

## THIRD DIVISION

[ G.R. No. 188381, December 14, 2011 ]

**BAGUIO TRINITY DEVELOPERS, INC., HEREIN REPRESENTED BY RICARDO JULIAN, PETITIONER, VS. THE HEIRS OF JOSE RAMOS AND THE HEIRS OF LEOPOLDO AND VICTORINA NEPA; AND THE HONORABLE COURT OF APPEALS, RESPONDENTS.**

### DECISION

**ABAD, J.:**

The case is about a) the requirement in a petition for annulment of judgment of the submission of a certified true copy of the assailed judgment or order and b) laches as a bar to a property owner's action to annul a reconstituted version of his title registered in another person's name.

#### The Facts and the Case

Spouses Meliton Grabiles and Leona Calderon (the Grabiles) were the original registered owners of a 2,933-square-meter lot in Rosario, La Union.<sup>[1]</sup> After a number of successive transfers the lot was eventually sold to petitioner Baguio Trinity Developers, Inc. on January 3, 1994, resulting in the issuance of Transfer Certificate of Title T-38340 in its name.

It appears, however, that in 1985 Anastacio Laroco and Leona Javier filed a reconstitution proceeding before Branch 31 of the Regional Trial Court (RTC) of Agoo, La Union, covering the Grabiles' original title. But for some reasons, the RTC's order of October 20, 1986 directed the reconstitution of the title in the name of one Maria Bernal. This order was annotated on the Grabiles' Original Certificate of Title (OCT) 1082 issued by the Register of Deeds of La Union.

In 1986, Melicia Silva filed a second petition purportedly on behalf of the Grabiles for the reconstitution of their original title also before Branch 31 of the RTC of Agoo. In its order of October 28, 1986, the RTC ordered the reconstitution of the title in the name of the Grabiles as OCT RO-4717. Entry 89953 of this reconstituted original title stated that the property had been sold in 1939 to a certain Jose Ramos. So, too, in 1944, the southern portion of the lot, covering 1,372 square meters, was sold to Quirini Parrocha who in turn sold it in 1955 to the spouses Leopoldo and Victorina Nepa (the Nepas). Respondents in this case are the heirs of these two buyers, Jose Ramos and the Nepas (the Ramos and Nepa heirs).

On September 14, 1995 petitioner Baguio Trinity filed a complaint for recovery and declaration of nullity of title and damages before the Municipal Trial Court (MTC) of Rosario, La Union, against the Ramos and Nepa heirs who held reconstituted titles over the property. Since Baguio Trinity presented the issue on the validity of the reconstituted titles issued by the RTC, a superior court, the MTC dismissed the

complaint for lack of jurisdiction.

On December 3, 1997 petitioner Baguio Trinity filed a second complaint for recovery of property, declaration of nullity of title, and damages before the RTC of Agoo, Branch 32. But, by Order of May 31, 2004, the RTC dismissed the complaint for lack of jurisdiction after finding that the assessed value of the subject property was below P20,000.00. Moreover, the court said that it could not annul an order issued by a co-equal court. The RTC also denied Baguio Trinity's motion for reconsideration, prompting it to file a petition for *certiorari* with the Court of Appeals (CA) on October 13, 2004. On September 13, 2007<sup>[2]</sup> the CA dismissed the petition, stating that Baguio Trinity's remedy should have been a petition to annul judgment under Rule 47 of the Rules of Court.

Three years later from the time the RTC dismissed the complaint or on December 20, 2007 petitioner Baguio Trinity filed with the CA a petition for annulment of the reconstitution orders that the RTC of Agoo, Branch 31, issued on October 20, 1986 and October 28, 1986, impleading the Ramos and Nepa heirs. Baguio Trinity claimed that the RTC had no jurisdiction to order reconstitution for the Grabiles' title since this was not lost. Further, the Grabiles could not have authorized anyone to institute the proceedings on their behalf since they had been long dead. Thus, the orders should be annulled for lack of jurisdiction.

On May 8, 2008 the CA<sup>[3]</sup> dismissed the petition on the grounds that it failed to attach a) a certified copy of the RTC Order dated October 20, 1986, and b) copies of the affidavits of witnesses and the documents, and the pleadings filed during the reconstitution proceedings, the notices of hearing, and the titles issued to petitioner's predecessors-in-interest in support of petitioner's cause of action. Further, petitioner paid insufficient docket fees.

Petitioner Baguio Trinity filed a motion for reconsideration and attached a copy of the affidavit of Cresencio Aspiras, their immediate predecessor, together with copies of reconstituted titles issued to previous owners to show the chain of ownership before Baguio Trinity acquired title to the property. It also paid the deficiency in the docket fees and explained that a certified true copy of the assailed Order cannot be obtained because the records were destroyed during the July 16, 1990 earthquake per RTC Certification of November 14, 2007.

But the CA denied petitioner's motion of November 7, 2008, citing Section 4, par. 2 of Rule 47 which provides that a "certified copy of the judgment or final order shall be attached to the original copy of the petition." The mandatory tenor of the requirement, said the CA, precluded Baguio Trinity's submission of some other copy of such judgment or final order.

In any event, the CA held that the petition was barred by *laches* since Baguio Trinity had notice of the reconstitution orders as early as 1995 when it filed an action (the first that it filed) for declaration of nullity of titles and damages before the MTC, a wrong court. Baguio Trinity filed its action to annul the orders of reconstitution with the CA only on December 21, 2007 or 12 years after that court affirmed the RTC order dismissing the complaint (the second action filed) before the RTC of Agoo, Branch 32.