



Republic of the Philippines  
**Supreme Court**  
 Manila

FIRST DIVISION

**HEIRS OF DOMINGO REYES,**  
 represented by **HENRY DOMINGO**  
**A. REYES, JR.,**

Petitioners,

- versus -

**THE DIRECTOR OF LANDS and**  
**DIRECTOR OF FORESTRY,**  
 Respondents.

**G.R. No. 223602**

**Present:**

PERALTA, *CJ.*,  
 CAGUIOA, *J.*, *Chairperson*,  
 REYES, *J. JR.*,  
 LAZARO-JAVIER, and  
 LOPEZ, *JJ.*

**Promulgated:**

**JUN 08 2020**

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**RESOLUTION**

**REYES, J. JR. J.:**

Surpassing half a century is a land registration dispute subject of this Petition for Review on *Certiorari*,<sup>1</sup> assailing the Orders dated October 22, 2015<sup>2</sup> and March 18, 2016<sup>3</sup> of the Regional Trial Court of Lucena City, Branch 53 (RTC).

As an offshoot of the 1995 case of G.R. No. L-41968 entitled “*The Director of Lands and the Director of Forest Development v. Judge Medina and Domingo Reyes*”<sup>4</sup> a summary of factual and procedural antecedents are as follows:

<sup>1</sup> *Rollo*, pp. 14-37.

<sup>2</sup> Penned by Presiding Judge Dennis Galahad C. Orendain; id. at 39-42.

<sup>3</sup> Id. at 43-44.

<sup>4</sup> G.R. No. L-41968, February 15, 1995; id at 67-80.

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Domingo Reyes (Domingo) filed an application for land registration of eight parcels of land in the barrios of Vigo, Catidang, and Tala in San Narciso (now San Andres) in Quezon, before the then Court of First Instance of Quezon, Branch 1 (CFI), sitting as a land registration court.<sup>5</sup>

The Director of Lands, through the Solicitor General opposed the application, as did several private individuals.<sup>6</sup>

During the hearings of the case, the Provincial Fiscal of Quezon (Provincial Fiscal) appeared as counsel for both the Director of Lands and then Director of Forestry. Although the latter did not enter his appearance, the CFI allowed him, through the Provincial Fiscal, to introduce evidence in support of the fact that 176 hectares of the area sought to be registered fell within the forest classification.<sup>7</sup>

In a Decision<sup>8</sup> dated July 31, 1974, the CFI adjudicated four parcels of land in favor of Domingo and ordered their registration in his name. The *fallo* thereof reads:

WHEREFORE, confirming the order of general default issued in this case, this Court hereby adjudicates and orders the registration of titles to Lots 2, 3, 5 and 6, particularly described in plan Psu-223084 Amended (Exhibits D, D-1) and its technical descriptions (Exhibits F to F-6), with the improvements thereon, in the name of the applicant, DOMINGO REYES, of legal age, married to Lourdes Abustan, Filipino citizen, and resident of San Narciso, Quezon, free from all liens and encumbrances. When this Decision has become final, let the corresponding decrees and certificates of title be issued accordingly.

The opposition of Cornelia Manalo de Ramos, Dominga, Rolando, Edgardo, Rodrigo, Rosalia and Maria, all surnamed de Ramos, is hereby dismissed, for lack of evidence.

SO ORDERED.<sup>9</sup>

The Provincial Fiscal received the copy of the decision on August 8, 1974 while the OSG received the same on November 13, 1974.<sup>10</sup>

Within the 30-day period then required for interposing an appeal (under the 1964 Rules of Court), the Solicitor General filed for the Directors of Lands and Forestry, a notice of appeal and an urgent motion for extension of time to file a record on appeal, which the Provincial Fiscal filed on January 2, 1975.<sup>11</sup>

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<sup>5</sup> Id. at 67.

<sup>6</sup> Id.

<sup>7</sup> Id. at 68.

<sup>8</sup> Penned by Judge Delia P. Medina; id at 45-66.

<sup>9</sup> Id. at 65-66.

<sup>10</sup> Id. at 68.

<sup>11</sup> Id.

