

## FIRST DIVISION

[ G.R. No. 177898, August 13, 2008 ]

**SIGMA HOMEBUILDING CORPORATION, PETITIONER, VS.  
INTER-ALIA MANAGEMENT CORPORATION, DEVELOPMENT BANK  
OF RIZAL, INTERCON FUND RESOURCES CORPORATION,  
HASTING REALTY AND DEVELOPMENT CORPORATION AND  
REGISTER OF DEEDS FOR THE PROVINCE OF CAVITE,  
RESPONDENTS.**

### R E S O L U T I O N

#### **CORONA, J.:**

Petitioner Sigma Homebuilding Corporation filed a complaint for annulment of sale, cancellation of titles, reconveyance and damages<sup>[1]</sup> against respondents, namely, Inter Alia Management Corporation (Inter-Alia), Intercon Fund Resources Corporation (Intercon), Hasting Realty and Development Corporation (Hasting),<sup>[2]</sup> Development Bank of Rizal (DBR)<sup>[3]</sup> and the Register of Deeds of the Province of Cavite, in the Regional Trial Court (RTC) of Trece Martires City, Cavite, Branch 23.

Petitioner alleged that its real properties<sup>[4]</sup> in Tanza, Cavite were sold by its assistant vice-president, Augusto S. Parcero, to Inter-Alia without its knowledge and consent and without the requisite board resolution authorizing the same. Inter-Alia, in turn, sold them to DBR. DBR then sold the same to Intercon which conveyed them to Hasting.

Summonses were served on all respondents, except Inter-Alia as it no longer held office at its given address.

For its part, Hasting filed a motion to dismiss on the ground that the complaint stated no cause of action, among others. It stated that the annotations in petitioner's cancelled TCTs (which were attached to the complaint) clearly showed that Parcero was authorized to sell the lots to Inter-Alia. Also attached to the complaint were the duly notarized deed of absolute sale (signed and executed by Parcero, in representation of petitioner) and the acknowledged receipt of the total consideration in the amount of P1,522,920.00. Hasting went on to allege that, based on the complaint, petitioner might not even be a real party in interest to the subsequent successive transfers of the properties to the different respondents. Thus, it had no cause of action for annulment of sale.

In its comment/opposition to Hasting's motion to dismiss, petitioner merely insisted that it had a cause of action but did not controvert Hasting's material assertions.

Respondent Intercon filed an answer.<sup>[5]</sup> The other respondents, however, were not able to file their respective responsive pleadings.

Subsequently, in an order dated July 3, 2002, the RTC dismissed the complaint for failure to state a cause of action. It also ruled that the action for reconveyance was not proper since the properties had already passed on to the hands of innocent purchasers in good faith and for value. Petitioner moved for reconsideration. It was denied.<sup>[6]</sup>

Petitioner appealed to the CA.<sup>[7]</sup> The appellate court affirmed the decision of the court *a quo*.<sup>[8]</sup> The CA also denied petitioner's motion for reconsideration.<sup>[9]</sup>

Petitioner's petition for review on certiorari in this Court<sup>[10]</sup> was denied for failure to show that the appellate court had committed any reversible error in the assailed judgment.<sup>[11]</sup> Its motion for reconsideration was likewise denied.<sup>[12]</sup>

Thereafter, petitioner filed in the CA a petition for annulment of the order dated July 3, 2002 of the RTC on the ground of lack of jurisdiction under Rule 47 of the Rules of Court.<sup>[13]</sup> It argued that the trial court overstepped its boundaries when it dismissed the complaint not only against Hasting but also against the other respondents despite the fact that it was only Hasting that moved for its dismissal.

The CA denied the petition outright.<sup>[14]</sup> It held that for an action for annulment of judgment based on lack of jurisdiction to prosper, it was not sufficient that respondent court committed grave abuse of discretion amounting to lack of jurisdiction; petitioner must show that said court absolutely lacked jurisdiction or that it should not have taken cognizance of the case because the law did not vest it with jurisdiction over the subject matter.

More importantly, the appellate court found that petitioner had already availed of the remedy of ordinary appeal before the CA and this Court. Having been unsuccessful in its appeal before the CA under Rule 41 and the Supreme Court under Rule 45, petitioner could no longer avail of the petition for annulment of judgment, especially since the issue relied upon in the petition could have been properly raised in its appeal in the CA (as, in fact, it was so raised by petitioner and passed upon by the appellate court in said appeal). The CA denied petitioner's motion for reconsideration.<sup>[15]</sup>

Undeterred, petitioner filed a petition for review on certiorari in this Court. It was, however, denied on August 8, 2007 for late filing.<sup>[16]</sup> On November 26, 2007, its motion for reconsideration was denied with finality. Thus, the August 8, 2007 resolution became final and executory on January 18, 2008. Entry of judgment was made on April 25, 2008.

But petitioner stubbornly refuses to give up. In a letter-appeal dated June 30, 2008,<sup>[17]</sup> it implored this Court to take another hard look at the merits of its case. Petitioner reiterated that it was effectively deprived of its right to due process when the RTC dismissed the complaint against the other respondents. It also pleaded for a liberal interpretation of the rules of procedure.

The letter-appeal is without merit.