

SECOND DIVISION

[G.R. No. 205492, March 11, 2015]

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. SPOUSES
DANTE AND LOLITA BENIGNO, RESPONDENTS.**

DECISION

DEL CASTILLO, J.:

This Petition for Review on *Certiorari*^[1] seeks to set aside the January 22, 2013 Resolution^[2] of the Court of Appeals (CA) in CA-G.R. CV No. 97995, which denied the herein petitioner's Omnibus Motion^[3] seeking reconsideration of the CA's October 9, 2012 Resolution^[4] denying petitioner's Motion for Extension^[5] of time to file its Appellant's Brief.

Factual Antecedents

On November 2, 1995, spouses Dante and Lolita Benigno (respondents, collectively) filed with the Regional Trial Court of Calamba, Laguna (Calamba RTC) an Application for Registration^[6] of title under Presidential Decree No. 1529 or the Property Registration Decree (PD 1529) to a 293-square meter lot in Barangay Batong Malake, Los Baños, Laguna. The case was docketed as LRC Case No. 105-95-C and assigned to Branch 35 of the Calamba RTC.

After trial, the Calamba RTC issued a December 9, 2005 Decision^[7] granting respondents' application for registration, decreeing thus:

WHEREFORE, this Court affirms the Order of general default against the whole world heretofore entered in this case, and judgment is hereby rendered confirming the title of the applicants spouses Dante Benigno and Lolita Z. Benigno covered by Tax Declaration No. 0284 and designated as Lot 6489, Cad. Lot No. 450 situated in Brgy. Batong Malake, of the Municipality of Los Baños, Laguna and ordering the registration of said title in the name of the said applicants spouses Dante Benigno and Lolita Z. Benigno.

Once this decision has become final, let an order issued [sic] directing the Land Registration Authority to issue the corresponding decree of registration.

SO ORDERED.^[8]

Petitioner filed its notice of appeal^[9] on January 10, 2006. In an April 10, 2006

Order,^[10] the trial court approved the notice of appeal and directed that the entire records of the case be forwarded to the CA.

The appeal was docketed as CA-G.R. CV No. 97995.

On March 9, 2010, respondents filed a Motion to Dismiss the Appeal and Issue a Final Decree of Registration,^[11] claiming among others that petitioner has abandoned its appeal. It also filed a Motion to Resolve^[12] seeking among others the denial of petitioner's appeal on the ground of abandonment. But in a July 2, 2010 Order,^[13] the Calamba RTC denied both motions, stating that it was respondents' failure to submit certain required documents – the Affidavit of Publication^[14] and Certificate of Posting^[15] – as earlier directed by the court in a March 26, 2010 Order^[16] which caused the non-transmittal of the records of the case to the CA, thus delaying the appeal proceedings. On July 26, 2010, respondents filed a Motion for Reconsideration^[17] of the said Order.

Without awaiting the resolution of its July 26, 2010 Motion for Reconsideration of the July 2, 2010 Order, respondents filed on September 21, 2011 its Compliance^[18] and submitted the documents required by the trial court. In a September 26, 2011 Order^[19] of the trial court, the branch clerk of court was directed to immediately mark the documents and thereafter forward the records of the case to the CA. Thus, on December 21, 2011, the acting branch clerk of court of the Calamba RTC forwarded the entire records of LRC Case No. 105-95-C to the Calamba Office of the Clerk of Court for transmittal to the CA.

On December 21, 2011, the entire records of LRC Case No. 105-95-C was received by the CA.^[20]

On February 21, 2012, respondents filed a Motion for Early Resolution^[21] of the appeal, seeking dismissal thereof on the ground of alleged inaction and failure to prosecute on the part of the petitioner.