To these, counsel for Domingo filed an opposition, contending that since it was the Provincial Fiscal who represented both the Directors of Lands and Forestry and who received the copy of the July 31, 1974 Decision on August 8, 1974, the notice of appeal as well as the motion for extension of time filed by the Solicitor General were out of time. Hence, the decision became final and executory.<sup>12</sup>

In response, the Solicitor General insisted that he should have been served all pleadings and processes in the case considering that he was the counsel of record and principal counsel. Thus, the receipt of all such pleadings and court processes by the Provincial Fiscal, who appeared as the Solicitor General's representative was not equivalent to the latter's receipt thereof inasmuch as the representation did not divest him of control over the case.<sup>13</sup>

Domingo reiterated that the Solicitor General did not provide any justification for his claim that he was the principal counsel for the oppositors as other lawyers appeared for and in behalf of both the private and public oppositors.<sup>14</sup>

The Solicitor General, in his rejoinder, asserted his authority as the government's representative in land registration cases by virtue of Presidential Decree (P.D.) No. 478; and his authority to deputize the Provincial Fiscal, in the performance of his duties, did not divest him of control over the case. More so did it empower the Provincial Fiscal to receive pleadings and court processes.<sup>15</sup>

In an Order dated March 31, 1975, the CFI ruled that the period to file an appeal should be counted from the receipt of the Decision by the Solicitor General considering that the Provincial Fiscal appeared as counsel of record with personality distinct and separate from that of the Solicitor General's in so far as the Director of Lands is concerned. However, as to the Director of Forestry, the CFI opined that the period lapsed considering the failure of the Provincial Fiscal to interpose for him a timely appeal. Thus, the CFI dismissed the appeal of the Director of Forestry, gave due course to the appeal of the Director of Lands, and directed the Solicitor General to amend the notice of appeal and record on appeal within 10 days from notice.<sup>16</sup>

In behalf of the Director of Forestry, the Solicitor General filed a motion for partial reconsideration based on P.D. No. 478, vesting upon him the exclusive authority to represent the government and its officers. As such, the service of the Decision upon the Provincial Fiscal who had no legal

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<sup>12</sup> Id.

<sup>13</sup> Id. at 69.

<sup>14</sup> Id.

<sup>15</sup> Id.

<sup>16</sup> Id. at 69-70.

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personality to appear by himself for the Director of Forestry produced no legal effect.<sup>17</sup>

The motion was denied by the CFI for lack of merit in an Order dated June 17, 1975. On July 22, 1975, the Solicitor General filed a motion for a 30-day extension within which to submit an amended record on appeal. Domingo opposed the motion.<sup>18</sup>

On July 31, 1975, the CFI dismissed the Solicitor General's appeal for failure to amend the notice of appeal and record on appeal as required by the March 31, 1975 Order, resulting in the lapse of more than three months.<sup>19</sup>

However, it turned out that the motion for extension had in fact been filed by the Solicitor General because the CFI issued an Order dated August 1, 1975, holding that such motion had been rendered moot and academic by its July 31, 1975 Order dismissing the appeal interposed by the Solicitor General.<sup>20</sup>

Nevertheless, the Director of Lands, through the Solicitor General, filed an amended notice of appeal before the CA. On August 22, 1975, a special counsel filed a motion and manifestation stating that upon the instruction of the Provincial Fiscal, he was submitting a motion for reconsideration signed by the Assistant Solicitor General and an amended record on appeal incorporating relevant pleadings and orders. He manifested that the Office of the Provincial Fiscal was not able to immediately comply with the wire-request dated July 22, 1975 sent by the Office of the Solicitor General, requesting the filing of an amended record on appeal pursuant to the March 31, 1975 Order for the reason that said wire-request was received only on July 30, 1975, aside from the fact that the records of the Office of Provincial Fiscal had all been forwarded to the Solicitor General.<sup>21</sup>

To this motion, the Solicitor General attached the amended record on appeal.<sup>22</sup>

In an Order dated November 12, 1975, the CFI denied the two motions.<sup>23</sup>

Thus, the Solicitor General filed a petition for *certiorari* and *mandamus* in behalf of the Directors of Lands and Forestry docketed as G.R. No. L-41968 before this Court.<sup>24</sup>

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<sup>17</sup> Id. at 71.

<sup>18</sup> Id.

<sup>19</sup> Id.

<sup>20</sup> Id. at 72.

<sup>21</sup> Id.

<sup>22</sup> Id. at 73.

<sup>23</sup> Id.

<sup>24</sup> Id.

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In a Decision dated February 15, 1995 in *The Director of Lands and the Director of Forest Development v. Judge Medina and Domingo Reyes* docketed as G.R. No. L-41968, the Court expounded on the duty of the Solicitor General to represent the government under the Magna Carta of the Office of Solicitor General and particularly in defending the interest of the government under the Revised Administrative Code and P.D. No. 478 in land registration cases. As such, his act of deputizing the Provincial Fiscal to appear during hearings as counsel for the Directors of Lands and Forestry was considered as sufficient representation. More so when the CFI allowed the Provincial Fiscal to adduce evidence without Domingo registering any opposition thereto.<sup>25</sup>

Corollary, the Solicitor General timely filed an appeal in behalf of both the Directors of Lands and Forestry after entering his appearance thereto and deputizing the Provincial Fiscal, respectively. The Court maintained that notices are binding upon the Solicitor General upon actual receipt by him. Hence, service of decisions on the Solicitor General was the proper basis for computing the reglementary period for filing appeals and for determining whether a decision had attained finality.

