

THIRD DIVISION

[G.R. No. 202661, March 17, 2021]

**LETICIA A. RAMIREZ, PETITIONER, VS. FELOMINO ELOMINA,
REPRESENTED BY HIS ATTORNEY-INFACT, FEDERICO
ELOMINA,*, RESPONDENT.****

DECISION

HERNANDO, J.:

Challenged in this appeal^[1] is the Court of Appeals' May 25, 2012 Resolution^[2] ordering the issuance of an Entry of Judgment of its October 12, 2011 Decision^[3] in CA-G.R. CV No. 92374 which declared respondent Felomino Elomina (Felomino) as the lawful owner of the subject property and ordered petitioner Leticia Ramirez (Ramirez) to reconvey said property to Felomino. The May 25, 2012 Resolution was issued in relation to the appellate court's December 21, 2011^[4] Resolution which denied Ramirez's Motion for Reconsideration^[5] for having been filed out of time.

The Antecedent Facts:

On May 11, 1994, Ramirez was issued an Original Certificate of Title (OCT) No. P-4884 pursuant to Free Patent No. 043404-94-1330 granted on May 2, 1994 over Lot No. 922, Cad-455-D located at Butong, Cabuyao, Laguna, with an area of 1,087 square meters.^[6]

On July 11, 2000, Felomino filed a letter-protest with the Bureau of Lands of Los Baños, Laguna against the approval of the application and issuance of the free patent to Ramirez. Felomino claimed that the patent application was allegedly transferred to Ramirez by one Delfin Torinos (Torinos). Both Ramirez and Torinos were never in possession of the subject land. Felomino asserted that he was in possession of the subject land in the concept of an owner since birth.^[7]

Consequently, the City Environment and Natural Resources Office (CENRO) Regional Executive Director of the Department of Environment and Natural Resources (DENR) issued an order directing the CENRO to conduct an investigation. On December 29, 2003, the Regional Executive Director issued an order cancelling and revoking the free patent of Ramirez. The DENR Legal Division was also directed to initiate proceedings leading to the cancellation of Ramirez's OCT No. P-4884 and the reversion of the subject land to the public domain.^[8]

The DENR pointed out that, upon ocular inspection, it was found that the members of the Elomina family were in possession of the property, and that there was nothing to show that the Ramirezes or their predecessor-ininterest, Torinos, had ever occupied the subject property. Thus, Ramirez's application for free patent was found as having been tainted with misrepresentations constituting fraud and rendered void

the application and free patent itself.^[9]

On December 12, 2005, Felomino, represented by his attorney-in-fact, Federico Elomina (Federico), sued for reconveyance of title and damages before the Regional Trial Court (RTC), Biñan, Laguna, against Ramirez and the Registry of Deeds of Calamba City, Laguna. In an amended complaint, Felomino alleged that: (i) he is the actual possessor and occupant of the subject land; (ii) the property was first occupied and possessed by his father, Felix Elomina, since time immemorial; (iii) they were surprised when they were informed that on May 11, 1994, Ramirez was able to secure an OCT over the land pursuant to a free patent which the DENR subsequently cancelled and revoked; (iv) he was unlawfully deprived of a legitimate right and peaceful possession over the land when Ramirez was issued an OCT; and (v) he is entitled under the law to recover the subject property which was erroneously registered in the name of Ramirez.^[10]

Felomino prayed that he be declared the lawful owner of the subject property. He also asked for compensation of damages and that Ramirez be ordered to reconvey the subject land to him and for the Register of Deeds to cancel Ramirez's OCT No. P-4884 and issue a new Transfer Certificate of Title (TCT) under his name.^[11]

Ramirez filed a Motion to Dismiss on the ground of forum-shopping considering that there was also a pending case between the parties before the Supreme Court involving the same issues. However, the trial court denied the motion to dismiss.^[12]

In her Answer, Ramirez interposed the following affirmative defenses - that the action is barred by prescription, the complaint states no cause of action and Felomino is not the real party-in-interest.^[13]

Ruling of the Regional Trial Court:

In its March 13, 2008 Decision,^[14] the trial court dismissed Felomino's complaint for lack of merit.

