

SECOND DIVISION

[G.R. No. 160560, July 29, 2005]

**DEPARTMENT OF AGRARIAN REFORM, REPRESENTED BY
SECRETARY ROBERTO M. PAGDANGANAN, PETITIONER, VS.
REPUBLIC OF THE PHILIPPINES, RESPONDENT.**

DECISION

CALLEJO, SR., J.:

This is a petition for review of the Decision^[1] of the Court of Appeals (CA) in CA-G.R. CV No. 62136 reversing the Decision^[2] of the Regional Trial Court (RTC) of Balayan, Batangas, in LRC Case No. P-1079. The RTC granted the petition of the Department of Agrarian Reform (DAR) for the reconstitution of Transfer Certificate of Title (TCT) No. T-13352 under the name of Ceferino Ascue, married to Felisa Ramos.

On September 4, 1996, the DAR filed a petition with the RTC of Batangas for the reconstitution of the original copy of TCT No. T-13352 covering a 539,849-square meter parcel of land located in Barrio Prenza, Lian, Batangas. It alleged that the petitioner is a government entity of the Republic of the Philippines while Ceferino Ascue, a resident of Balayan, Batangas, is the registered owner in fee simple of a real property covered by the TCT No. T-13352 issued by the Register of Deeds of Nasugbu, Batangas. The petition contained a technical description of the property which was designated as Lot 50 Pcs-611. It averred that the said lot is the subject of compulsory acquisition or voluntary offer to sell by the DAR for distribution to qualified beneficiaries.

The DAR further alleged that the original copy of TCT No. T-13352 was lost, burned and destroyed while being kept in Ascue's office, and that no owner's or co-owner's duplicate copy of said title had been issued in lieu thereof. The names and addresses of the persons in possession of the property and the adjoining properties, and those who may have any interest therein were specified as follows: Emiliano Nayat, *et al.*, Prenza, Lian, Batangas. Finally, the DAR averred that the property is free from all liens and encumbrances, except for the one which was annotated at the back of TCT No. T-13352, and that no other instruments affecting the property have been presented for registration in the Office of the Register of Deeds. The petitioner then prayed that, after due proceedings, the court order the reconstitution of TCT No. T-13352.

A Certification^[3] from the Register of Deeds that TCT No. T-13352 is not among the available records on file with it was attached to the petition as an integral part thereof. The petition, likewise, included a photocopy of what appears to be TCT No. T-13352 which was issued by the Register of Deeds on October 25, 1957^[4] in the name of Ceferino Ascue.

The trial court found the petition to be sufficient in form and substance. It directed

that copies of the order setting the initial hearing of the petition be served to the Solicitor General, the Register of Deeds, the Land Registration Commission, and the Provincial Prosecutor. The Office of the Solicitor General (OSG) did not file any opposition to the petition.

The DAR presented Manuel Limjuco, Jr. from the Municipal Agrarian Reform Office of Lian, Batangas, as its sole witness. His testimony was summarized by the RTC, as follows:

. . . [H]e was the incumbent MARO of Nasugbu, Batangas, since 1994 up to the present; that he was previously assigned at DAR Lian, Batangas; that his area of coverage at Lian, Batangas is Municipality of Lian, Batangas; that his duties and functions as MARO of Nasugbu, Batangas, is to implement the Comprehensive Agrarian Reform Program; that Ceferino Ascue, a resident of Balayan, Batangas, is the registered owner in fee simple of certain real property covered by Original Transfer Certificate of Title No. T-13352 issued by the Register of Deeds of Nasugbu, Batangas, the original of which title was lost/burned and destroyed while being kept in their office; that he knows this property because when he was the MARO at Lian, Batangas, this property was covered by compulsory acquisition under R.A. 6657; that this landholding is an agricultural land devoted to sugarcane production, with an area of 53.9849 has. located at Prenza, Lian, Batangas, as evidenced by Tax Declaration (Exh. "E"); that this landholding is tenanted by Emiliano Nayat and Apolonio Limjoco, Jr. and others, a resident also of Prenza, Lian, Batangas; that he notified the landowner by issuing Notice of Coverage to the estate of Ceferino Ascue C/O Eusebia Garcia (Exh. "F"); that a certification was issued by the Register of Deeds to the effect that TCT No. T-13352 in the name of Ceferino Ascue is not available among the records on file in their office (Exh. "G"), and, furthermore, the DAR cannot implement such coverage if there is no original certificate of title in the name of Ceferino Ascue; that the property is free and clear of all liens and encumbrances, except as follows:

"Entry No. 47269: *Contrato de Molienda* executed in favor of Central Azucarera Don Pedro. *Contrato de Molineda celebrada y entre* Sofronio Garcia, *del* Municipio Balayan, Batangas, *y la Central Azucarera Don Pedro, sobre los terrenos descritos en esto titulo. Este contrato comensora con la zafra 1938-1939 y terminara con la zafra 1956-1957, con sujecion a las domas condiciones estipulados en el contrato el cual fue ratifica de ante el Notario Publico Sr. Marcelo Ermita, Doc. 21, Page 68, libro XII, Serie de 1939.*

Fecha del instrumato, Feb. 10, 1939

Fecha dela inscripcion, March 3, 1939, at 11:30 a.m."

that the witness identified the xerox copy of original owners' duplicate copy of TCT No. T-13352 marked as Exh. "H" to be the same document subject of this petition.^[5]

The Notice of Coverage^[6] dated September 12, 1989, adverted to by Limjuco, was addressed to the Estate of Ceferino Ascue c/o Eusebia Garcia, copy furnished to

Benjamin Garcia III. Likewise on record is the 1st Indorsement by the Municipal Agrarian Reform Officer to the Provincial Agrarian Reform Officer of the documents relative to the petition. A Certificate of Land Ownership Award (CLOA) No. 00215248 had been issued to the farmer beneficiaries, in the name of Emiliano Nayat, *et al.*^[7]

On July 7, 1998, the trial court rendered judgment granting the petition. The *fallo* of the decision reads:

WHEREFORE, finding the petition to be meritorious, the same is granted. The Register of Deeds, Nasugbu Branch Registry, Nasugbu, Batangas, is directed to reconstitute the lost title, TCT No. T-13352 in the name of the registered owner Ceferino Ascue and to issue an owner's duplicate copy based on the reconstituted one in the name of Ceferino Ascue which contains a memorandum of the fact that the same are entitled to like faith and credit of the lost/destroyed one upon payment of the fees prescribed by law.^[8]

The OSG received a copy of the said decision on July 20, 1998, and had until August 4, 1998 within which to appeal the decision. However, the OSG filed its Notice of Appeal by registered mail only on August 5, 1998. The OSG alleged in its brief, as appellant, that:

I.

THE TRIAL COURT DID NOT ACQUIRE JURISDICTION TO ORDER THE RECONSTITUTION OF TCT NO. T-13352.

II.

ASSUMING *ARGUENDO* THAT THE TRIAL COURT ACQUIRED JURISDICTION OVER THE INSTANT CASE, IT NONETHELESS ERRED WHEN IT ORDERED THE RECONSTITUTION OF TCT NO. T-13352 ON THE BASIS OF A PHOTOCOPY OF THE OWNER'S DUPLICATE.^[9]

The DAR failed to file its appellee's brief. The CA rendered judgment on November 29, 2001, reversing the appealed decision and ordering the RTC to dismiss the DAR's petition. The appellate court held that the RTC had no jurisdiction over the petition and that, in any event, the petitioner failed to prove the merits of its petition.

The DAR filed a motion for the reconsideration of the decision, claiming, *inter alia*, that the OSG's appeal from the RTC decision was filed one day late which was subsequently admitted by the OSG in its comment. It claimed, however, that the tardiness was based on the erroneous belief that the month of July has only 30 days instead of 31 days. The CA denied the motion for reconsideration. It ruled that the delay in filing the appeal was not fatal because the RTC's decision was, nonetheless, void for lack of jurisdiction. In any event, the CA held that the motion was barren of merit.

Petitioner DAR filed its petition for review with this Court, alleging that the CA erred:

1. WHEN IT FAILED/REFUSED TO RULE ON THE ISSUE OF TIMELINESS OF THE APPEAL OF OPPOSITOR-APPELLANT (RESPONDENT HEREIN), A REQUIREMENT THAT IS NOT ONLY MANDATORY BUT JURISDICTIONAL AS WELL.
2. WHEN IT REVERSED THE DECISION OF THE TRIAL COURT BELOW ON THE GROUND THAT IT DID NOT ACQUIRE JURISDICTION OVER THE CASE FOR FAILING TO STRICTLY AND LITERALLY COMPLY WITH THE REQUIRED JURISDICTIONAL FACTS.
3. WHEN IT HELD THAT THE DAR IS NOT A PROPER PARTY IN THE RECONSTITUTION; AND
4. WHEN IT RULED THAT MERE MACHINE COPY OF THE TITLE IS, DESPITE COMPLIANCE WITH THE REQUIREMENTS OF ADMISSIBILITY UNDER THE RULES, AN INFERIOR EVIDENCE AND NOT ADMISSIBLE.^[10]