The Court thus, set aside the dismissal of the appeal and ordered the Solicitor General to file the proper petition for review:

WHEREFORE, the instant petition for *certiorari* and mandamus is hereby GRANTED and the questioned orders of the lower court dismissing the appeal interposed by the Solicitor General in behalf of the government are SET ASIDE. The Solicitor General is directed to file the proper petition for review before the Court of Appeals which shall resolve with dispatch the instant land registration case which has been pending for some twenty years.

SO ORDERED.<sup>26</sup>

In compliance with the Court's directive, the Solicitor General filed a Manifestation and Motion dated March 15, 1995, praying that his earlier appeal which was adjudged to be timely filed in G.R. No. L-41968, be treated as a petition for review.<sup>27</sup>

On April 14, 2011, the Heirs of Domingo Reyes filed a Motion for Execution, alleging that the Solicitor General failed to comply with the Court's directive in G.R. No. L-41968, before the RTC.<sup>28</sup>

In a Resolution<sup>29</sup> dated May 22, 2012, the RTC resolved *both* the Motion for Execution filed by petitioners and the Manifestation and Motion filed by the Solicitor General. In settling the issues of both parties, the RTC

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<sup>25</sup> Id. at 75-78.

<sup>26</sup> Id. at 79.

<sup>27</sup> Id. at 137.

<sup>28</sup> Id. at 146.

<sup>29</sup> Id. at 146-148.

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determination of the case. In effect, the RTC denied the Motion for Execution and granted the Manifestation and Motion filed by the Solicitor General:

To resolve the problem, procedural laws on the matter teaches us that since the essence of due process is always an opportunity to be heard and that a party should as far as practicable must be given his day in Court and the case decided on the [merits], it behooves upon this Court, considering that none between the parties is to be blamed, but perhaps the Court for its inaction, and if only to give effect to the directive of the Supreme Court *supra* for the parties to lay their cards on the table, the Court allows the elevation of the entire records of this case to the Court of Appeals, Manila, as prayed for, in the highest interest of justice, so that unsettled matter concerning this case will finally be laid to rest.<sup>30</sup>

The *fallo* thereof reads:

**WHEREFORE, of the foregoing, petitioner's prayer for issuance of a writ of execution and the private oppositor's motion to consider the appeal** of the public oppositor Director of Lands and Forest Development abandoned and to issue a decree in favor of all the heirs of deceased Domingo Reyes are all denied as it is hereby denied.

Instead, the entire original records of this case, as prayed for, is elevated to the Court of Appeals, Manila, on a petition for review, in compliance with that order of the Honorable Supreme Court in G.R. No. L-41968 dated February 15, 1995.

For this purpose, the officer-in-charge, this branch of the Court, is directed to facilitate the transfer of the records of this case to the appellate Court *supra* via a petition for review.

SO ORDERED.<sup>31</sup>

In an Indorsement<sup>32</sup> dated February 21, 2013, the Clerk of Court of the RTC forwarded the records of the case to the CA *sans* 12 Exhibits.

Docketed as *CA-G.R. CV No. 100227*, a Resolution<sup>33</sup> dated October 16, 2013, was issued by the CA. The parties were ordered to submit their copies of the lacking exhibits, if they have any. If none, the parties were suggested to take steps which would lead to the completion of records.

On the denial of their Motion for Execution, petitioners thereafter filed a Notice of Appeal before the CA. The case was likewise docketed as *CA G.R. CV No. 100227*.<sup>34</sup>

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<sup>30</sup> Id. at 147.

<sup>31</sup> Id. at 148.

<sup>32</sup> Id. at 149-155.

<sup>33</sup> Id. at 156-157.

<sup>34</sup> Id. at 40

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In a Resolution<sup>35</sup> dated October 14, 2014, the CA remanded the entire records of the case to the trial court for the proper reconstitution of the missing exhibits and Transcript of Stenographic Notes.

However, despite earnest efforts of the trial court, the missing documents were not found.<sup>36</sup>

Consequently, petitioners filed a Motion to Withdraw Appeal<sup>37</sup> as they deemed it proper to file instead, a motion for the issuance of certificate of finality of judgment before the RTC. Said withdrawal of appeal was granted in a Resolution<sup>38</sup> dated July 16, 2015:

The "Motion to Withdraw Appeal" filed by counsel for petitioner-appellant is **GRANTED** and the instant appeal is now considered **CLOSED** and **TERMINATED**. The Division Clerk of Court is accordingly directed to issue the corresponding Entry of Judgment in this case.<sup>39</sup>

Thus, an Entry of Judgment<sup>40</sup> dated July 16, 2015 was issued.