The trial court pointed out that Felomino had no cause of action since he failed to sufficiently prove his title to support his claim of ownership over the disputed property. At the time that OCT No. 4884 was issued to Ramirez in 1994, Felomino had not filed any application for patent on the land in question.^[15]

Assuming *arguendo* that Ramirez committed misrepresentation in her patent application, Felomino was not the real party-in-interest to file the case. The trial court pointed out that the DENR recommended the State to file reversion proceedings. Thus, since the subject property originated from a grant by the State, the cancellation of the issued patent was between the grantor and the grantee.^[16]

Lastly, the RTC ruled that the cause of action had already prescribed. Ramirez's OCT was issued in May 1994 while Felomino filed the action more than 10 years later or

in December 2005. The trial court held that an action for reconveyance resulting from fraud prescribes in four years from discovery, which was deemed to have taken place when the property was registered in 1994.^[17]

The dispositive portion of the trial court's Decision reads:

WHEREFORE, in view of the foregoing, the instant case is ordered DISMISSED for lack of merit.

SO ORDERED.^[18]

Felomino moved for reconsideration. Pending its resolution, the DENR, through its Regional Executive Director, received a letter from the Office of the Solicitor General (OSG) in response to his request for the filing of a complaint for cancellation of title against Ramirez.^[19] The OSG wrote:

A cause of action for declaration of nullity of free patent and certificate of title would require allegations of the plaintiff's ownership of the contested lot prior to the issuance of such free patent and certificate of title as well as the defendant's fraud or mistake, as the case may be, in successfully obtaining these documents of title over the parcel of land claimed by plaintiff. In such a case, the nullity arises strictly not from the fraud or deceit but from the fact that the land is beyond the jurisdiction of the Bureau of Lands to bestow and whatever patent or certificate of title obtained therefore is consequently void *ab initio*. The real party in interest is not the State but the plaintiff who alleges a pre-existing right of ownership over the parcel of land in question even before the grant of title to the defendant. Accordingly, it is Felomino Elomina, the intended beneficiary over the parcel of land in question, who should file the complaint for cancellation of free patent and certificate of title since he is the real party-in-interest.^[20]

In its November 14, 2008 Order,^[21] the trial court denied Felomino's Motion for Reconsideration. The trial court reiterated that the action has already prescribed and that he is not the real party in interest, since he is neither an applicant nor a registered owner of the Subject Land.^[22]

Ruling of the Court of Appeals:

On appeal, Felomino maintained that he is the real party in interest^[23] and that his cause of action has not yet prescribed.^[24] He asserted that an action for reconveyance of title based on fraud is imprescriptible where the holder of the title has never been in possession and the land is possessed by the adverse party in the concept of an owner.^[25]

In its October 12, 2011 Decision,^[26] the appellate court reversed the judgment of the trial court. The relevant portion of the appellate court's Decision reads:

From the testimony of the plaintiff-appellant's son, Federico, it appears that their family had been living on Lot 922 dating back to the time of his grandfather Felix. In the time of Felomino alone, more than 70 years had

passed. His father and he are still living on the lot, and during all this time, they did not know of anybody claiming right over the lot. Despite their continuous possession of the land, however, they could not show any document to show their ownership, as his father and grandfather were ignorant and did not know how to have the land titled in their names. Then in 1994, the defendant Ramirez surfaced and tried to evict them from the property, although she did not have any house on and was not in possession of the land. They filed a protest against the defendant with the DENR in July 2000, some 6 years later, because of lack of knowledge of his parents.

Fernando Velandres, the Chief of the Legal Division of the Regional Office [of the DENR], had gone to the area and confirmed the presence of more than ten houses where the family of Elomina were residing. There was nothing to indicate that the defendant had any house there.

