



Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
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SECOND DIVISION

HEIRS OF BATORI,* represented
by **GLADYS B. ABAD,**
Petitioner,

G.R. No. 212611

Present:

- versus -

CARPIO, J., *Chairperson,*
PERLAS-BERNABE,
CAGUIOA,
REYES, J. JR., and
HERNANDO,** JJ.

**THE REGISTER OF DEEDS
OF BENGUET and PACITA
GALVEZ**

Respondents.

Promulgated:

11 FEB 2019

X ----- X

DECISION

REYES, J. JR., J.:

Before the Court is a petition for review on *certiorari* under Rule 45 of the Rules of Court seeking to reverse and set aside the November 19, 2013¹ and May 20, 2014² Resolutions of the Court of Appeals (CA) in CA-G.R. CV No. 96889, which affirmed the April 1, 2011 Resolution³ of the Regional Trial Court (RTC), Branch 63, La Trinidad, Benguet.

The present controversy arose from the Complaint for Annulment and/or Cancellation of Original Certificate of Title (OCT)⁴ filed by the

* Also referred to as "Batore" and "Baturi" in some parts of the *rollo*.

** Additional Member per S.O. No. 2630 dated December 18, 2018.

¹ Penned by Associate Justice Manuel M. Barrios, with Associate Justices Remedios A. Salazar-Fernando and Normandie B. Pizarro, concurring; *rollo*, pp. 27-29.

² Id. at 32-33.

³ Penned by Acting Presiding Judge Robert P. Fangayen; id. at 94-97.

⁴ Id. at 39-47.

petitioner heirs of Batori, represented by Gladys B. Abad (Abad) against private respondent Pacita Galvez (Galvez).

Factual background

The late Batori possessed a 6,000-square meter parcel of land in La Trinidad, Benguet since time immemorial. The said property was registered for tax purposes in his name under Tax Declaration No. 1032 in 1945. In October 1948, Batori caused the said property to be surveyed and was identified as Lot 1, per PSU No. 121133. In April 1956, he applied for Free Patent and the issuance of a title in his name with the Bureau of Lands. Batori occupied the land until his death and was continued by Abad and her siblings as their father's heirs.⁵

In 2000, Abad went to the Department of Environment and Natural Resources (DENR) to follow up Batori's Free Patent application. She, however, discovered that there had been an amended survey on PSU No. 121133 in February 2000 and approved on August 30, 2000 wherein Lot 1 was subdivided into three lots, as follows : (1) Lot 1-A in Galvez's name; (2) Lot 1-B in the name of Abraham Batori, Sr.; and (3) Lot 1-C in Abad's name. Abad wondered why Lot 1-A was in Galvez's name considering that the latter was not one of Batori's heirs, no waiver was executed in her favor, and the said lot was supposed to be in the name of Abad's sister, Magdalena Batori Shagol. In addition, she learned that an amended survey of PSU No. 1000175 in the name of Johnson Andres (Andres) indicated that an area of 2,000 square meters of Andres' property allegedly overlaps with Batori's property under PSU No. 121133.⁶

Consequently, Abad filed a protest before the DENR-Cordillera Administrative Region (CAR) Office for the annulment of PSU No. 1000175. The DENR-CAR decided in Abad's favor, however, the Secretary of the DENR upheld the validity of both PSU No. 121133 and PSU No. 1000175 and directed the segregations of Lot 1. Aggrieved, Abad appealed the said decision before the Office of the President (OP).⁷

Meanwhile, in April 2008, Abad was surprised to learn that Galvez was able to secure a certificate of title over the parcel of land covered by PSU No. 1000175 especially since she thought her appeal was still pending with the OP. She verified the information before the Provincial Environment and Natural Resources Office (PENRO) in La Trinidad, Benguet and it was confirmed that Galvez was able to secure OCT No. 21449. Abad learned that the title was issued by the DENR on May 28, 2007 as a result of Galvez's

⁵ Id. at 80-81.

⁶ Id. at 81-82.

⁷ Id. at 82.

application for Free Patent with the PENRO. Believing that Galvez obtained the title fraudulently, Abad filed her complaint before the RTC.⁸

In her Answer,⁹ Galvez alleged that: her Free Patent application and subsequent OCT was based on PSU No. 1000175 and not PSU No. 121133; her Free Patent application covered a different parcel of land claimed by Batori; and the issue of overlapping of properties between PSU No. 1000175 and PSU No. 121133 had been settled by the DENR.

RTC Decision

In its November 18, 2010 Decision, the RTC granted Abad's complaint. The trial court pointed out that the parcel of land subject of Galvez's Free Patent application formed part of the land subject of Batori's Free Patent application. It elucidated that the evidence negated Galvez's claim that her Free Patent application involved a different land from that of Batori's. As such, the RTC surmised that Galvez was guilty of fraud in her Free Patent application because she had knowledge of Batori's continued possession and subsequent Free Patent application over Lot 1. The trial court noted that because Galvez is not among Batori's heirs, she is not entitled to inherit from him, contrary to what appeared in the amended survey plan of Lot 1 where Lot 1-A was subdivided in her name. Thus it disposed:

WHEREFORE, in view of the foregoing, judgment is rendered in favor of the plaintiff and against the defendant as follows:

Declaring the *Katibayan ng Orihinal na Titulo Blg. P-21449* as NULL AND VOID;

Ordering the Register of Deeds for the Province of Benguet to cause the immediate cancellation of the said *Katibayan ng Orihinal na Titulo Blg P-21449*.

No pronouncement as to costs and damages.

SO ORDERED.¹⁰

Aggrieved, Galvez moved for reconsideration.

RTC Resolution

In its April 1, 2011 Resolution, the RTC granted Galvez's motion for reconsideration and reversed its November 18, 2010 Decision. The trial court expounded that fraud must have been deliberately and intentionally

⁸ Id. at 82-83.

⁹ Id. at 48-59.

¹⁰ Penned by Presiding Judge Benigno M. Galacgac; id. at 80-93.

resorted to. It highlighted that the Secretary of the DENR, as affirmed by the OP, upheld the validity of PSU No. 1000175 and PSU No. 121133. As such, the RTC posited that Galvez did not act fraudulently when she applied for Free Patent and a certificate of title as it was based on a final decision of the DENR, and the application was supported by relevant documents and requirements. It explained that the parties are bound by *res judicata* considering that the DENR Decision had attained finality. In addition, the RTC pointed out the trial court had previously ruled in 1955 that the rightful owner of the land in question was Andres. Thus it disposed:

WHEREFORE, after thorough discussion and evaluation of the facts and issues raised in the Motion for Reconsideration of the defendant PACITA GALVEZ, the DECISION dated November 18, 2010 is set aside and the complaint is hereby DISMISSED for lack of merit.

SO ORDERED.¹¹

Undeterred, Abad appealed to the CA.

CA Resolutions

In its November 19, 2013 Resolution, the CA dismissed Abad's appeal for failure to comply with the CA's Order to furnish proof of receipt of appellee's counsel of a copy of the appellant's brief to determine whether the said brief was timely filed. It highlighted that from its initial June 6, 2012 Order until its March 25, 2013 Resolution granting Abad's counsel's request for extension of time to comply, no proof of receipt was ever presented. The appellate court expounded that even if the arguments in Abad's appellant's brief were considered, they were unmeritorious in light of the findings of the RTC. The CA reiterated that Galvez did not act fraudulently because her Free Patent application was based on a final and executory Decision of the DENR. Thus, it disposed:

WHEREFORE, foregoing considered, the instant appeal is hereby DISMISSED pursuant to Rule 50, Section 1(h), Rules of Court.

SO ORDERED.¹²

Unsatisfied, Abad moved for reconsideration.

In its May 20, 2014 Resolution, the CA denied Abad's motion for reconsideration. The appellate court highlighted that as early as June 6, 2012, Abad was required to submit proof of receipt of the appellant's brief by the appellee — the directive was repeated twice on September 25, 2012

¹¹ Id. at 97.

¹² Id. at 29.

and March 25, 2013 Resolutions. It posited that in spite of the lapse of at least eight months from the last order, Abad neglected to comply with its command. The CA did not consider the compliance of Abad on December 13, 2013 noting that she only did so after the appeal was already dismissed on November 19, 2013. In addition, the appellate court found that based on its merits, Abad's appeal should still be dismissed. The CA reiterated that the OCT issued to Galvez was based on a final and executory DENR Decision. It ruled:

WHEREFORE, in view of the foregoing[,] the Motion for Reconsideration is DENIED.

