

## SECOND DIVISION

[ G.R. No. 212611, February 11, 2019 ]

**HEIRS OF BATORI,<sup>[\*]</sup> REPRESENTED BY GLADYS B. ABAD,  
PETITIONER, V. THE REGISTER OF DEEDS OF BENGUET AND  
PACITA GALVEZ, RESPONDENTS.**

### D E C I S I O N

**J. REYES, 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, 2013<sup>[1]</sup> and May 20, 2014<sup>[2]</sup> Resolutions of the Court of Appeals (CA) in CA-G.R. CV No. 96889, which affirmed the April 1, 2011 Resolution<sup>[3]</sup> 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)<sup>[4]</sup> filed by the 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.<sup>[5]</sup>

In 2000, Abad went to the Department of Environment and Natural Resources (DENR) to follow up Baton'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 Baton'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.<sup>[6]</sup>

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).<sup>[7]</sup>

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 application for Free Patent with the PENRO. Believing that Galvez obtained the title fraudulently, Abad filed her complaint before the RTC.<sup>[8]</sup>

In her Answer,<sup>[9]</sup> 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 naTitulo 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 naTitulo Blg P-21449*.

No pronouncement as to costs and damages.

SO ORDERED.<sup>[10]</sup>

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 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.<sup>[11]</sup>

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.<sup>[12]</sup>

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 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.<sup>[13]</sup>**

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 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 Comment<sup>[14]</sup> 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 Reply<sup>[15]</sup> 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