proceeding which is apparently valid or effective but is in truth and in fact invalid, ineffective, voidable, or unenforceable, and may be prejudicial to said title, an action may be brought to remove such cloud or to quiet the title.

An action may also be brought to prevent a cloud from being cast upon title to real property or any interest therein.

Based on the foregoing, an action to quiet title has the following requisites: “(1) the plaintiff or complainant must have a legal or an equitable title to or interest in the real property subject of the action; and (2) the deed, claim, encumbrance, or proceeding claimed to be casting cloud on his [or her] title must be shown to be in fact invalid or inoperative despite its *prima facie* appearance of validity or legal efficacy.”⁹⁸ Legal title refers to registered ownership while equitable title refers to beneficial ownership.⁹⁹

Respondents were the registered owners of Lot Nos. 4012-J, 4012-K, and 4012-L under TCT Nos. T-8554-TMC-08-1212, T-22749, and T-69602, respectively. But, these certificates of title were cancelled after Heirs of Spouses Deloy obtained a favorable ruling in the Annulment Case. The claim of Heirs of Spouses Deloy was initially annotated on the certificates of title of respondents. They were able to secure certificates of title in their names after the settlement of the Estate of Spouses Deloy.¹⁰⁰

While only TCT Nos. T-19127 and T-19127 were declared null and void in its decision in the Annulment Case, the CA discussed the

⁹⁸ *Gatmaytan v. Misibis Land, Inc.*, G.R. No. 222166, June 10, 2020.

⁹⁹ *Delos Reyes, v. Municipality of Kalibo, Aklan*, 826 Phil. 617, 623 (2018).

¹⁰⁰ *Rollo*, pp. 60-61.

propriety of reconstitution and ordered the cancellation of the reconstituted title itself, TCT No. (T-13784) RT-12612,¹⁰¹ which lists the Province of Cavite as one of the owners of Lot No. 4012. Respondents derived their certificates of title, TCT Nos. (T-43159) T-8554, (T-25562) T-22749, and (T-29268) T-69602, from TCT Nos. T-19312, T-19313, and T-19314,¹⁰² which in turn were derived from TCT No. (T-13784) RT-12612.¹⁰³

A reconstituted title that was issued through fraud, deceit, misrepresentation, or other machination cannot be the source of legitimate rights and benefits.¹⁰⁴ Nonetheless, the validity of TCT Nos. (T-43159) T-8554, (T-25562) T-22749, and (T-29268) T-69602, may be upheld if it is shown that respondents obtained their title in good faith and for value.¹⁰⁵

As stated in the CA Decision in the Annulment Case:

Praxedes is not aware of any sale or transfer of any portions of the subject property in favor of third persons except those in favor of Spouses Paredes and Tomasa Figueroa, and a deed of donation in favor of Communications and Electricity Development (CEDA), a government agency, over an area of 680 square meters. x x x¹⁰⁶

Even so, the CA did not rule on the validity of the sale of Lot Nos. 4012-J, 4012-K, and 4012-L in the Annulment Case. To reiterate, only TCT Nos. T-19127 and T-19128, the certificates of title in the name of the Province of Cavite, were declared null and void as they were issued without any basis.¹⁰⁷ With respect to the other transactions concerning Lot No. 4012, the CA explained:

x x x Any deeds of transfer validly made and properly registered subsequent to the issuance of the title on April 21, 1959 should merely be annotations on the Memorandum of Encumbrances until the registrant-interested party pays the registration and transfer fees, taxes, and all necessary charges. Only then shall the reconstituted TCT No. (T-13784) RT-12612 be

¹⁰¹ Records (Civil Case No. TMSCA-005-08), p. 49; records (Civil Case No. TMSCA-0008-07), p. 45.

¹⁰² See Records (Civil Case No. TMSCA-005-08), pp. 22, 326; records (Civil Case No. TMSCA-0008-07), pp. 16-17.

¹⁰³ See *Rollo*, pp. 85, 91-93.

¹⁰⁴ See *National Housing Authority v. Laurito*, 814 Phil. 1019, 1037 (2017). See also *Eastworld Motor Industries Corp. v. Skunac Corp.*, 514 Phil. 605, 613-614 (2005).

¹⁰⁵ See *Muñoz v. Yabut, Jr.*, 665 Phil. 488 (2011).

¹⁰⁶ *Rollo*, pp. 144-145.

¹⁰⁷ *Id.* at 155.

cancelled and new title/titles issued to the transferees in accordance with law.¹⁰⁸

Thus, the dispositive portion of the CA decision in the Annulment Case in part reads:

The Register of Deeds is directed to cancel the reconstituted TCT No. (T-13784) RT-12612 and re-issue a new one in its original form, without prejudice to the annotation of subsequent dealings thereon. The cancellation of such title and the issuance of new titles in lieu thereof shall be made only after compliance with Section 51 of PD 1529 and other pertinent laws.

SO ORDERED.¹⁰⁹ (Emphases in the original.)

The CA recognized in the Annulment case that there may have been valid transactions regarding Lot No. 4012 notwithstanding the erroneous reconstitution of TCT No. 13784. Indeed, an innocent purchaser for value may acquire ownership over the property even if he or she traces his or her title from a reconstituted certificate of title that is null and void.¹¹⁰

The question now is whether respondents were able to prove that they validly acquired ownership over Lot Nos. 4012-J, 4012-K, and 4012-L.

Respondents offered copies of TCT Nos. (T-43159) T-8554, (T-25562) T-22749, and (T-29268) T-69602, as evidence of their ownership.¹¹¹ However, these certificates of title cannot be relied upon to prove the validity of the transfer of ownership considering that they were derived from a void reconstituted title.