On the first issue, the petitioner avers that the CA erred when it failed to dismiss the respondent's appeal on the ground that it was filed one day late. The RTC decision had, thus, become final and executory and beyond the appellate court's jurisdiction to modify or reverse. The petitioner posits that the requirement that an aggrieved party should perfect its appeal within the period thereof is mandatory; hence, failure to comply with said requisite is fatal. Moreover, the petitioner insists that the OSG's pretext that it erred in believing that July has only 30 days instead of 31 days, even if true, is not excusable negligence. Lastly, the petitioner maintains that, even if the RTC's decision is void for lack of jurisdiction, the remedy of the respondent was to file a petition under Rule 47 of the Rules of Court in the CA to annul said decision, and not to appeal under Rule 41 of the said rules.

The petition is denied.

We agree with the petitioner's contention that, through negligence, the OSG filed the respondent's notice of appeal with the RTC one day beyond the reglementary period therefor. The pretext that the OSG overlooked the fact that the month of July has 31 days instead of 30 days is incongruous and preposterous. The OSG has the responsibility of monitoring and keeping track of the period of time left to file an appeal.^[11] In *Republic v. Peralta*,^[12] the Court emphasized that:

In a case of recent vintage, the Court took to task the OSG for its lackadaisical attitude and complacency in the handling of its cases for the government and reminded the OSG that:

. . . just like other members of the Bar, the canons under the Code of Professional Responsibility apply with equal force on lawyers in government service in the discharge of their official tasks. These ethical duties are rendered even more exacting as to them because, as government counsel, they have the added duty to abide by the policy of the State to promote a high standard of ethics in public service. Furthermore, it is incumbent upon the OSG, as part of the government bureaucracy, to perform and discharge its duties with the highest degree

of professionalism, intelligence and skill and to extend prompt, courteous and adequate service to the public.^[13]

We are convinced that the OSG's explanation that it overlooked the correct number of days comprising the month of July is merely an afterthought. The OSG admitted that it filed the notice of appeal out of time. However, it was only after the petitioner had called the CA's attention to the delay in filing the appeal that the OSG mentioned its mistake. The decision of the RTC had become final and executory and, consequently, the CA had no appellate jurisdiction over the respondent's appeal.

The petitioner is also correct in reiterating case law that the perfection of an appeal in the manner and within the period prescribed by law is not only mandatory but jurisdictional and failure to perfect that appeal renders the judgment final and executory. The finality of a judgment becomes a fact upon the lapse of the reglementary period to appeal, if no appeal is perfected.^[14] Such judgment, whether right or wrong, can no longer be modified or reversed by the appellate court.

However, the Court, in several cases, relaxed procedural rules even of the most mandatory character in the interest of substantial justice. Thus, in *Yao v. Court of Appeals*,^[15] the Court ruled:

In the interest of substantial justice, procedural rules of the most mandatory character in terms of compliance, may be relaxed. In other words, if strict adherence to the letter of the law would result in absurdity and manifest injustice or where the merit of a party's cause is apparent and outweighs consideration of non-compliance with certain formal requirements, procedural rules should definitely be liberally construed. A party-litigant is to be given the fullest opportunity to establish the merits of his complaint or defense rather than for him to lose life, liberty, honor or property on mere technicalities. We therefore withhold legal approbation on the RTC decision at bar for its palpable failure to comply with the constitutional and legal mandates thereby denying YAO of his day in court. We also remind all magistrates to heed the demand of Section 14, Article VIII of the Constitution. It is their solemn and paramount duty to uphold the Constitution and the principles enshrined therein, lest they be lost in the nitty-gritty of their everyday judicial work.^[16]

In *Pacific Asia Overseas Shipping Corporation v. NLRC*,^[17] the Court held that in view of the factual circumstances and legal merits of the case, the NLRC should have accepted the appeal from the decision of the POEA, albeit a day after the reglementary period for filing appeals. In the said case, the Court found that the POEA had no jurisdiction to take cognizance of the action to enforce a foreign judgment.^[18]

In *Pimentel, Jr. v. Llorente*,^[19] the Court noted that it had given due course to appeals even though filed six, four, and three days late, in the interest of justice and equity.