

SECOND DIVISION

[G.R. No. 175891, January 12, 2011]

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. RESINS,
INCORPORATED, RESPONDENT.**

D E C I S I O N

CARPIO, J.:

The Case

G.R. No. 175891 is a petition for review^[1] assailing the Decision^[2] promulgated on 25 May 2006 by the Court of Appeals (CA) in CA-G.R. SP No. 78516. The appellate court denied the petition filed by the Republic of the Philippines (Republic) through the Office of the Solicitor General (OSG). The appellate court found no grave abuse of discretion on the part of the Regional Trial Court of Misamis Oriental, Branch 20, Cagayan de Oro City (RTC) in rendering its 17 March 1993^[3] Judgment and 17 January 1994^[4] Amended Judgment, as well as in issuing its 7 July 1999^[5] and 28 May 2003^[6] Orders in Land Registration Case No. N-91-012, LRA Record No. N-62407. The RTC allowed the Land Registration Authority (LRA) to issue a Decree of Registration in favor of Resins, Incorporated (Resins, Inc.) over eight lots in Jasaan, Misamis Oriental after the RTC's Judgment^[7] dated 17 March 1993 became final and executory.

The Facts

The appellate court narrated the facts as follows:

On 17 October 1991, [Resins, Inc.] filed x x x Land Registration Case [No. N-91-012] before the [RTC] for judicial confirmation of title over eight (8) parcels of land situated in the Municipality of Jasaan, Misamis Oriental. The initial hearing for said case was originally set on 4 February 1992. Prior to said date of hearing, the [LRA] filed with the [RTC] a report recommending that an Order be issued to [Resins, Inc.] directing it to submit the names and complete postal addresses of the adjoining lot owners, and that after complying with the said Order, the initial hearing be reset "on a date consistent with LRC Circular No. 353."

Pursuant to the LRA recommendation, the application for original registration of titles was amended. Thereupon, the [RTC] issued an Order dated 17 January 1992 setting the initial hearing on 30 April 1992.

On 10 February 1992, the OSG entered its appearance as counsel of the Republic x x x. In its notice of appearance, the [OSG] manifested thus:

The City Prosecutor of Cagayan de Oro City has been authorized to appear in this case and, therefore, should also be furnished notices of hearings, orders, resolutions, decisions, processes. However, as the Solicitor General retains supervision and control of the representation in this case and has to approve withdrawal of the case, non-appeal or other actions which appear to compromise the interests of the Government, only notices of orders, resolutions, and decisions served on him will bind the party represented.

On 27 February 1992, the OSG received the notice of initial hearing of the application. The notice of the initial hearing was also served on the Regional Executive Director of the Department of Environment and Natural Resources, the Secretary of the Department of Public Works and Highways, the Director of the Bureau of Mines, the Director of the Bureau of Fisheries and Aquatic Resources, the Secretary of the Department of Agrarian Reform, the Director of the Forest Management Bureau, the Provincial Governor, the Provincial Fiscal, the Provincial Treasurer, the Provincial Engineer, the Public Works and Highways District Engineer, the Community Environment and Natural Resources Officer, Land Management Sector, the Municipal Mayor, the Municipal Council of Jasaan, Misamis Oriental, the adjoining lot owners, and to all whom it may concern.

The notice of initial hearing was published in the 16 March 1992 issue of the *Official Gazette* and the 11 March 1992 issue of the *Golden Chronicle* pursuant to Section 23 of *Presidential Decree No. 1529*. On 19 March 1992, the City Sheriff posted the notice on the parcels of land sought to be registered, at the municipality building, and in conspicuous places in the Municipality of Jasaan, Misamis Oriental.

During the initial hearing on 30 April 1992, the [RTC] issued an Order of general default against the whole world except against [the Republic] who had filed its opposition to the application and one RENATO BAUTISTA who intimated to the [RTC] that he would file his opposition.

Subsequent hearings were conducted on the following dates: 16 July 1992, 23 July 1992, 15 September 1992, and 16 December 1992.

On 08 January 1993, [Resins, Inc.] filed *Applicant's Formal Offer of Documentary Evidence*.

On 04 February 1993, the [RTC] issued an Order which states:

Considering the fact that all the exhibits of the applicant Resins, Incorporated were duly identified and attested to by the witnesses for the applicant and considering the fact that no opposition was filed by the government to the said exhibits, all the exhibits of the applicant from Exhibits "A" to "N," inclusive, are hereby admitted as part of the testimonies

of the witnesses for the applicant.

SO ORDERED.^[8]

The Regional Trial Court's Ruling

On 17 March 1993, the RTC rendered its Judgment^[9] in favor of Resins, Inc. The dispositive portion reads:

In [v]iew of the [f]oregoing, judgment is hereby rendered finding applicant Resins Incorporated, as owner in fee simple of all the lots sought to be registered - Lot 980, Cad-367, Lot 1371, Cad-367, Lot 1372, Cad-367, Lot 1373, Cad-367, Lot 1417, Cad-367, Lot 3462, Cad-267, Lot 3463, Cad-367, and Lot 3465, Cad-367, all of Jasaan Cadastre and having registerable [sic] titles thereto, hereby decreeing that Lot Nos. 980, 1371, 1372, 1373, 1417, 3462, 3463, and 3465 be registered in the name of Resins Incorporated, a corporation organized pursuant to the laws of the Philippines with its main office located at Jasaan, Misamis Oriental, in accordance with the technical descriptions correspondingly marked as Exhibits A-2, B-2, C-2, D-2, E-2, F-2, G-2, and H-2.