SO ORDERED.

Hence, this present petition, raising:

ISSUES

I

[WHETHER] THE [CA] GRIEVOUSLY COMMITTED A REVERSIBLE ERROR WHEN IT PUT MORE PRIMACY TO PROCEDURAL TECHNICALITIES RATHER THAN ON THE MERITS OF THE CASE WITH ITS DISMISSAL TO [sic] PETITIONER'S APPEAL SOLELY ON THE GROUND THAT PETITIONER DELAYED IN SHOWING PROOF OF RECEIPT BY RESPONDENT PACITA GALVEZ OF THE FORMER'S APPEAL BRIEF DESPITE THE FILING OF PETITIONER'S APPEAL BRIEF ON TIME[; and]

II

[WHETHER] THE [CA] GRIEVOUSLY COMMITTED A REVERSIBLE ERROR WHEN IT ISSUED DECISIONS WHICH DO NOT CONFORM TO THE FORM AND SUBSTANCE REQUIRED BY THE CONSTITUTION AND THE LAW.¹³

Abad argued that the CA erred when it dismissed her complaint purely on technicalities especially since she eventually complied with the order to furnish proof of receipt of her appellant's brief by the opposing party. She insisted that her eventual compliance should have rectified any negligence committed by her former counsel and should have prompted the CA to decide her case based on the merits.

Abad bewailed that she had a meritorious case highlighting that the courts had been ruling in her favor from the time she had filed the

¹³ Id. at 18.

complaint against Galvez. She lamented that it was suspicious that the RTC would reverse its earlier Decision after Galvez filed her motion for reconsideration — it was exacerbated by the fact that a different judge ruled on the motion for reconsideration.

Finally, Abad assailed that the CA Resolutions were defective because they did not comply with the guidelines set by the Constitution. She pointed out that the Resolutions did not fully state the facts and the law in which they were based.

In its Comment¹⁴ dated November 10, 2014, Galvez countered that Abad's petition for review on *certiorari* should have been dismissed on account of *res judicata*. In addition, she posited that Abad was bound by the negligence of her counsel in failing to comply with the lawful orders of the CA.

In its Reply¹⁵ dated May 8, 2015, Abad reiterated that she had substantially complied with the order of the CA to furnish proof of service of her appellant's brief to the opposing party. On the other hand, she explained that *res judicata* had not set in because the DENR Decision involved the validity of the survey plans issued to Batori and Andres while her complaint before the RTC involved the fraud Galvez committed in securing OCT No. P-21449.

The Court's Ruling

The petition is without merit.

Section (1)(h), Rule 50 of the Rules of Court provides that the CA **may** dismiss an appeal *motu proprio* for failure of the appellant to comply with orders, circulars or directives of the court without justifiable cause. The said provision confers a discretionary power and not a mandatory duty.¹⁶

In *Tiangco v. Land Bank of the Philippines*,¹⁷ the Court explained that it is presumed that the CA had exercised sound discretion in deciding whether to dismiss the case in accordance with the rules, to wit:

The CA has, under the said provision of the Rules of Court, discretion to dismiss or not to dismiss respondent's appeal. Although said discretion must be a sound one, to be exercised in accordance with the tenets of justice and fair play, having in mind the circumstances obtaining in each case, the presumption is that it has been so exercised. It is

¹⁴ Id. at 104-110.

¹⁵ Id. at 113-115.

¹⁶ *Banco de Oro Unibank, Inc. v. Spouses Locsin*, 739 Phil. 486, 499 (2014), citing *Philippine National Bank v. Philippine Milling Co., Inc.*, 136 Phil. 212, 215 (1969).

¹⁷ 646 Phil. 554, 563-564 (2010).

incumbent upon herein petitioners, as actors in the case at bar, to offset this presumption.

Abad claims that the CA erred in dismissing her appeal for her alleged failure to comply with its lawful order. Thus, it is incumbent upon her to prove that the CA unsoundly exercised its discretion to dismiss her appeal as it is presumed that the appellate court had exercised its discretion judiciously. Unfortunately, Abad failed to overcome the said presumption.