Respondents then filed with the CA a Manifestation and Motion to Suspend Proceedings^[22] dated May 8, 2012. Respondents contended that since its Motion for Reconsideration of the Calamba RTC's July 2, 2010 Order and Motion for Early Resolution of the appeal remained unresolved, the filing of an appellant's brief by the petitioner would be premature; thus, the appeal proceedings should be suspended until the said motions are resolved.

In an April 26, 2012 Notice,^[23] the CA directed petitioner to file its appellant's brief within 45 days from receipt of the notice.

On June 22, 2012, petitioner filed a Motion for Extension^[24] of time to file its brief. It sought an extension of 60 days from June 21, 2012, or until August 20, 2012, within which to file the same.

In a Resolution^[25] dated June 26, 2012, the CA required petitioner to comment on respondents' Manifestation and Motion to Suspend Proceedings. It likewise granted petitioner's Motion for Extension.

On July 16, 2012, petitioner filed an Opposition^[26] to respondent's Manifestation and Motion to Suspend Proceedings, with a prayer that the said manifestation and motion be denied for lack of merit.

On August 13, 2012, the CA issued a Resolution^[27] stating that with the filing of petitioner's Opposition, respondents' Manifestation and Motion to Suspend Proceedings are deemed submitted for resolution.

On August 17, 2012, petitioner filed a second Motion for Extension^[28] of time to file its appellant's brief, praying for an extension of 30 days from August 20, 2012, or until September 19, 2012, within which to file its brief.

However, petitioner did not file its brief within the period stated in its second motion for extension. Thus, on October 9, 2012, the CA issued another Resolution^[29] denying petitioner's second motion for extension and dismissing its appeal pursuant to Section 1(e), Rule 50 of the 1997 Rules of Civil Procedure (Rules). It held:

For resolution is oppositor-appellant's motion for extension of time to file the appellant's brief, which prays that it be granted an additional period of thirty (30) days or until September 19, 2012 to file the aforesaid brief.

The records, however, will show the We have already granted oppositor-appellant's previous motion for extension of time to file its brief. In our Resolution dated June 26, 2012, We granted oppositor-appellant an additional period of sixty (60) days or until August 20, 2012 within which to file its brief. However, oppositor-appellant failed to file its appellant's brief on or before August 20, 2012. Hence, the instant motion.

Oppositor-appellant should be reminded that the right to appeal is a mere statutory privilege, and should be exercised only in the manner prescribed by law. The statutory nature of the right to appeal requires the one who avails of it to strictly comply with the statutes or rules that are considered indispensable interdictions against needless delays and for an orderly discharge of judicial business. Since oppositor-appellant has not been able to file its brief within the proper period, We deem it appropriate to dismiss its appeal, pursuant to Section 1(e), Rule 50 of the Rules of Civil Procedure, viz:

"SECTION 1. *Grounds for dismissal of appeal.* – An appeal may be dismissed by the Court of Appeals, on its own motion or on that of the appellee, on the following grounds:

x x x x

(e) Failure of the appellant to serve and file the required number of copies of his brief or memorandum within the time provided by these Rules;

x x x x"

It should also be noted that the appealed Decision was rendered on December 9, 2005 and the court a quo's Order letting the entire records of the instant case be forwarded to this Court was issued on April 10, 2006. Thus, We believe that it is high time for the applicants-appellees, as the prevailing party in the court a quo's Decision, to enjoy the fruits of their victory.

WHEREFORE, appellant's motion for extension of time to file its brief, dated August 16, 2012, is hereby DENIED. Accordingly, the instant appeal is DISMISSED, pursuant to Section 1(e), Rule 50 of the Rules of Civil Procedure.

Considering the foregoing, applicants-appellees *Manifestation and Motion to Suspend Proceedings*, due to Our alleged inaction on its *Motion for Early Resolution*, is hereby declared MOOT.

SO ORDERED.^[30]

On October 18, 2012, petitioner filed a third Motion for Extension,^[31] praying for another 20 days from October 19, 2012, or until November 8, 2012, within which to file its appellant's brief.

