



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated February 15, 2023, which reads as follows:

“G.R. No. 263823 (Roger T. Tindugan v. Althorp Landholdings, Inc.).
– The Court **GRANTS** petitioner’s motion for extension of thirty (30) days from the expiration of the reglementary period within which to file a petition for review on *certiorari*.

This is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court which assails the Resolutions dated April 29, 2022² and October 4, 2022³ issued by the Court of Appeals (CA) in CA-G.R. SP No. 170022-UDK, dismissing the appeal of Roger T. Tindugan (petitioner) and considering the case abandoned.

Factual Antecedents

On November 5, 2017, Althorp Landholdings, Inc. (respondent) lodged a Complaint⁴ for recovery of possession and damages against petitioner before the Municipal Trial Court in Cities (MTCC), Bacoor City, Cavite, concerning a 72 square meter (sq. m.) portion of a 10,000 sq. m. parcel of land (subject property) identified as Lot No. 5795-C-5, covered by Transfer Certificate of Title (TCT) No. T-167-2016025609,⁵ and located in Sitio Malipay III, Barangay Molino IV, Bacoor City, Cavite.⁶

Respondent alleged, *inter alia*, that: it is the registered owner of the subject property and has been religiously paying real property taxes due thereon; without its consent, petitioner unlawfully took possession, occupied, and built a house of light materials on the 72 sq. m. portion (disputed portion) thereof; petitioner continues to occupy the same without paying rent; and as the lawful owner of the subject property, it has a right of action against petitioner to

¹ *Rollo*, pp. 8-36.

² *Id.* at 401-402; penned by Associate Justice Jennifer Joy C. Ong, with Associate Justices Geraldine C. Fiel-Macaraig and Ruben Reynaldo G. Roxas concurring.

³ *Id.* at 416-418.

⁴ *Id.* at 37-43.

⁵ *Id.* at 46-48.

⁶ *Id.* at 38-39.

recover its possession.⁷

Thus, respondent prayed that petitioner be ordered to immediately vacate and surrender possession of the disputed portion, as well as to demolish and/or remove the structure built thereon at his own expense. Respondent likewise claimed compensatory damages, exemplary damages, and attorney's fees in the amount of ₱50,000.00 each, plus cost of suit.⁸

On March 8, 2018, the MTCC granted the motion to consolidate the present case, docketed as Civil Case No. 2017-4517, with those similarly situated as petitioner, involving portions of either the subject property or three other properties supposedly owned by respondent.⁹ However, no order of consolidation was issued by the MTCC.¹⁰

In his Answer with Counterclaim and Motion to Dismiss,¹¹ petitioner averred the following: that he and his predecessor-in-interest, known as the Rodriguez Estate, have been in open, continuous, exclusive, and notorious possession of the subject property in the concept of an owner for more than 30 years; that believing in good faith that the land is titled and owned by the Rodriguez Estate, he built a house on the disputed portion he was authorized to occupy, as evidenced by the Certificate of Occupancy issued to him; that his possession was way before the registration of the subject property, containing the disputed portion, under respondent's name; that respondent was never in possession of the disputed portion; that he can be considered the owner of the disputed portion by virtue of acquisitive prescription; and that the transfer certificate of title, from which respondent anchors its right over the disputed portion of the subject property, is spurious and fake.¹²

Petitioner asserted that the MTCC has no jurisdiction over the case because the assessed value of the subject property exceeds ₱20,000.00. Petitioner went on to state that respondent's action was neither unlawful detainer nor forcible entry, within the jurisdiction of first level courts, since there was no allegation as to how and when he entered the disputed portion. Absent which, petitioner argued that there was no means to determine where to reckon the one-year period of dispossession. Corollarily, petitioner maintained that the proper remedy of respondent would be to file an *accion publiciana* before the proper Regional Trial Court.¹³

Moreover, petitioner contended that he never received a demand letter to vacate and respondent failed to submit the case for mandatory barangay conciliation. By way of counterclaim, petitioner prayed for the award of moral

⁷ Id.
⁸ Id. at 39-40.
⁹ Id. at 317.
¹⁰ Id. at 357.
¹¹ Id. at 52-62.
¹² Id. at 52-53 and 59.
¹³ Id. at 53-58.

damages and attorney's fees amounting to ₱100,000.00 each, plus cost of suit.¹⁴

Thereafter, joint trial on the merits ensued.¹⁵ In a Judgment¹⁶ dated November 14, 2019, the MTCC ruled in favor of respondent, the *fallo* of which reads:

WHEREFORE, in view of the foregoing, Judgment is hereby rendered in favor of the plaintiff, **ALTHORP LAND HOLDINGS INC.**

Defendant, **ROMEO REAZON, NOLAN AÑONUEVO, SR., ALLAN BALAJADIA, MICHAEL TONOG, LOPITO GALBAN, ALLAN SAROCA, EDWIN SAMONTE, NORIE SAMONTE, RAMIEL BAUTISTA, RELLY BORJAL, ROGER TINDUGAN, RUEL INCILA** and all persons acting for and on their behalf and/or persons claiming rights under them, are hereby Ordered:

1. To vacate and turn over to the plaintiff the possession of the subject properties containing an area of One Hundred square meters (100 sqm.) as to Romeo Reazon in Lot 5795-A-1; Forty square meters (40 sqm.) as to Nolan Añonuevo, Sr. in Lot 5795-A-1; Thirty Five square meters (35 sqm.) as to Allan Balajadia in Lot 5795-A-1; Ninety Seven square meters (97 sqm.) as to Michael Tonog in Lot 5795-A-2; Sixty square meters (60 sqm.) as to Lopito Galban in Lot 5795-A-3; Fifty Five square meters (55 sqm.) as to Allan Saroca in Lot 5795-C-5; Forty Eight square meters (48 sqm.) as to Edwin Samonte in Lot 5795-C-5; Fifty square meters (50 sqm.) as to Norie Samonte in Lot 5795-C-5; Thirty Six square meters (36 sqm.) as to Ramiel Bautista in Lot 5795-C-5; Thirty Five square meters (35 sqm.) as to Relly Borjal in Lot 5795-C-5; Seventy Two square meters (72 sqm.) as to Roger Tindugan in Lot 5795-C-5; Seventy Seven square meters (77 sqm.) as to Ruel Incila in Lot 5795-C-5 all located at Sitio Malipay III, Brgy. Molino IV, Bacoor, Cavite and demolish all illegal structures that they built thereon at their own expense;
2. To pay Plaintiff the amount of FIFTY THOUSAND PESOS (Php50,000.00) each by way of compensatory damages;
3. To pay Plaintiff the amount of FIFTY THOUSAND PESOS (Php50,000.00) each by way of exemplary damages;
4. To pay Plaintiff Attorney's Fees of FIFTY THOUSAND PESOS (Php50,000.00), each and cost of suit.

SO ORDERED.¹⁷ (Underscoring supplied)

At the outset, the MTCC clarified that pursuant to Republic Act No. 7691, the first level court's jurisdiction has been expanded to include other actions involving title to or possession of real property (*accion publiciana* and

¹⁴ Id. at 58.

¹⁵ Id. at 357.

¹⁶ Id. at 313-326; penned by Judge Maria Luwalhati C. Cruz.

¹⁷ Id. at 325-326.

reivindicatoria) where the assessed value of the property does not exceed ₱20,000.00 (or ₱50,000.00 for actions filed in Metro Manila). Thus, the MTCC ruled that it has jurisdiction over respondent's action for recovery of possession of the disputed portion based on its alleged proportional assessed value of ₱648.00 in the Complaint. The MTCC found logic on the computation arrived at by respondent, *i.e.* taking the value of the disputed portion over the total value of the subject property as shown in the Tax Declaration.¹⁸

The MTCC declared that respondent has the better right to possess the disputed portion of the subject property because its right is based on ownership recognized by TCT No. T-167-2016025609 registered and titled under its name *vis-à-vis* the title of the Rodriguez Estate, TCT No. 38400, which actually pertains to a parcel of land located in Parañaque City. The MTCC held further that petitioner, along with many others, is not allowed to collaterally attack respondent's title duly issued under the Torrens System of registration.¹⁹

Lastly, the MTCC awarded compensatory damages in favor of respondent, relying on the testimony of its witness that it lost a business opportunity because of the unlawful occupation by petitioner. The MTCC also granted exemplary damages and attorney's fees as petitioner was deemed a builder in bad faith and respondent was compelled to litigate to protect its interest, respectively.²⁰

On appeal, the Regional Trial Court (RTC) of Bacoor City, Cavite, Branch 89 rendered a Decision²¹ dated November 19, 2020, affirming the findings of the MTCC, albeit with modification in that the award of exemplary damages was deleted for lack of factual and legal bases.²²

Petitioner moved for reconsideration²³ of the above-mentioned Decision, but finding no new issues raised, the RTC denied it in its Order²⁴ dated May 17, 2021.

Subsequently, on August 27, 2021, petitioner filed a Motion for Extension of Time to File Petition for Review before the CA *via* electronic mail, requesting for an additional period of 15 days from August 24, or until September 8, within which to file his petition in view of the heavy pressure of work of his counsel and the presence of Covid-19 pandemic.²⁵

In the assailed Resolution²⁶ dated April 29, 2022, the CA noted that no petition for review had been filed by petitioner. Thus, the CA decreed:

¹⁸ Id. at 319-320.

¹⁹ Id. at 322-324.

²⁰ Id. at 325.

²¹ Id. at 356-366; penned by Judge Amalia S. Gumapos-Ricablanca.

²² Id. at 366.

²³ Id. at 367-372.

²⁴ Id. at 373.

²⁵ Id. at 401-402.

²⁶ Id.

WHEREFORE, the case is now considered **ABANDONED** and the appellate proceedings are hereby **DISMISSED**.

SO ORDERED.²⁷

In ultimately seeking the reinstatement of the case, petitioner in his Motion for Reconsideration²⁸ asked for leniency and the relaxation of the rules of procedure. According to him, his Petition for Review was ready for filing but the one-stop payment center of the CA allegedly refused to receive and docket his petition and his counsel's messenger was purportedly instructed to wait for an order or notice regarding the payment of the docket fees.²⁹

In the assailed Resolution³⁰ dated October 4, 2022, the CA denied petitioner's motion. The CA held that while strict adherence to the procedural rules may be suspended, it was incumbent upon petitioner to provide a justifiable cause or explanation to excuse non-compliance.³¹ The CA did not accept petitioner's explanation and found the same to be unsubstantiated.

Petitioner now comes to this Court invoking the liberal application of procedural rules and asks that his case be decided on the merits.

The Court denies the petition.

The right to appeal is neither a natural right nor is it a component of due process. It is a mere statutory privilege and may be exercised only in the manner and in accordance with the provisions of the law.³² The party who seeks to avail of the same must comply with the requirements of the rules. Failing to do so, the right to appeal is lost.³³

The rationale for this strict attitude is not difficult to appreciate as the Rules are designed to facilitate the orderly disposition of appealed cases. In an age where courts are bedeviled by clogged dockets, the Rules need to be followed by appellants with greater fidelity. Their observance cannot be left to the whims and caprices of appellants.³⁴

In this case, petitioner must comply with the requirements laid down in Rule 42 of the Rules of Court:

Section 1. How appeal taken; time for filing. — A party desiring to appeal from a decision of the Regional Trial Court rendered in the exercise of its appellate jurisdiction may file a verified petition for review with the Court of

²⁷ Id. at 402.

²⁸ Id. at 403-410.

²⁹ Id. at 404.

³⁰ Id. at 416-418.

³¹ Id. at 417.

³² *Boardwalk Business Ventures, Inc. v. Villareal*, 708 Phil. 443, 452 (2013).

³³ *Turks Shawarma Company v. Pajaron*, 803 Phil. 315, 323 (2017).

³⁴ *Boardwalk Business Ventures, Inc. v. Villareal*, supra at 452.

Appeals, paying at the same time to the clerk of said court the corresponding docket and other lawful fees, depositing the amount of P500.00 for costs, and furnishing the Regional Trial Court and the adverse party with a copy of the petition. The petition shall be filed and served within fifteen (15) days from notice of the decision sought to be reviewed or of the denial of petitioner's motion for new trial or reconsideration filed in due time after judgment. Upon proper motion and the payment of the full amount of the docket and other lawful fees and the deposit for costs before the expiration of the reglementary period, the Court of Appeals may grant an additional period of fifteen (15) days only within which to file the petition for review. No further extension shall be granted except for the most compelling reason and in no case to exceed fifteen (15) days.

Petitioner received a copy of the RTC's Order dated May 17, 2021 denying his motion for reconsideration on August 9, 2021. Counting 15 days therefrom, petitioner had until **August 24, 2021** to file his petition for review before the CA. Petitioner sought a 15-day extension within which to file the said pleading, through a motion sent *via* electronic mail on **August 27, 2021**.

It is a basic rule of remedial law that a motion for extension of time to file a pleading must be filed before the expiration of the period sought to be extended. The court's discretion to grant a motion for extension is conditioned upon such motion's timeliness, the passing of which renders the court powerless to entertain or grant it.³⁵ Under ordinary circumstances, since the motion for extension was filed after the lapse of the prescribed period, there would have been no more period to extend.

