

FIRST DIVISION

[G.R. No. 184023, March 04, 2013]

**LORNA CASTIGADOR, PETITIONER, VS. DANILO M. NICOLAS,
RESPONDENT.**

R E S O L U T I O N

REYES, J.:

Petitioner Lorna Castigador (petitioner) assails the Court of Appeals (CA) Resolutions in CA-G.R. SP No. 99725 dated July 31, 2007^[1] and July 29, 2008,^[2] dismissing her petition for annulment of judgment.^[3]

Petitioner was the previous registered owner of a 522-square meter property in Tagaytay under Transfer Certificate of Title (TCT) No. T-41069. In 2004, the City Treasurer of Tagaytay sold the property at public auction for non-payment of real estate taxes. According to petitioner, she did not receive any notice of assessment, notice of delinquency, warrant of levy and notice of public auction.^[4] Respondent Danilo M. Nicolas (respondent) was thereafter declared the highest bidder. The certificate of sale issued to respondent was then annotated at the back of petitioner's title. Petitioner further alleged that she was not given a notice of the auction sale or registration of the certificate of sale.^[5]

In 2006, respondent sought the issuance of a new title due to petitioner's failure to redeem the property. Petitioner, again, alleged that she did not receive a copy of the petition or any subsequent notices as her address indicated therein was wrong. Consequently, the Regional Trial Court (RTC) of Tagaytay City rendered on May 31, 2006 its decision granting respondent's petition^[6] and ordering the issuance of TCT No. T-65220 in respondent's name.^[7]

When finally apprised of these events, petitioner filed a notice of adverse claim on respondent's TCT but it was denied by the Register of Deeds of Tagaytay City on the ground that there was no privity between petitioner and respondent.

Thus, petitioner filed the petition for annulment of judgment with the CA on July 17, 2007. On July 31, 2007, the CA rendered the assailed Resolution dismissing the petition on the grounds that: (1) the petition is defective for failure to comply with Rule 7, Section 4 of the 1997 Rules of Civil Procedure, as amended; and (2) there is no allegation in the petition that it is based on extrinsic fraud and lack of jurisdiction, in violation of Rule 47, Section 2 of the Rules.^[8] Petitioner filed a Motion for Reconsideration with Motion for Leave to Admit Amended Petition, which was denied by the CA in the assailed Resolution dated July 29, 2008. The CA simply stated that "the arguments posed by the petitioner in support of the grounds cited for the allowance of the petition are bereft of merit, as they do not constitute extrinsic fraud to annul the questioned *decision*."^[9]