On June 6, 2012, the CA had already ordered Abad to show proof of receipt of her appellant's brief by Galvez. This directive was again issued in the CA's September 25, 2012 and March 25, 2013 Resolutions because of her failure to comply. Still, even after the lapse of the period provided in the latest Order, Abad did not heed the CA's lawful orders. It is readily apparent that the CA had given her numerous opportunities to abide by its orders but it fell on deaf ears. Thus, the CA was constrained to dismiss Abad's appeal on account of repeated neglect to comply with its commands.

Abad's belated attempt to furnish the CA proof of receipt of her appellant's brief by the opposing party does little to help her cause. As pointed out by the CA, she only took the time to comply with its Order on December 13, 2013 — after the appellate court had dismissed her appeal in its November 19, 2013 Resolution. Neither could Abad hide behind the cloak of substantial justice as a close perusal of the November 19, 2013 and May 20, 2014 Resolutions of the CA would reveal that the appellate court reviewed her case and found its merits wanting. Certainly, her appeal was dismissed not only for her neglect of procedural rules but for its lack of merit as well.

On this score, Abad challenges the CA Resolutions to be constitutionally infirm for failing to observe the guidelines on the form and substance of judicial decisions.

Article VIII, Section 14 of the Constitution mandates that decisions written by courts should clearly and distinctly state the facts and the law on which it is based. This constitutional mandate is echoed in Section 5, Rule 51¹⁸ of the Rules of Court. Decisions must inform the losing parties why they lost to enable them to raise possible errors on appeal.¹⁹ In addition, a clear statement of facts and law ensures the parties that the decision is not unfounded.²⁰ Parties to a litigation should be informed of how it was decided with an explanation of the factual and legal reasons that led to the

¹⁸ SEC. 5. *Form of decision.* — Every decision or final resolution of the court in appealed cases shall clearly and distinctly state the findings of fact and the conclusions of law on which it is based, which may be contained in the decision or final resolution itself, or adopted from those set forth in the decision, order, or resolution appealed from.

¹⁹ *Yao v. Court of Appeals*, 398 Phil. 86, 105 (2000).

²⁰ *Id.* at 105-106.

conclusions of the court.²¹ Further, courts should specify reasons for dismissal of cases so that on appeal, the reviewing court can readily determine the *prima facie* justification for the dismissal.²²

In the present case, the assailed CA Resolutions contained sufficient recital of facts and law to enable the parties and the reviewing court to identify the reason for the dismissal of Abad's appeal. As pointed out by the CA, it agreed with the findings of the RTC that the final and executory Decision of the DENR negated any fraud attributed to Galvez in her application for Free Patent and certificate of title.

Even if the procedural issues were to be considered in Abad's favor, the Court still finds her appeal unmeritorious.

As the complainant alleging fraud, the burden of proof rests with Abad. The burden of proof rests on the party who asserts the affirmative of the issue.²³ Unfortunately for Abad, she failed to sufficiently prove that Galvez committed fraud in securing her Free Patent and certificate of title.

In *Republic v. Guerrero*,²⁴ the Court expounded on the kind of fraud necessary to invalidate a decree of registration, to wit:

Fraud may also be either *extrinsic* or *intrinsic*. Fraud is regarded as intrinsic where the fraudulent acts pertain to an issue involved in the original action, or where the acts constituting the fraud were or could have been litigated therein. The fraud is extrinsic if it is employed to deprive parties of their day in court and thus prevent them from asserting their right to the property registered in the name of the applicant.

The distinctions assume significance because only actual and extrinsic fraud had been accepted and is contemplated by the law as a ground to review or reopen a decree of registration. Thus, relief is granted to a party deprived of his interest in land where the fraud consists in a deliberate misrepresentation that the lots are not contested when in fact they are; or in willfully misrepresenting that there are no other claims; or in deliberately failing to notify the party entitled to notice; or in inducing him not to oppose an application; or in misrepresenting about the identity of the lot to the true owner by the applicant causing the former to withdraw his application. In all these examples, the overriding consideration is that the fraudulent scheme of the prevailing litigant prevented a party from having his day in court or from presenting his case. The fraud, therefore, is one that affects and goes into the jurisdiction of the court.