However, due to Covid-19 pandemic, several Court issuances³⁶ were released effectively suspending the time for filing and service of pleadings and motions. It was not until Administrative Circular No. 83-2021 dated October 18, 2021 that the same had been lifted:

The suspension of the time for filing and service of pleadings and motions, regardless of the alert level or community quarantine, is LIFTED. Pursuant to Administrative Circular No. 72-2021, **the period for filing and service shall resume seven (7) calendar days from October 20, 2021.** Electronic submissions and service may be resorted to. The personal filing or service of pleadings and other court submissions shall be allowed for exigent matters and cases. Pleadings, motions, and other court submissions may likewise be filed or served by registered mail, through the services of duly accredited private couriers, or by transmitting them through electronic mail in accordance with the existing electronic filing guidelines. (Emphasis supplied)

Despite the ample time given, petitioner failed to file the petition for review as well as to pay the docket and other lawful fees before the CA. Section 8 of Rule 42 provides that the appeal is deemed perfected only upon the timely

³⁵ *Philippine National Bank v. Daeng Marketing Corporation*, 593 Phil. 703, 710 (2008).

³⁶ OCA CIRCULAR NO. 114, 2021 dated August 20, 2021; OCA Circular No. 117-2021 dated August 28, 2021; OCA Circular No. 119-2021 dated September 7, 2021; Administrative Circular No. 72-2021 dated September 15, 2021; and Administrative Circular No. 75-2021 dated October 1, 2021.

filing of a petition for review and the payment of the corresponding docket and other lawful fees. With petitioner's appeal not having been perfected, the CA properly dismissed outright the case because it never acquired jurisdiction over the same.

But it does not stop there. As a consequence, the RTC's Decision had become final and executory. When a judgment attains finality, it becomes immutable and unalterable, resisting even correction due to perceived errors of law or fact. Execution of the judgment becomes a matter of course.³⁷ This principle, known as the doctrine of immutability of judgment, has a two-fold purpose, namely: (a) to avoid delay in the administration of justice and thus, procedurally, to make orderly the discharge of judicial business; and (b) to put an end to judicial controversies, at the risk of occasional errors, which is precisely why courts exist. Verily, it fosters the judicious perception that the rights and obligations of every litigant must not hang in suspense for an indefinite period of time. As such, it is not regarded as a mere technicality to be easily brushed aside, as petitioner postulates, but rather, a matter of public policy which must be faithfully complied.³⁸

Notably, the aforesaid doctrine admits several exceptions: (1) the correction of clerical errors; (2) the so-called *nunc pro tunc* entries which cause no prejudice to any party; (3) void judgments; and (4) whenever circumstances transpire after the finality of the decision rendering its execution unjust and inequitable.³⁹ Here though, none of the foregoing applies as to warrant the Court's exercise of its ultimate power to abandon the long-held standing rule of immutability of judgments.

Indeed, every litigation must come to an end once a judgment becomes final, executory and unappealable. Just as a losing party has the right to file an appeal within the prescribed period, the winning party also has the correlative right to enjoy the finality of the resolution of his/her case by the execution and satisfaction of the judgment, which is the "life of the law." To frustrate it by dilatory schemes on the part of the losing party is to frustrate all the efforts, time and expenditure of the courts. It is in the interest of justice that this Court should write *finis* to this litigation.⁴⁰

Therefore, the Court cannot permit petitioner to further delay or thwart the execution of judgment against him by continuously rehashing allegations and arguments which have long been passed upon and rejected by the lower courts.

WHEREFORE, premises considered, the petition is **DENIED**. The Resolutions dated April 29, 2022 and October 4, 2022 issued by the Court of

³⁷ *Gocolay v. Gocolay*, G.R. No. 220606, January 11, 2021.

³⁸ *Uy v. Del Castillo*, 814 Phil. 61, 74-75 (2017).

³⁹ *Republic v. Heirs of Cirilo Gotengco*, 824 Phil. 568, 578 (2018).

⁴⁰ *Hernan v. Sandiganbayan*, 822 Phil. 148, 173-174 (2017), citing *De Leon v. Public Estates Authority*, 640 Phil. 594, 612 (2010).

Appeals in CA-G.R. SP No. 170022-UDK are **AFFIRMED**.

SO ORDERED.”

By authority of the Court:

Misael C. Battung III
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court *2/15/23*

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The Presiding Judge
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The Presiding Judge
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(Civil Case No. BCCV-2017-4517)

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