There is no question that [the]land occupied by the plaintiff-appellant [Felomino] and his family is within the alienable portion of the public domain, or the DENR would not have agreed to issue a patent to the defendant-appellee [Ramirez]. It is also uncontested that they have been in possession for more than 70 years, practically since time immemorial, since the possession dates back to the time of his father. And it is as plain as day that the plaintiff-appellant is in present possession as confirmed by the DENR officials who made a personal inspection of the land. The defendant-appellee had never possessed the land, and she was able to obtain a patent only through the misrepresentation that she was the occupant. She was able to obtain registration through fraud on the rights of the rightful occupants who are the plaintiff-appellant and his family.

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In this case, the plaintiff-appellant, not counting the possession of his father, had lived on the property all his life, and he is now over 70 years old.

Prescinding from the fact that, by virtue of their possession, adverse and uninterrupted for more than the required period, the lot in question[,] Lot 922[,] has become private property and passed to their ownership through a presumed grant from the government, the plaintiff-appellant has absolutely the right to file an action for reconveyance to recover the title from the defendant-appellee who recorded it in her name without their knowledge through registration proceedings.^[27]

The appellate court further pointed out that the four-year prescriptive period as to an action for reconveyance of real property resulting from fraud does not apply where the party applying for reconveyance is in possession of the property.^[28]

The dispositive portion of the appellate court's Decision reads:

IN VIEW OF THE FOREGOING, the decision appealed from is reversed. The plaintiff-appellant Felomino Elomin[a] is declared the lawful owner of

Lot 922 erroneously covered by OCT No. P-4884 in the name of the defendant-appellee Leticia Ramirez. The defendant-appellant is ordered to reconvey the property to the plaintiff-appellant, and the Register of Deeds of Calamba, Laguna to cancel the defendant-appellee's OCT No. P4884 and issue a new TCT to the plaintiff-appellant Felomino Elomina.

SO ORDERED.^[29]

Ramirez received a copy of the foregoing Decision on October 17, 2011.^[30] After 17 days from receipt thereof, or on November 3, 2011, she filed a Motion for Reconsideration.^[31]

In a December 21, 2011 Resolution,^[32] the appellate court denied said Motion for late filing and therefore the appellate court's jurisdiction to act on it had been lost.^[33] Thus, in its May 25, 2012 Resolution,^[34] the appellate court ordered the issuance of an Entry of Judgment in CA-G.R. CV No. 92374.^[35] The court noted that on January 19, 2012, its October 12, 2011 Decision had become final and executory.^[36]

Undaunted, Ramirez filed the instant Petition for *Certiorari* under Rule 65 of the Rules of Court with prayer for the issuance of Temporary Restraining Order and/or Writ of Preliminary Injunction.

Issue

The instant Petition raised the lone assignment of error of whether or not the appellate court committed grave abuse of discretion amounting to lack or excess of jurisdiction in denying Ramirez's Motion for Reconsideration for having been filed belatedly and thereafter issuing an order for the issuance of an entry of judgment to the alleged undue prejudice of petitioner.^[37]

Our Ruling

We resolve to dismiss the instant Petition.

Ramirez admits having committed the procedural infraction but asks for the relaxation of the rules. She explains that the inadvertent late filing of the November 3, 2011 Motion for Reconsideration with the appellate court was due to forgetfulness in view of her old age and frail condition.^[38]

The Court is not persuaded.

Section 1, Rule 52 of the Rules of Court provides for the period to file a Motion for Reconsideration:

Section 1. *Period of filing.* - A party may file a motion for reconsideration of a judgment or final resolution **within fifteen (15) days from notice thereof**, with proof of service on the adverse party. (Emphasis supplied)

Rule 36, Section 2 of the same Rules also provides that a judgment or final order shall become final unless a Motion for Reconsideration is timely filed, to wit: