

SECOND DIVISION

[G.R. NO. 144273, October 20, 2005]

**RODOLFO RAMOS, EMMA R. MILLADO, AND NORMA R. ERIE,
PETITIONERS, VS. HON. JUDGE ALFONSO V. COMBONG, JR.,
REGIONAL TRIAL COURT, NEGROS OCCIDENTAL, LA CARLOTA
CITY, TEODORO MEDINA, JESUS MEDINA, TERESITA MEDINA
AND THE REGISTER OF DEEDS OF LA CARLOTA CITY,
RESPONDENTS.**

D E C I S I O N

AUSTRIA-MARTINEZ, J.:

This refers to the petition for review on *certiorari* of the Resolution^[1] of the Court of Appeals (CA) dated January 13, 2000 in CA-G.R. SP No. 56400, and the Resolution^[2] dated June 30, 2000 denying petitioners' motion for reconsideration.

The petition filed before the CA sought the annulment of the Decision dated February 25, 1977 in *Civil Case No. 11085* rendered by the then Court of First Instance of Negros Occidental, Branch II, and the Order dated May 8, 1996 issued in *Civil Case No. 402* by the Regional Trial Court of La Carlota City, Branch 63.

The decision in *Civil Case No. 11085* declared petitioners Rodolfo Ramos, Emma R. Millado and Norma R. Erie as owners *pro indiviso* of one-half portion of the western side of Lot 196, while private respondents Teresita Medina, Teodoro Medina and Jesus Medina were declared owners of the other half on the eastern portion. The dispositive portion of the decision reads:

WHEREFORE, premises considered, the Court is of the considered view that plaintiffs are the owners *pro-indiviso* of one-half (1/2) portion on the western side of Lot 196, La Carlota Cadastre, while defendants Teresita, Teodoro and Jesus, all surnamed Medina, are the owners, also *pro-indiviso*, of the other half, eastern portion thereof, for which they may obtain separate certificates of title upon presentation of the corresponding subdivision plan duly approved in accordance with law and after the original certificate of title covering the lot shall have been reconstituted in a separate proceeding to be instituted pursuant to Republic Act No. 26, and consequently defendants are entitled to the possession of aforesaid half portion of the property.

Plaintiffs' complaint and defendants' counterclaim are ordered dismissed with costs against plaintiffs.

SO ORDERED.^[3]

The foregoing decision was affirmed by the then Intermediate Appellate Court in AC-G.R. CV No. 62059, which decision became final and executory per Entry of Judgment dated May 23, 1986.^[4]

On the other hand, in *Civil Case No. 402*, which is an action for "revival and enforcement of judgment and for cancellation of titles and reconveyance with damages," the trial court, in an Order dated May 8, 1996, granted private respondents' Motion for Partial Judgment Based on the Pleadings with Reservation of Right to Present Evidence on Damages. The trial court ordered the enforcement and revival of the decision in AC-G.R. CV No. 62059, and declared petitioners' titles over the property null and void. The trial court also ordered the reconveyance of the one-half portion of the property to private respondents and the issuance of a new title in their names. The decretal portion of the decision reads:

WHEREFORE, judgment is hereby rendered as follows:

- 1) Granting the enforcement and revival of the decision of Court of Appeals in AC-G.R. CV No. 62059 dated September 25, 1985.
- 2) Declaring the titles of defendants over La Carlota Cadastre namely: Transfer Certificate of Title No. T-5027 in the name of Rodolfo Ramos, Transfer Certificate of Title No. T-5028 and T-5029 in the name of Norma Ramos Erie and Transfer Certificate of Title No. T-5030 in the name of Emma Ramos Millado, null and void.
- 3) Directing the defendants to reconvey one-half of the property of La Carlota Cadastre to plaintiffs.
- 4) To cancel the titles in the name of all the defendants and a new title be issued in the name of all the plaintiffs over the one-half portion of the property of La Carlota Cadastre.

SO ORDERED.^[5]

The CA affirmed the trial court's order in a Decision dated June 29, 1998 in CA-G.R. CV No. 53541. Petitioners elevated the CA's decision to this Court docketed as G.R. No. 136376, but the petition was denied due course per Resolution dated January 27, 1999.^[6]

On December 23, 1999, petitioners filed a petition for annulment of judgments in *Civil Case Nos. 11085 and 402* before the CA. In the assailed Resolution dated January 13, 2000, the CA dismissed the petition for their failure to state the material dates showing that it was filed on time and to attach an affidavit of merit. Thus, petitioners seek recourse with this Court through the present petition for review on *certiorari*, raising the following issues:

I

WHETHER OR NOT IN A PETITION FOR ANNULMENT OF JUDGMENT UNDER RULE 47 OF THE 1997 RULES OF CIVIL PROCEDURE THERE IS STILL A NEED TO STATE THE MATERIAL DATES TO SHOW TIMELINESS OF

THE FILING THEREOF.

II

WHETHER OR NOT THE DECISION IN CIVIL CASE NOS. 11085 AND 402 CAN BE ANNULLED ON THE BASIS OF EXTRINSIC FRAUD AND NON-DISCLOSURE BY PRIVATE RESPONDENTS IN BOTH PROCEEDINGS.^[7]

Petitioners argue that the petition filed before the CA need not contain a statement of material dates to show that it was filed on time since it presupposes that the judgment sought to be annulled is null and void *ab initio*, hence, it can be attacked anytime.

Petitioners' argument is erroneous.

Annulment of judgment is a recourse equitable in character, allowed only in exceptional cases as where there is no available or other adequate remedy.^[8] Rule 47 of the 1997 Rules of Civil Procedure, as amended, governs actions for annulment of judgments or final orders and resolutions, and Section 2 thereof explicitly provides only two grounds for annulment of judgment, *i.e.*, extrinsic fraud and lack of jurisdiction. The underlying reason is traceable to the notion that annulling final judgments goes against the grain of finality of judgment. Litigation must end and terminate sometime and somewhere, and it is essential to an effective administration of justice that once a judgment has become final, the issue or cause involved therein should be laid to rest. The basic rule of finality of judgment is grounded on the fundamental principle of public policy and sound practice that at the risk of occasional error, the judgment of courts and the award of quasi-judicial agencies must become final at some definite date fixed by law.^[9]

In the petition filed before the CA, extrinsic fraud was alleged as basis for annulling the final decision in *Civil Case No. 11085* and the final order in *Civil Case No. 402*.

Section 3 of Rule 47 lays down the period within which to bring an action for annulment of judgment based on extrinsic fraud, to wit:

SEC. 3. Period for filing action.-If based on extrinsic fraud, the action must be filed within four (4) years from its discovery; and if based on lack of jurisdiction, before it is barred by laches or estoppel.
(Emphasis supplied)

Based on the foregoing provision, petitioners should have filed an annulment of judgment based on extrinsic fraud within four years from discovery of the alleged fraudulent acts committed by private respondents.

A perusal of the petition filed before the CA shows that there is no indication of the dates or time from whence petitioners discovered private respondents' alleged fraudulent acts. While Rule 47 does not explicitly require that a statement of material dates should accompany the petition, nevertheless, there must be a manifest showing in the petition that it was filed within the four-year period. Consequently, the CA was right in dismissing the petition, as it had no basis for determining the timeliness of the filing of the petition.