

SECOND DIVISION

[G.R. NOS. 141810 & 141812, February 02, 2007]

VICENTE DELOS SANTOS, ROBERTO DELOS SANTOS, PACIFICO DELOS SANTOS, CORAZON DELOS SANTOS, CONSTANCIA DELOS SANTOS, JOINED BY HER HUSBAND ELEODORO PRADO; NORMA DELOS SANTOS, JOINED BY HER HUSBAND WILFREDO PRADO; LUDOVICO DELOS SANTOS, ALICIA DELOS SANTOS, JOINED BY HER HUSBAND RONALDO DEGRAS; DEMOCRITO DELOS SANTOS, FELICISIMA DELOS SANTOS, JOINED BY HER HUSBAND TEODULO ARCIBAL; ADELA S. CASTRO, JOINED BY HER HUSBAND LUBERATO LAKANDULA; FELISA S. CASTRO, JOINED BY HER HUSBAND PAQUITO CASIDSID; NELLY C. SUALOG, JOINED BY HER HUSBAND LEONARDO YANKY; REMEDIOS C. SUALOG, MARIA C. SUALOG, WINIFREDO SUALOG, VICENTE C. SUALOG, FELOGENIA C. SUALOG, JOINED BY HER HUSBAND DANILO DIGNADICE; PATRICIO C. SUALOG, BUENAVENTURA C. SUALOG, ROMEO C. SUALOG, CONCEPCION ANDRES, AGNES LEVI A. SUALOG, DIONESIO C. SERRANO, ZENAIDA C. SERRANO, CESAR C. SERRANO, ABUNDIO C. SERRANO, VIOLETA C. SERRANO, ROMEO C. SERRANO, EFREN C. SERRANO, THELMA CASTRO-SALIBIO, JESUS S. FERNANDO, RODRIGO DELOS SANTOS, CLARITA DELOS SANTOS, DANILO TUMALA, ERLINDA TUMALA, EDGARDO TUMALA, DOMINGO TUMALA, MARIO TUMALA, RONALD TUMALA, FERDINAND TUMALA, ANASTACIA DELOS SANTOS, JOINED BY HER HUSBAND FRANCISCO TUMALA; ARSENIO DELOS SANTOS, JR., VICTORINO DELOS SANTOS, ERLINDA DELOS SANTOS, NATIVIDAD DELOS SANTOS, JOINED BY HER HUSBAND LITO PRADO; HERMINIGILDO DELOS SANTOS, AND PETER DELOS SANTOS, PETITIONERS, VS. FRED ELIZALDE AND JOAN ELIZALDE, JESUS DELOS SANTOS AND ROSITA DELOS SANTOS-FLORES, GLORIA MARTIN, DOMINGO CASIMERO, SERGIO CASIMERO, ABUNDIO CASIMERO, AND TEODORO CASIMERO, RESPONDENTS.

D E C I S I O N

VELASCO, JR., J.:

Diligence is the mother of good fortune.

-Miguel De Cervantes

Parties should not leave the entire business of litigation solely to their counsels. Basic diligence requires that parties themselves should closely monitor the developments in their cases. They should provide full support to their lawyers and even work hand in hand with them to ensure the diligent pursuit and effective

prosecution of their cases. Inevitably, their failure to do so could result in prejudicial consequences.

The Case

This Petition for Review on Certiorari under Rule 45 of the Rules of Court seeks to reverse and set aside the May 11, 1999 Decision^[1] of the Court of Appeals (CA), dismissing petitioners' appeal based on a compromise agreement and considering their appeal as abandoned in CA-G.R. CV No. 54136 and CA-G.R. SP No. 48475; and the January 31, 2000 Resolution^[2] of the CA, denying petitioners' Motion for Reconsideration.^[3] The CA appeal stemmed from the Kalibo, Aklan Regional Trial Court (RTC), Branch VI April 29, 1996 Decision^[4] in Civil Case No. 3683, declaring intervenors Jesus delos Santos and Rosita delos Santos-Flores as lawful owners of two-thirds (2/3) of the disputed land, and Fred and Joan Elizalde as owners of the remaining one-third (1/3) of the land.

The Facts

On December 15, 1986, petitioners filed a Complaint for Quieting of Title, Damages and Attorney's Fees before the Kalibo, Aklan RTC, involving four (4) adjoining lots designated as Lots 393-A, 393-B, 394-D, and 394-E, with areas of 1,515 square meters (sqm), 1,010 sqm, 5,764 sqm, and 6,482 sqm, respectively, for a total land area of 14,771 sqm, located in Boracay Island, Malay, Aklan.^[5] An amended complaint was thereafter filed on May 8, 1991.