On November 5, 2012, petitioner filed its Appellant's Brief.^[32] It likewise filed an Omnibus Motion^[33] seeking a reconsideration of the CA's October 9, 2012 Resolution and, consequently, the admission of its appellant's brief. Apologizing profusely for the fiasco, it begged for the appellate court's leniency, claiming that it cannot be faulted for the delay in the proceedings on appeal; that in fact, the delay was caused by the failure to transmit the records of LRC Case No. 105-95-C to the CA, for which the respondents and Calamba City Office of the Clerk of Court should be faulted; that in the interest of substantial justice, the CA should instead adopt a relaxed interpretation of Section 1(e), Rule 50 of the Rules in order to afford the State an opportunity to present its case fully.

Respondents filed their Comment^[34] arguing that only petitioner should be faulted for its failure to prosecute the appeal; that from its repeated motions for extension, it can be seen that petitioner lacked diligence in pursuing its appeal; and that consequently, the CA committed no error in issuing its October 9, 2012 Resolution.

Assailed Ruling of the Court of Appeals

On January 22, 2013, the CA issued the assailed Resolution, pronouncing thus:

A careful reading of oppositor-appellant's motion, however, reveals that it does not raise any matter of substance that would justify the reconsideration being sought. We, therefore, find no compelling reason to disturb Our findings and conclusion in Our aforementioned *Resolution*.

WHEREFORE, the *Omnibus Motion* is **DENIED**. Our *Resolution* dated October 9, 2012 stands.

SO ORDERED.^[35]

Thus, the instant Petition was filed.

Issue

In an April 23, 2014 Resolution,^[36] this Court resolved to give due course to the Petition, which raises the following sole issue:

THE COURT OF APPEALS GRAVELY ERRED ON A QUESTION OF LAW WHEN IT ORDERED THE DISMISSAL OF THE APPEAL ALTHOUGH THE DELAY IN THE FILING OF THE APPELLANT'S BRIEF WAS CAUSED BY THE TRIAL COURT AND THE RESPONDENTS.^[37]

Petitioner's Arguments

In its Petition and Reply^[38] seeking the reversal of the assailed CA Resolution as well as the dismissal of LRC Case No. 105-95-C, petitioner reiterates that it should not be faulted for the delay in the proceedings on appeal, as it resulted from the Calamba City Office of the Clerk of Court's failure to transmit the records of LRC Case No. 105-95-C to the CA; that it was the ministerial duty of the clerk of court to transmit the records of the case to the CA, and he has no authority to withhold the records on the pretext that certain exhibits were lacking; and that the CA should liberally apply Section 1(e), Rule 50 of the Rules in order to afford the State an opportunity to present its case fully.

Petitioner further argues, at this stage of the proceedings, that the Calamba RTC's December 9, 2005 Decision granting respondents' application for registration is null and void for lack of the required certification from the Secretary of the Department of Environment and Natural Resources (DENR) that the land applied for is alienable and disposable land of the public domain. It claims that the mere testimony of a special investigator of the Community Environment and Natural Resources Office (CENRO) cannot form the basis for the Calamba RTC's finding that the land applied for is alienable and disposable, pursuant to the ruling in *Republic v. Hanover Worldwide Trading Corporation*;^[39] respondents should have submitted a copy of the original classification approved by the DENR Secretary and certified as a true copy by the legal custodian of the official records. Petitioner justifies the raising of the issue at this late stage, arguing that the State may not be estopped by the mistakes of its officers and agents; and that when the inference made by the CA is based on a misapprehension of facts, or when its findings of fact are manifestly mistaken, absurd or impossible, as in this case, its erroneous decision may be reviewed by this Court.^[40]

In its Reply, petitioner further points out that the Calamba RTC's December 9, 2005 Decision is void for lack of publication,^[41] in other words, petitioner suggests that respondents in fact failed to cause the publication and posting of the notice of initial