

THIRD DIVISION

[G.R. No. 144294, March 11, 2003]

SOLEDAD CHANLIONGCO RAMOS, FRANCISCO D. CHANLIONGCO, ADELBERTO D. CHANLIONGCO, ARMANDO D. CHANLIONGCO AND FLORENCIO D. CHANLIONGCO, PETITIONERS, VS. TERESITA D. RAMOS, SPOUSES TERESITA AND EDMUNDO S. MUYOT, SPOUSES VEDASTA AND FLORENCIO M. DATO, LORETO MUYOT, SPOUSES TERESITA AND ELMER SOLIS, LICERIA TORRES, SPOUSES CORAZON AND VICENTE MACATUNGAL, SPOUSES PRECILLA AND CRISOSTOMO MUYOT, AND SPOUSES CARIDAD AND SALVADOR PINGOL, RESPONDENTS.

D E C I S I O N

PANGANIBAN, J.:

Well-settled is the rule that a final judgment is immutable and unalterable. The only exceptions to this rule are (1) the correction of clerical errors, (2) the so-called *nunc pro tunc* entries which cause no prejudice to any party, and (3) void judgments.

The Case

Before us is a Petition for Review on *Certiorari*^[1] under Rule 45 of the Rules of Court, seeking to set aside the July 31, 2000 Resolution^[2] of the Court of Appeals (CA) in CA-GR CV No. 29507 which denied petitioners' Motion to Set Aside the CA Decision^[3] dated September 28, 1995. The assailed Resolution disposed as follows:

"Finding the opposition of [respondents] to be well-taken, the [Court hereby *DENIES* the Motion]."^[4]

The Facts

Petitioners are children of the late Paulino V. Chanliongco Jr., who was the co-owner of a parcel of land known as Lot No. 2-G of Subdivision Plan SWO No. 7308. Situated in Tondo, Manila, it was co-owned by him, his sister Narcisa, and his brothers Mario and Antonio. By virtue of a Special Power of Attorney executed by the co-owners in favor of Narcisa, her daughter Adoracion C. Mendoza had sold the lot to herein respondents on different days in September 1986. Because of conflict among the heirs of the co-owners as to the validity of the sale, respondents filed with the Regional Trial Court (RTC)^[5] a Complaint^[6] for interpleader to resolve the various ownership claims.

The RTC upheld the sale insofar as the share of Narcisa was concerned. It ruled that Adoracion had no authority to sell the shares of the other co-owners, because the Special Power of Attorney had been executed in favor only of her mother, Narcisa.

On appeal, the CA modified the ruling of the RTC. It held that while there was no Special Power of Attorney in favor of Adoracion, the sale was nonetheless valid, because she had been authorized by her mother to be the latter's sub-agent. There was thus no need to execute another special power of attorney in her favor as sub-agent. This CA Decision was not appealed, became final and was entered in favor of respondents on August 8, 1996.^[7]

On April 10, 1999, petitioners filed with the CA a Motion to Set Aside the Decision. They contended that they had not been served a copy of either the Complaint or the summons. Neither had they been impleaded as parties to the case in the RTC. As it was, they argued, the CA Decision should be set aside because it adversely affected their respective shares in the property without due process.

In denying the Motion of petitioners, the CA cited the grounds raised in respondents' Opposition: (a) the Motion was not allowed as a remedy under the 1997 Rules of Civil Procedure; (b) the Decision sought to be set aside had long become final and executory; (c) the movants did not have any legal standing; and (d) the Motion was purely dilatory and without merit.^[8]

Hence, this Petition.^[9]

The Issue

In their Memorandum, petitioners raise this sole issue for the Court's consideration:

"x x x [W]hether the Court of Appeals erred in denying petitioners' Motion and allowing its Decision dated September 25, 1995 to take its course, inspite of its knowledge that the lower court did not acquire jurisdiction over the person of petitioners and passing petitioners property in favor of respondents, hence without due process of law."^[10]

The Court's Ruling

The Petition is unmeritorious.

Main Issue: **Entitlement to Summons**

It is well settled that a decision that has acquired finality becomes immutable and unalterable. A final judgment may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact or law;^[11] and whether it will be made by the court that rendered it or by the highest court in the land.^[12] The only exceptions to this rule are the correction of (1) clerical errors, (2) the so-called *nunc pro tunc* entries which cause no prejudice to any party, and (3) void judgments.^[13] To determine whether the CA Decision of September 28, 1995 is void, the failure to implead and to serve summons upon petitioners will now be addressed.^[14]

To be able to rule on this point, the Court needs to determine whether the action is *in personam*, *in rem* or *quasi in rem*. The rules on the service of summons differ depending on the nature of the action.