

FIRST DIVISION

[G.R. No. 91486, November 20, 2001]

ALBERTO G. PINLAC, ATTY. ERIBERTO H. DECENA, RODOLFO F. REYES, FELIPE BRIONES, JUANITO METILLA, JR., FELIPE A. FLORES, HERMINIO ELEVADO, NARCISO S. SIMEROS, PETITIONERS, VS. COURT OF APPEALS, ATTY. CORAZON A. MERRERA, ATTY. JEAN MAKASIAR-PUNO, SERGIO ACABAN, REPRESENTED BY ATTY. RAMON GERONA, ATTY. ROGELIO VELASCO, MARTINA S. NONA, OVIDEO MEJICA, ALFREDO ITALIA, MARIANO GUEVARRA, JESUS YUJUICO, DOMINADOR RIVERA, SATURNINA SALES, REPRESENTED BY ATTY. CONSOLACION SALES-DEMONTANO, FRED CHUA, SONIA SY CHUA, LAWRENCE CHUA, CAROLINA C. RUBIO, REPRESENTED BY TESSIE SEBASTIAN, GEORGE G. GUERRERO, BEATRIZ TANTOCO, REPRESENTED BY FILOMENA CERVANTES, ATTY. MARCELA CELESTINO-GARCIA, FEDERICO GARCIA, ILDEFONSO MORALES, LEONCIA VELASCO, OCRAVIO F. LINA, ANA MARIA JARAMILLO, ESTRELLA BASA, JOSE ESTEVA, JR., CIRILO GONZALES, VILLY TOBIAS, MIGUEL DELA PAZ, RUBEN GUILLERMO, FAUSTO YADAO, REPRESENTED BY JEREMIAS PANLILIO, RICARDO YAP, ROSAURO/PATRICK MARQUEZ, REPRESENTED BY EMMANUEL MARQUEZ, MODESTA FABRIG AND MAXIMINO SALCEDA, MELIA LATOMBO, TERESITA PANGILINAN-RIVERO, ARCH. DANILO C. DE CASTRO, JOSE S. LEDESMA, JAIME P. ANG, VEICENTE P. ANG, MAURO U. GABRIEL, ATTY. VIRGINIA GOMEZ, GIL S. BONILLA, LOURDES BLANCO, REPRESENTED BY CATALINA BLANCO, JOSEFA SANCHEZ AND ROSALINA VILLEGAS, REPRESENTED BY HEIDI BOBIS, SHIRLEY BUCAG, QUIRINA O. TUVERA, REPRESENTED BY WILFREDO OREJUROS, GREGORIO AVENTINO, REPRESENTED BY ENRICO AVENTINO, LEONARDO L. NICOLAS, NICOMEDES PENARANDA, FRANCISCA MEDRANO, OFELIA IGNACIO, ROSENDO ABUBO, REPRESENTED BY SANTOS CHAVEZ, SOLEDAD BAUTISTA DE COLUMNA, REPRESENTED BY ZENAIDA VALLE, MARQUITA/SEBASTIAN LOPEZ, REPRESENTED BY EMMANUEL MARQUEZ, DELIA DORION, GERARDO L. SANTIAGO, FIDEL PANGANIBAN, REPRESENTED BY MANUEL DELA ROCA, MATEO AND OFELIA INOVEJAS, REMEDIOS C. DOVAS, REPRESENTED BY JOSEFA CAPISTRANO, DOMINGO ALTAMIRANO AND SPOUSES ROLANDO ALTAMIRANO AND MINERVA FETALVERO, BEATRIZ RINGPIS, ROSARIO DE MATA, RUFINA CRUZ, REPRESENTED BY JOSEFA MANABAT, SPOUSES ANITA SALONGA-CAPAGCUAN AND MAYNARD CAPAGCUAN, DISCORA YATCO, REPRESENTED BY VICTORINA Y. FIRME, AND CONSUELO YATCO, GENEROSA MEDINA VDA. DE NOGUERA, REPRESENTED BY ATTY. RAYMUNDO M. NOGUERA, BEATRIZ SALANDANAN AND LOURDES ALONTE-VASQUEZ, PEDRO COSIO AND VICTORINA

**CARINO, RUTH C. ZARATE, PRECIOSISIMA V. YAPCHULAY,
BASILISA B. YAPCHULAY, OFELIA B. YAPCHULAY, FELISA B.
YAPCHULAY, FE B. YAPCHULAY, WILMA B. YAPCHULAY, FELIX B.
YAPCHULAY, MARIANO B. YAPCHULAY, GEN. ALFREDO LIM, AND
OTHER REGISTERED OWNERS OF VILAR-MALOLES (VILMA)
SUBDIVISION, RESPONDENTS.**

RESOLUTION

YNARES-SANTIAGO, J.:

In the Decision promulgated on January 19, 2001, the Court disposed of the case as follows:

WHEREFORE, in view of all the foregoing, the decision of the Court of Appeals in CA-G.R. SP No. 17596 is AFFIRMED and the instant petition is DENIED for lack of merit.

SO ORDERED.

Dissatisfied with the aforequoted Decision, petitioners filed a motion for reconsideration of the said Decision, raising the following grounds:

First. There was valid summons by publication on the private respondents.

Second. The portion of the court *a quo's* judgment concerning Lot No. 3 originally covered by OCT No. 333 was never appealed and thus, could not be annulled by the Court of Appeals.

On the first ground, we find no compelling reason to reconsider our earlier finding that there was no valid service of summons by publication on the private respondents.

Under the second ground, petitioners argue that the portion of the Partial Decision of the trial court concerning Lot No. 3 be reinstated on the grounds that:

- 1) Lot No. 3 was originally covered by OCT No. 333, different and far-removed from Lot No. 2 covered by OCT No. 614, mother title of the private respondents' derivative titles.
- 2) The defendants whose properties are located on Lot No. 3 and whose titles were derived from OCT No. 333 never appealed nor questioned the Partial Decision rendered against them.
- 3) There being no timely appeal, the Partial Decision is already final and executory insofar as it affects Lot No. 3 and the defendants whose properties lie therein and whose titles were derived from OCT No. 333.

We find merit in petitioners' contention in this regard. The court *a quo's* Partial Decision disposed in part:

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