Petitioners claimed the aforementioned lots as their inheritance from the late Mariano delos Santos, their common ascendant, either by their own right or by right of representation. Petitioners alleged that the late Mariano delos Santos was the original owner of the lots. On the other hand, respondents spouses Fred and Joan Elizalde, the first set of intervenors before the trial court, claimed that they purchased the lots on June 18, 1974 from the heirs of Leonardo delos Santos, he being the rightful and exclusive owner of the said lots. Respondents Gloria Martin, Domingo Casimero, Sergio Casimero, Abundio Casimero, and Teodoro Casimero, the second set of intervenors before the trial court, claimed ownership over Lots 393-B and 394-E, as heirs of Tomasa Prado, who also allegedly owned said lots. Respondents Rosita delos Santos-Flores and Jesus delos Santos, the third set of intervenors and two of the three legitimate children of the late Leonardo delos Santos, claimed 2/3 of the disputed lots as their rightful inheritance. Respondents delos Santos alleged that they did not sell nor assign their share in the property to anyone, including respondent Fred Elizalde.

After due hearing of the case, the trial court issued the April 29, 1996 Decision, the dispositive portion of which reads:

WHEREFORE, in view of the foregoing considerations, judgment is hereby rendered as follows:

(1.) Dismissing the complaint filed by the plaintiffs as well as the complaint in intervention filed by the second set of intervenors Casimeros, et al. for lack of merit;

(2.) Declaring the two deeds of sale (Exhibits 29 and 30) as null and void insofar as they affect the two-thirds (2/3) share of intervenors Jesus and Rosita;

(3.) Declaring intervenors Jesus delos Santos and Rosita delos Santos Flores as the lawful owners of the two-thirds portion of the land in question or 9,915 square meters on the northwest portion, representing as their shares in the intestate estate of Leonardo delos Santos;

(4.) Declaring defendant Fred Elizalde as the rightful owner of one-third of the land in question or 4,957 square meters on the southeast portion, segregated by a boundary line running from the seashore to the inland or from the southwest to northeast;

(5.) Ordering the cancellation or revision of Tax Declaration No. 4422 in the name of Fred Elizalde (Exhibit 26) and all tax declarations issued subsequent thereto to conform to paragraphs 3 and 4 hereof as well as the issuance of a new tax declaration to intervenors Jesus delos Santos and Rosita Flores covering their two-thirds (2/3) share;

(6.) Ordering the plaintiffs or any persons claiming interest therein to deliver complete possession of the land to defendants and first set intervenors.

No pronouncement as to costs.

SO ORDERED.^[6]

Thus, petitioners and respondent Fred Elizalde filed their separate Notices of Appeal dated June 6, 1996^[7] and May 16, 1996,^[8] respectively. The cases were docketed as CA-G.R. SP No. 48475 for respondent Elizalde and CA-G.R. CV No. 54136 for petitioners. Subsequently, the CA issued the June 2, 1998 Notice to File Brief,^[9] requiring petitioners and respondent Elizalde to file their briefs within forty-five (45) days from receipt of said notice.

On July 27, 1998, petitioners filed by registered mail a July 27, 1998 Motion for Extension of Time to File Brief for Plaintiffs-Appellants.^[10] In their motion, petitioners admitted having received a copy of the Notice to File Brief on June 15, 1998; thus, they had until July 30, 1998 to file their brief, and prayed for an extension of forty-five (45) days from July 30, 1998 to September 13, 1998. On September 10, 1998, petitioners filed another motion for extension,^[11] seeking another forty five (45)-day extension, or until October 27, 1998, within which to file their brief.

In the meantime, respondents Fred Elizalde, Jesus delos Santos, and Rosita delos Santos-Flores filed an October 6, 1998 Joint Manifestation and Motion,^[12] whereby respondent Elizalde abandoned his appeal by virtue of an amicable settlement between the parties through the May 27, 1997 Agreement.^[13] They agreed to swap and re-adjust the areas adjudged by the trial court in their favor, without prejudice to a final judgment by the CA. In addition, Elizalde moved that his appeal be considered as withdrawn and that he be excused from filing an appellant's brief.

On October 27, 1998, petitioners filed an Ex-Parte Motion for Final Extension of Period to File Brief for Plaintiffs-Appellants,^[14] seeking an extension of thirty (30) days, or until November 27, 1998, within which to file their brief. On November 27, 1998, petitioners filed another motion for extension,^[15] asking for another thirty (30)-day extension. And yet again, on December 28, 1998, petitioners filed another motion for extension,^[16] asking for another thirty (30)-day extension to file their brief, such that the period sought to file appellant's brief would be until January 27, 1999. In sum, petitioners had a total extension of one hundred eighty (180) days from July 27, 1998, when they filed a motion for extension before the CA for the first time.

Respondents delos Santos opposed the foregoing motions for extension and moved for the dismissal of the appeal for petitioners' failure to file the required appellants' brief.

