

SECOND DIVISION

[G.R. No. 231826, September 16, 2020]

**ADOLFO C. PALMA AND RAFAEL PALMA, PETITIONERS, VS.
PETRON CORPORATION, RESPONDENT.**

DECISION

INTING, J.:

This resolves the Petition for Review on *Certiorari*^[1] assailing the Decision^[2] dated January 16, 2017 of the Court of Appeals (CA) in CA-G.R. SP No. 143888 that denied the Petition for Annulment of Judgment with Application for a Temporary Restraining Order and/or Writ of Preliminary Injunction;^[3] and the Resolution^[4] dated April 20, 2017 denying Adolfo C. Palma, Rafael Palma (collectively, petitioners) along with Rogelio Baltazar, and Jaime Velasco's Motion for Reconsideration.^[5]

The Antecedents

On November 26, 1993, Petron Corporation (Petron) and the Philippine National Oil Company (PNOC) entered into a 25-year Lease Agreement for Refinery Properties^[6] over various landholdings of PNOC in Brgy. Alangan, Limay, Bataan with a total land area of 2,397,929 square meters (leased premises) for the use of Petron Bataan Refinery (PBR). Forming part of the leased premises is Cadastral Lot No. 257 under Transfer Certificate of Title (TCT) No. T-167116 of the Registry of Deeds of Bataan covering an area of 92,392 square meters situated along Roman Superhighway.^[7] Since the early 1980s, petitioners had been occupying a portion of Lot No. 257-A by mere tolerance and acquiescence of PNOC and its predecessor.^[8] When Petron entered into a lease agreement with PNOC in 1993, it continued to allow and tolerate petitioners' use and possession of the premises for humanitarian consideration since there was still no immediate need and use of the area.^[9]

Sometime in 2007, Petron informed petitioners as well as the other families staying in the premises that the area would be used as the construction site of Petron Skills Training Center. Petron advised petitioners that they should start looking for a place to relocate before the construction starts in the last quarter of 2008.^[10]

On August 8, 2008, Petron sent petitioners a Final Notice to Vacate.^[11] Despite receipt of the notice, petitioners refused to vacate the subject premises.^[12] Hence, Petron filed a Complaint^[13] for Unlawful Detainer against petitioners before the Municipal Trial Court (MTC) of Limay, Bataan.

On July 1, 2009, the MTC rendered a Decision^[14] in Civil Case No. 421 in favor of

Petron, and ordered petitioners and/or all persons claiming rights under them to vacate the subject lot and restore possession thereof to Petron. The MTC, likewise, ordered defendants to jointly pay Petron the sum of P20,000.00 as attorney's fees and to pay the cost of suit.^[15]

Aggrieved, petitioners appealed to the Regional Trial Court (RTC). The case was docketed as Civil Case No. 817-ML.

In an Order^[16] dated February 10, 2010, Judge Bartolome V. Flores of the RTC dismissed the petitioners' appeal on the ground of Section 7(b)^[17] of Rule 40 of the Rules of Court for failure of petitioners to comply with the Order of the RTC dated August 4, 2009 to file their appellants' memorandum despite the given period of time. Undaunted, petitioners filed a petition for relief with attached petitioners' memorandum of appeal. However, the RTC denied it on April 4, 2011.^[18] Petitioners moved for reconsideration, but the RTC denied it.

Dissatisfied, petitioners filed a petition for *certiorari* with the CA which was docketed as CA-G.R. SP No. 121274.

On October 23, 2012, the CA dismissed the petition for lack of merit.^[19] It held that petitioners availed themselves of the wrong remedy when it filed a petition for relief from judgment instead of filing a timely motion for reconsideration or appeal considering that the RTC Order dated February 10, 2010 in Civil Case No. 817-ML dismissing their appeal is a final order issued in the exercise of its appellate jurisdiction.^[20] It also found no grave abuse of discretion on the part of the RTC in denying petitioners' petition for relief.^[21]

On July 1, 2013, the CA denied petitioners' Motion for Reconsideration.^[22] Still not satisfied with the outcome of the case, petitioners elevated the case to the Court.

The petition for review docketed as G.R. No. 208052 entitled Adolfo C. Palma, et al. v. Petron Corporation before the Court.

On September 11, 2013, the Court issued a Resolution^[23] in G.R. No. 208052 entitled, *Adolfo C. Palma, et al. v. Petron Corporation*, denying petitioners' petition for review on *certiorari* for failure of petitioners to sufficiently show that the CA committed any reversible error in the challenged Decision dated October 23, 2012, and Resolution dated July 1, 2013 in CA-G.R. SP No. 121274 as to warrant the exercise of the Court's discretionary appellate jurisdiction.