Verna did not present a copy of any instrument evincing the sale of Lot No. 4012-J from Dionisio to her parents, or the sale from her parents to herself. She admitted during her testimony that there is no documentary proof of the sale between Dionisio and her parents Spouses Basa.¹¹² In addition, the tax declaration presented by respondent Verna was for the year 2001 followed by a certification from the City Treasurer of Trece Martires City that real property tax was paid for the years 2006

¹⁰⁸ Id. at 154.

¹⁰⁹ Id. at 155.

¹¹⁰ See *Eastworld Motor Industries Corp. v. Skunac Corp.*, supra at 613.

¹¹¹ Records (Civil Case No. TMSCA-005-08), p. 285; records (Civil Case No. TMSCA-0008-07), p. 224.

¹¹² TSN (Civil Case No. TMSCA-005-08), September 25, 2009, p. 3.

to 2007.¹¹³ It is well-settled that tax declarations, by themselves, do not prove ownership.¹¹⁴ This is more so in the case where Spouses Basa supposedly purchased the property in 1967 but real property taxes were only paid in 2001. As such, the Court finds that the evidence presented by Verna is not enough to prove that Dionisio sold Lot No. 4012-J to her parents Spouses Basa.

The Court similarly finds wanting the evidence of the sale of Lot Nos. 4012-K and 4012-L to Spouses Del Rosario and Maxima, respectively. Heirs of Spouses Del Rosario and Heirs of Maxima formally submitted a “certified Xerox copy” of the Deeds of Absolute Sale with Dionisio.¹¹⁵ Angelita identified the document in court.¹¹⁶ It is notable though that a copy thereof does not appear in the records.¹¹⁷ Aside from the DOAS, the Heirs of Spouses Del Rosario presented tax declarations in the name of Spouses Del Rosario and Maxima issued for the year 2001.¹¹⁸ They also presented a certification from the City Treasurer of Trece Martires City that the real property tax for the respective properties of Spouses Del Rosario and Maxima for the year 2007 has been paid.¹¹⁹ However, as stated above, tax declarations are not conclusive evidence of ownership.¹²⁰ The dearth of evidence regarding Lot Nos. 4012-K and 4012-L, which were supposedly transferred way back in 1967 and 1968, respectively, renders the existence of the sale doubtful.

In sum, respondents were unable to prove that their predecessors-in-interest validly purchased Lot Nos. 4012-J, 4012-K, and 4012-L from Dionisio. As such, their petitions for quieting of title cannot be granted for lack of basis.

WHEREFORE, the petition is **GRANTED**. The Decision dated March 12, 2018 and the Resolution dated August 24, 2018 of the Court of Appeals in CA-G.R. CV No. 102176 are **REVERSED** and **SET ASIDE**. The petitions for quieting of title or removal of the cloud thereof and damages with prayer for temporary restraining order and/or preliminary injunction filed by respondents Verna R. Basa-Joaquin, as

¹¹³ Records (Civil Case No. TMSCA-005-08), pp. 23-24.

¹¹⁴ See *Heirs of Casiño, Sr. v. Development Bank of the Philippines, Malaybalay Branch, Bukidnon*, G.R. Nos. 204052-53, March 11, 2020.

¹¹⁵ Records (Civil Case No. TMSCA-0008-07), p. 227.

¹¹⁶ TSN (Civil Case No. TMSCA-0008-07), June 17, 2008, p. 25-32.

¹¹⁷ *CA rollo*, p. 11.

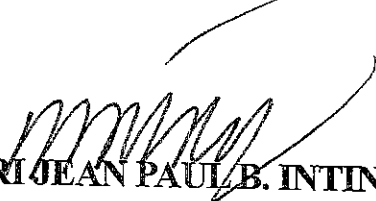
¹¹⁸ Records (Civil Case No. TMSCA-0008-07), pp. 18-19.

¹¹⁹ *Id.* at 20-21.

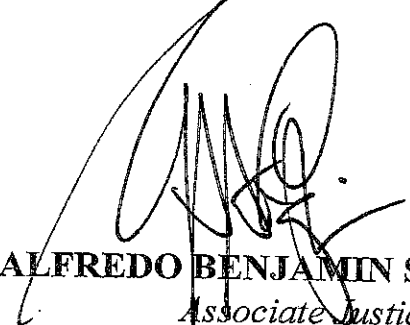
¹²⁰ See *Heirs of Casiño, Sr. v. Development Bank of the Philippines, Malaybalay Branch, Bukidnon*, G.R. Nos. 204052-53, *supra*.


represented by her Attorney-in-Fact Maurino J. Salazar, the Heirs of Spouses Mariano Del Rosario and Macaria Guevarra, and the Heirs of Maxima Guevarra, as represented by Angelita G. Del Rosario-Zoleta, are hereby **DISMISSED**.


SO ORDERED.


HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:


ALFREDO BENJAMIN S. CAGUTOA
Associate Justice
Chairperson

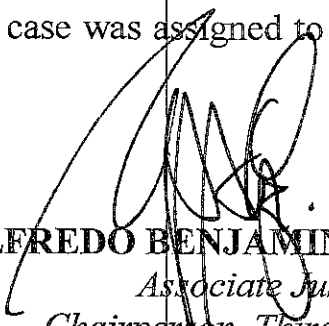

MARVIC M.V.F. LEONEN
Associate Justice


SAMUEL H. GAERLAN
Associate Justice


MARIA FILOMENA D. SINGH
Associate Justice

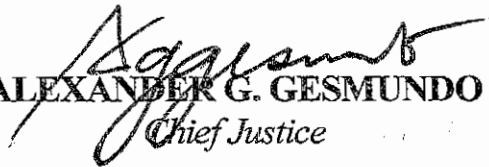
ATTESTATION

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.


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson, Third Division

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.


ALEXANDER G. GESMUNDO
Chief Justice