However, on April 8, 1999, petitioners, through their former counsel Atty. Napoleon M. Victoriano, filed an Ex-Parte Motion to Withdraw Appeal.^[17] Said motion sought the withdrawal of the appeal on the ground that petitioners and respondents delos Santos entered into an amicable settlement, denominated as an Undertaking executed on September 19, 1998,^[18] whereby petitioners would be paid the amount of Four Million Pesos (PhP 4,000,000.00), in consideration of their leaving the disputed lots peacefully. Notably, the Undertaking was signed by 39 of the 46 petitioners,^[19] and notarized by Atty. Edgar S. Calizo. More so, it was alleged in said motion that the counsel for respondents delos Santos, Atty. Romeo R. Robiso, executed a promissory note on October 15, 1998^[20] on behalf of petitioners, for the amount of Four Million Pesos (PhP 4,000,000.00).

On May 11, 1999, the CA issued the assailed Decision dismissing CA-G.R. CV No. 54136 and SP No. 48475 and considering them withdrawn. It justified its Decision in this wise: "For failure to file their respective appellants' briefs, and in accordance with the prayer in the 'Joint Manifestation and Motion', and in the 'Ex-Parte Motion to Withdraw Appeal', the appeal should be dismissed, and considered as withdrawn."^[21]

Thereafter, an Entry of Appearance^[22] was filed on June 17, 1999 by Atty. Cesar T. Verano, allegedly in representation of petitioners. The entry contained the solitary conformity of petitioner Vicente delos Santos. On the same day, petitioners filed a Motion for Reconsideration of Decision with Prayer for Reinstatement of Appeal,^[23] which was verified solely by petitioner Vicente delos Santos. In their Motion for Reconsideration, petitioners alleged that: (1) they did not have any knowledge of the promulgation of the assailed Decision of the CA; (2) they never entered into any amicable settlement with respondents delos Santos; (3) their alleged signatures in the May 27, 1997 Agreement were forged; and (4) they never authorized their former counsel, Atty. Victoriano, to withdraw their appeal. Thus, petitioners prayed that: (1) their Motion for Reconsideration be considered as filed on time; (2) the said Agreement allegedly entered into by petitioners and respondents delos Santos be considered as invalid; (3) the portion of the assailed Decision dismissing their appeal be reconsidered; (4) their appeal be reinstated; and (5) they be granted a period of ninety (90) days within which to file their appellants' brief.

On July 16, 1999, respondents delos Santos then filed an Opposition to Motion for Reconsideration.^[24] The opposition was based on the following: (1) that petitioners' motion should be considered as mere scrap of paper for not containing any notice of hearing; (2) that the appeal was validly dismissed for petitioners' failure to file their appellants' brief; and (3) that the Agreement was valid.

Petitioners subsequently filed a Reply (To Opposition) on July 30, 1999,^[25] refuting the allegations made by respondents delos Santos; and attached to the reply a handwritten note in Filipino,^[26] stating that: (1) the signatories did not sign the alleged Agreement; (2) they did not receive a single centavo of the money alleged in the Agreement; (3) they did not authorize Atty. Victoriano to withdraw their appeal; and (4) Atty. Victoriano did not furnish them a copy of the Decision of the CA. The note was purportedly signed by Vicente delos Santos, Constanca delos Santos, Terry Ann S. Carnacete, Greta delos Santos, Daisy delos Santos, Jose delos Santos, Herminigildo delos Santos, Peter delos Santos, Vivar delos Santos, Ibarra delos Santos, Rosemarie Tuazon, Natividad Prado, Lito Prado, Felisa Casidsid, Ricardo Fernando, Jesus Fernando, Rogelio Lacandula, Mergie C. Nieves, Anita C. Baltazar, and Claire S. Lacandula. Of the signatories, only eight (8) are among the forty-six (46) petitioners before the appellate court.

On January 31, 2000, the CA issued the assailed Resolution, wherein it was ruled that:

The "Motion for Reconsideration With Prayer for the Reinstatement of Appeal" filed on June 17, 1999 by the said new counsel for plaintiffs-appellants, to which an Opposition has been filed by the first set of intervenors-appellees, is DENIED admission for being late by nine (9) days. The records show that plaintiffs-appellants' counsel of record, Atty. Napoleon M. Victoriano, who has not filed any notice of withdrawal as counsel as per report of the Judicial Records Division, received copy of the Court's Decision dated May 11, 1998, on May 24, 1999. Thus, appellants had only until June 8, 1999 to file their Motion for Reconsideration.^[27]

Hence, this petition is before us.

The Issues

Petitioners raise the following issues:

I.

THE HONORABLE COURT OF APPEALS SERIOUSLY ERRED IN DENYING ADMISSION TO PETITIONERS' MOTION FOR RECONSIDERATION WITH PRAYER FOR THE REINSTATEMENT OF APPEAL FILED BY THEIR NEW COUNSEL FOR HAVING BEEN FILED NINE (9) DAYS LATE, OVERLOOKING AND DISREGARDING THE FACT:

A. THAT PETITIONERS LEARNED OF THE DECISION OF THE COURT OF APPEALS DATED MAY 11, 1999 ONLY ON JUNE 2, 1999, AND ON JUNE 17, 1999, OR WITHIN THE FIFTEEN (15)-DAY REGLEMENTARY PERIOD THEY FILED THEIR AFORESAID MOTION FOR