²¹ *Go v. East Oceanic Leasing and Finance Corporation*, G.R. Nos. 206841-42, January 19, 2018.

²² *Shimizu Philippines Contractors, Inc. v. Magsalin*, 688 Phil. 384, 393 (2012).

²³ *Republic v. Bellate*, 716 Phil. 60, 71 (2013).

²⁴ *Republic v. Guerrero*, 520 Phil. 296, 309 (2006).

In the present case, the courts *a quo* found that Galvez's Free Patent application and the certificate of title issued as a consequence was based on PSU No. 1000175 under the name of her father, Andres. Further, the DENR had ruled with finality that both PSU No. 1000175 and PSU No. 121133 are valid considering that they refer to different parcels of land. Thus, Galvez did not misrepresent in her Free Patent application that there were no other claims over the land considering that the application pertained to PSU No. 1000175 and not PSU No. 121133. The validity of PSU No. 1000175 negates any finding of fraud on Galvez because it involved the registration of a parcel of land other than the one claimed by Abad.

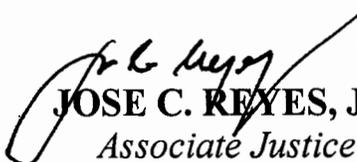
As to the perceived irregularities in the grant of Galvez's motion for reconsideration by the RTC, the Court finds the same to be baseless.

First, there is nothing suspicious in the RTC's reversal of its earlier Decision on account of Galvez's motion for reconsideration. The said motion is recognized in the rules and its function is to point out to the court possible mistakes it may have committed and to give it the opportunity to correct itself.²⁵ Should the courts reverse itself on motion, it is but a consequence of the exercise of judicial power. In addition, the fact that the motion for reconsideration was decided by a judge other than the one who rendered the original decision does not render it more dubious. Absent any proof that the motion for reconsideration was resolved outside of its own merits, it is presumed that judges have regularly performed their duties in the grant or denial thereof.

Second, Abad misunderstood the circumstances of her case when she claimed that the courts have been consistent in ruling in her favor since the incipiency of her case. She highlighted that the RTC denied Galvez's motion to dismiss and her motion for reconsideration for its denial, and that the CA dismissed Galvez's petition for *certiorari* assailing the denial of her motion for reconsideration. It is readily apparent that Abad's claimed victories pertained to ancillary matters and did not dwell on the merits of the case.

WHEREFORE, the petition is **DENIED**. The November 19, 2013 and May 20, 2014 Resolutions of the Court of Appeals in CA-G.R. CV No. 96889 are **AFFIRMED**.

SO ORDERED.


JOSE C. REYES, JR.
Associate Justice

²⁵ *Lopez dela Rosa Development Corporation v. Court of Appeals*, 497 Phil. 145, 158-159 (2005).

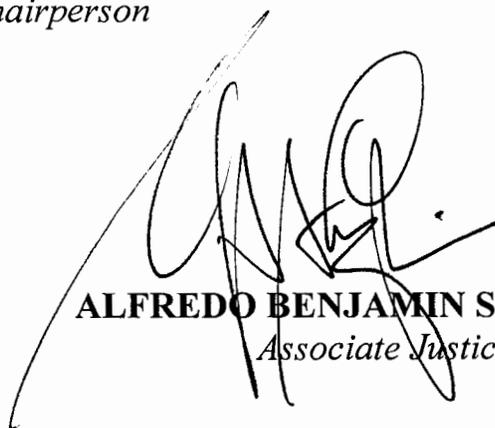
WE CONCUR:



ANTONIO T. CARPIO
Senior Associate Justice
Chairperson



ESTELA M. PERLAS-BERNABE
Associate Justice



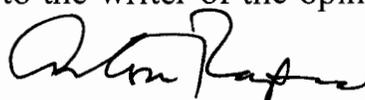
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



RAMON PAUL L. HERNANDO
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.



ANTONIO T. CARPIO
Senior Associate Justice
Chairperson, Second Division

Y

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.


LUCAS R. BERSAMIN
Chief Justice

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