Petitioners filed a motion for reconsideration, but the Court denied it with finality on February 5, 2014.^[24] On May 15, 2014, the Resolution dated September 11, 2013 became final and executory.^[25]

The antecedents in the present petition.

Notwithstanding the finality of the Court's Resolution in G.R. No. 208052, petitioners filed a Petition for Annulment of Judgment with Application for a Temporary Restraining Order and/or Writ of Preliminary Injunction^[26] dated January 22, 2016 with the CA praying for the annulment of the RTC Order dated February 10, 2010 in Civil Case No. 817-ML, and seeking to restrain the Writ of Execution dated July 16, 2014 and the Writ of Demolition dated August 13, 2015 issued by the MTC.^[27]

Petitioners alleged that the RTC Order was issued without jurisdiction or in excess thereof as there should have been a trial on the merits.^[28] Further, petitioners asserted that the MTC had no jurisdiction over the case as both parties admitted that the occupation or possession of the subject property was beyond the jurisdictional requisite of the one year period.^[29] Petitioners insisted that the MTC Decision was void for being rendered without jurisdiction. Hence, it could never logically become final and executory.^[30]

On January 16, 2017, the CA rendered a Decision^[31] denying the petition. The dispositive portion of the Decision reads:

WHEREFORE, premises considered, the petition is hereby DENIED. The Order dated 10 February 2010 issued by the Regional Trial Court, Branch 4, Mariveles, Bataan, and the consequent Writ of Execution dated 16 July 2014 and Writ of Demolition dated 13 August 2015 issued by the Municipal Trial Court of Limay, Bataan are hereby AFFIRMED in TOTO.

IT IS SO ORDERED.^[32]

Undaunted, petitioners moved for reconsideration.^[33] In its assailed Resolution^[34] dated April 20, 2017, the CA denied petitioners' Motion for Reconsideration.

The CA ruled that in order for one to avail himself of the remedy of a petition for annulment of judgment, one must comply with Section 1 of Rule 47 of the Rules of Court which provides, to wit:

SECTION 1. *Coverage.* — This Rule shall govern the annulment by the Court of Appeals of judgments or final orders and resolutions in civil actions of Regional Trial Courts for which the ordinary remedies of new trial, appeal, petition for relief or other appropriate remedies are no longer available *through no fault of the petitioner.* (Italics supplied.)

It held that petitioners could not put the blame of committing mistakes solely on their counsel, since by their own admission, petitioners were the ones who filed the memorandum in the wrong office. Thus, petitioners availment of a petition for annulment of judgment must fail.^[35]

In any case, the CA held that the issues being raised by petitioners had already

been passed upon in their previous petition for *certiorari* which the CA had already decided on October 23, 2012. Notably, petitioners committed forum shopping.^[36]

Hence, the petition.^[37]

The Issue

The bone of contention is whether or not the CA erred in denying petitioners' petition for annulment of judgment.

The Court's Ruling

The petition lacks merit.

The MTC Decision in Civil Case No. 421 over the subject property was rendered on July 1, 2009. Herein petitioners appealed Decision to the RTC docketed as Civil Case No. 817-ML. In an Order dated February 10, 2010, the RTC dismissed the appeal. Subsequently, it denied petitioners' motion for reconsideration on April 4, 2011. Petitioners then filed a petition for *certiorari* with the CA (CA-G.R. SP No. 121274), but the CA dismissed it for lack of merit. The CA also denied petitioners' motion for reconsideration on July 1, 2013. Thus, petitioners filed a petition for review with the Court (G.R. No. 208052). On September 11, 2013, the Court denied the petition; it also denied petitioners' motion for reconsideration. On May 15, 2014, the Resolution became final and executory.

Nothing is more settled in law than the rule that a judgment, once it has attained finality, can never be altered, amended, or modified, even if the alteration, amendment or modification is to correct an erroneous judgment^[38] In fact, jurisprudence elucidates that not even the Supreme Court can correct, alter, or modify a judgment once it becomes final.^[39] The rule admits of several exceptions, such as the following: (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.^[40] Still none of the exceptions is applicable in the present case.

On this score alone, the petition should be denied.

The CA was correct in holding that the remedy of annulment of judgment is not available to petitioners. Well-settled is the rule that before a party can avail itself of the reliefs provided for by Rule 47, it is a condition *sine qua non* that one must have failed to move for a new trial, or appeal from, or file a petition for relief against the questioned issuances or take other appropriate remedies thereon, through no fault attributable to him. If he failed to avail himself of those cited remedies without sufficient justification, he cannot resort to an action for annulment provided in Rule 47; otherwise, he would benefit from his own inaction or negligence.^[41] In other words, the party must convince the CA that the ordinary and other appropriate remedies are no longer available for Causes not attributable to him.