SO ORDERED.^[10]

Despite the favorable judgment, Resins, Inc., was unable to have the lots registered in its name because of typographical errors in the RTC's 17 March 1993 Judgment. On 6 January 1994, Resins, Inc. moved to correct the typographical errors and alleged:

1. That on March 17, 1993, the [RTC] rendered judgment approving the above-captioned application;
2. That up to the present no decree of registration has been issued and upon inquiry from the [LRA] [Resins, Inc.] learned that the reason is because [sic] there are two (2) typographical errors in the judgment, to wit:
 - a. Lot No. 3464 appearing on page 2, subpar[.] (g), line 1 should be Lot 3463 because par. 1 on the application shows that the 7th lot applied for is Lot 3463;
 - b. That material omissions were made on page 4, line 31 as follow[s]:

ORIGINAL WORDINGS:

"poses per Tax Dec. Nos. 858391 and 09352 marked Cad-367, Jasaan"

which should read as follows after supplying the omissions:

"poses per Tax Dec. Nos. 858391 and 09352 marked Exhs. E-3 and E-6, that Lot 3463, Cad-367, Jasaan"^[11]

The RTC issued an Amended Judgment^[12] on 17 January 1994. However, only the error on page 2 was corrected and the error on page 4 remained. Upon yet another motion of Resins, Inc., the RTC issued another Amended Judgment on 16 March 1994 which corrected both errors. The OSG received a copy of the Amended Judgment on 2 May 1994, and filed a notice of appeal on 12 May 1994. Resins, Inc. filed a second motion to order the LRA to issue a decree of registration in its favor.

On 7 July 1999, the RTC issued an Order^[13] granting Resins, Inc.'s motion. The Order reads, thus:

Submitted before this court is the "Second Motion to Order the LRA to Issue a Decree of Registration, etc." dated May 10, 1999 and filed on June 14, 1999 praying that

"1. The appeal filed by the [OSG] on May 12, 1994 or more than one (1) year from receipt of the original judgment, be ordered dismissed;

"2. Another order be issued directing the LRA to issue a decree of registration for the eight (8) lots enumerated in par. 1 hereof, based on the Amended Judgment dated March 16, 1994 and for other reliefs due under the premises."

Despite notice to the Solicitor General[,], he or his representative did not appear in the hearing of June 18, 1999, nor did he file an opposition to the motion.

The Court finds the motion meritorious. The motion is granted. Hence, the [OSG]'s appeal of May 12, 1999 is dismissed. The Land Registration Authority (LRA) is hereby directed to issue a decree of registration in favor of [Resins, Inc.] for Lots 986, 1371, 1372, 1373, 1417, 3462, 3463, and 3465, CAD-367 of the Jasaan Cadastre after the judgment dated March 17, 1993 became final and executory.

SO ORDERED.

The Republic filed a Motion for Reconsideration^[14] of the 7 July 1999 Order. The Republic alleged that the OSG was never furnished a copy of the alleged original decision. The Republic cited Resins, Inc.'s Motion to Dismiss Appeal,^[15] which stated "[t]hat the original judgment of this case was issued on March 19, 1993, copy of which was furnished to the Office of the Solicitor General c/o the City Prosecutor who was delegated to represent the former during the proceedings." Therefore, the 17 March 1993 Judgment never acquired finality with respect to the Republic.

Resins, Inc. filed an Opposition to the Motion for Reconsideration^[16] on 19 August 1999. Resins, Inc. stated that the OSG was furnished a copy of the 17 March 1993 decision. The OSG received the decision on 6 April 1993, as certified by the RTC Clerk of Court,^[17] and as evidenced by post office return slips.^[18]

On 28 May 2003, the RTC issued yet another Order.^[19] Said Order reads, thus:

For resolution is the motion for reconsideration filed by the oppositor Republic of the Philippines represented by the Office of the Solicitor General of the order dismissing the notice of appeal filed by the said oppositor alleging that the Republic was never furnished copy of the judgment dated March 17, 1993 and that an amended order of the decision is entirely new which supersedes the original decision.

The motion was vehemently opposed by the applicant alleging that the Cagayan de Oro City Prosecutor received copy of the said judgment on March 29, 1993 while the Office of the Solicitor General, the Land Registration Authority, and the Bureau of Lands received copy of the judgment on April 6, 1993.

The records of the case shows [sic] that indeed these offices received the copy of the judgment as mentioned in the opposition per return slips attached to the records. Since there is no appeal filed within 30 days from receipt of the judgment, the judgment of this Court therefore has already become final and executory.

Anent the issue that the amended judgment supersedes the original judgment and as correctly pointed out by the applicant, the amendment pertains to harmless clerical errors in pages 2 and 4 of the original judgment but the dispositive portion confirming applicant's ownership over the lots was not changed.

The Republic then filed a Petition for Certiorari and Prohibition^[20] with prayer for temporary restraining order and/or writ of preliminary injunction. The Republic sought to nullify, set aside, and prevent the implementation of the RTC's Orders dated 7 July 1999 and 28 May 2003; as well as to nullify and set aside the Judgment dated 17 March 1993 and the Amended Judgment dated 17 January 1994. The Republic claimed that the entries in the logbook of the OSG's Docket Division do not indicate that the 17 March 1993 Judgment was ever received by the OSG and actually transmitted to the lawyers assigned to represent the Republic in the present case.

The Ruling of the Court of Appeals

On 25 May 2006, the CA rendered its Decision^[21] and denied the Republic's petition. The CA saw no grave abuse of discretion in the RTC's dismissal of the Republic's appeal, which appeal was based on the OSG's alleged non-receipt of its copy of the original Judgment.