

THIRD DIVISION

[G.R. No. 189724, February 07, 2011]

**REPUBLIC OF THE PHILIPPINES, REPRESENTED BY THE
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES,
REGION IV-B, PETITIONER, VS. SPOUSES FLORENCIO DE
CASTRO AND ROMELIA CALIBOSO DE CASTRO, RESPONDENTS.**

D E C I S I O N

CARPIO MORALES, J.:

The Director of the Bureau of Lands, now Lands Management Bureau (LMB), Manila issued on July 13, 1955 Free Patent No. V-16555 under Free Patent Application No. V-33580 covering Lot No. 6742, Pls-296 (the lot) in the name of Marcelino Manipon (Manipon), with an area of 5.376 hectares, located at Naujan, Oriental Mindoro.

On the basis of the free patent, the Register of Deeds of Oriental Mindoro issued on March 5, 1957 Original Certificate of Title (OCT) No. P-2124 in the name of Manipon.

Manipon later sold the lot to Spouses Florencio and Romelia de Castro (respondents) who, after OCT No. P-2124 was cancelled, were issued Transfer Certificate of Title (TCT) No. T-33730.

An investigation conducted by the representatives of LMB, Manila on the issuance of Free Patent No. V-16555 showed that the lot is not an alienable and disposable land of the public domain since it is within the established reservation for the exclusive use of non-Christian tribes, now known as the *Paitan Mangyan* Reservation, proclaimed as such by the Governor-General of the Philippine Islands by virtue of Proclamation No. 809 dated June 4, 1935; and that Manipon - who began occupying the lot only in 1944 as indicated in his free patent application - and respondents had not established any right to possess and own the lot.

Since Proclamation No. 809 has not been amended nor repealed/revoked by any subsequent law or presidential issuance, the Republic of the Philippines (petitioner), through the Office of the Solicitor General,^[1] filed in 1998 a Complaint^[2] for "Cancellation of TCT No. T-33730 and Reversion" against Manipon and herein respondents, as well as the Register of Deeds of Calapan, Oriental Mindoro, docketed as Civil Case No. R-4694, which was raffled to Branch 40 of the Regional Trial Court of Calapan City. Manipon had, at the time of the filing of the complaint, been dead for ten years.^[3]

Respondents failed to file their answer to the complaint despite receipt of summons, hence, they were declared in default.^[4] Their "Motion To Lift Order Of Default And To Admit Hereto Attached Answer," which alleged that their failure to answer was due to "oversight and excusable neglect,"^[5] was denied for lack of merit.

Following the *ex parte* presentation of evidence by petitioner, the trial court rendered a Decision^[6] dated October 9, 2002 in its favor nullifying Manipon's Free Patent No. V-16555 and respondents' TCT No. T-33730; ordering the reversion of the lot to the State; and directing respondents to immediately vacate the lot and surrender their title to the Register of Deeds of Oriental Mindoro for immediate cancellation.

No motion for reconsideration of the trial court's decision, or appeal therefrom was filed by respondents, hence, the decision became final and executory.

On petitioner's motion, the trial court, by Order of April 29, 2004, issued a writ of execution on August 2, 2005.^[7] The writ was served on respondents on March 29, 2005 and implemented on July 20, 2006.^[8]

On March 15, 2007, respondents filed a petition for annulment of judgment of the trial court's decision of October 9, 2002 before the Court of Appeals (CA) on grounds that it did not acquire jurisdiction over the person of Manipon as he had been dead when petitioner's complaint was filed, hence, his title to the lot - as well as respondents' title which merely emanated from his - stays; and that the trial court's decision did not attain finality as they did not receive a copy of its decision, hence, the execution thereof was void.

By the now assailed Decision^[9] of June 26, 2009, the appellate court denied respondents' petition for annulment of judgment. Finding, however, that respondents were not served with a copy of the trial court's decision of October 9, 2002 and, therefore, it had not yet become final and executory, the appellate court nullified the trial court's order of April 29, 2004 granting petitioner's motion for execution, the writ of execution of August 2, 2005, and all execution proceedings, and ordered the trial court to serve a copy of its October 9, 2002 decision to them "so that they can avail of the appropriate remedy under the Rules of Court."^[10]

Its motion for partial reconsideration of the appellate court's decision having been denied by Resolution^[11] of September 30, 2009, petitioner filed the present petition for review on certiorari.

Respondents maintain that they did not receive a copy of the trial court's decision of October 9, 2002,^[12] and that they came to know of it only on September 29, 2005 when the trial court's sheriff personally served upon them a copy of the writ of execution of the decision.^[13]

Section 1, Rule 47 of the 1987 Rules of Civil Procedure provides that the remedy of annulment of judgments or final orders/resolutions of a Regional Trial Court in civil actions **can only be availed of where "the ordinary remedies of new trial, appeal, petition for relief or other appropriate remedies are no longer available through no fault of the petitioner."**

A petition for annulment of judgment under Rule 47 is a remedy granted only under exceptional circumstances where a party, without fault on his part, has failed to avail of the ordinary or other appropriate remedies provided by law. Such action is