On the motion for the issuance of certificate of finality, the RTC issued the assailed Order<sup>41</sup> dated October 22, 2015. Maintaining that the reconstitution of the records was necessary to prove that petitioners complied with the requirements of the Land Registration Act for the confirmation of their title, the RTC ruled that the issuance of a certificate of finality would be baseless and premature.

To this, petitioners filed a motion for reconsideration, which was denied in an Order<sup>42</sup> dated March 18, 2016.

Hence, this petition.

Ultimately, the issue in this case is whether or not the denial of the motion for issuance of a certificate of finality is proper.

The Court resolves.

Judgments or orders become final and executory by operation of law, and not by judicial declaration. The finality of a judgment becomes a fact upon the lapse of the reglementary period of appeal if no appeal is perfected or no motion for reconsideration or new trial is filed.<sup>43</sup>

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<sup>35</sup> Id. at 158-159.

<sup>36</sup> Id. at 41.

<sup>37</sup> Id. at 88-93.

<sup>38</sup> Id. at 94.

<sup>39</sup> Id.

<sup>40</sup> Id. at 95.

<sup>41</sup> Supra note 2.

<sup>42</sup> Supra note 3.

<sup>43</sup> *Barrio Fiesta Restaurant v. Beronia*, 789 Phil. 520, 539 (2016).

Hence, the determination of the period of filing an appeal is crucial.

To recall, the Court ordered the OSG to file a petition for review before the CA. Insisting that the appeal, which was ruled as timely filed in G.R. No. L-41968 is substantially compliant with this Court's directive, the Solicitor General filed a Manifestation and Motion before the RTC. In said manifestation, the OSG prayed that the appeal taken be treated as a petition for review and consequently requested for the transmittal of the entire records from the RTC to the CA.

While said Manifestation was unacted upon, petitioners filed a Motion for Execution on the ground of the Solicitor General's failure to file a petition for review, on April 14, 2011.

After a lapse of 16 years or on May 22, 2012, the RTC resolved both the motion for execution filed by petitioners *and* the Manifestation and Motion filed by the Solicitor General. In its *fallo*, the Resolution explicitly stated that the appeal was considered as a petition for review and accordingly ordered the elevation of the records of the case to the CA for disposition.

Evidently, the Solicitor General's appeal was given due course. Hence, in view of the pendency of the Solicitor General's petition for review, the July 31, 1975 CFI Order has not become final and executory.

Without the decision attaining finality, the RTC correctly denied petitioners' motion for the issuance of certificate thereof.

At this point, the Court notes the dearth of documents accompanying this case. Based on what is accessible to the Court, it must be highlighted that the appeal filed by petitioners on the denial of the motion for execution **and** the appeal filed by the OSG, given due course as a petition for review, **bore the same docket number**, that is CA-G.R. CV No. 100227. This similarity becomes pertinent when petitioners subsequently withdrew their appeal, which was granted by the CA. In fact, an Entry of Judgment<sup>44</sup> in CA-G.R. CV No. 100227 was issued by the CA on July 16, 2015.

At this juncture, it is expected that the effect of the dismissal of CA-G.R. CV No. 100227 is to foreclose *both* proceedings on the appeal filed by petitioners on the motion for execution case *and* the petition for review filed by the Solicitor General as both cases have similar docket numbers.

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<sup>44</sup> Rollo, p. 95.

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However, based on the foregoing factual circumstances, the termination of the case should extend only to the appeal filed by the petitioners insofar as the denial of the motion for execution is concerned.

Hence, to avoid confusion and to put an order to the proceedings in the court *a quo*, it is necessary to proceed with the petition for review filed by the Solicitor General. However, in doing so, the Entry of Judgment dated July 16, 2015, must first be recalled **insofar as the dismissal of petitioners' appeal is concerned**, which was withdrawn through a motion<sup>45</sup> dated June 29, 2015.

The ineffable delay suffered by the parties in this case is indeed deplorable. The instant case reached the Court twice, only to be boomeranged. While the Court understands the sentiments of the parties, trapped within the judicial niceties, there is nothing left to do but to apply the rule of law. The Court therefore, **strongly** calls for expediency on the resolution of the case which has been pending for over 50 years.

**WHEREFORE**, premises considered, the petition is hereby **DENIED**. Accordingly, the Decision dated October 22, 2015 and Resolution dated March 18, 2016 of the Regional Trial Court of Lucena City, Branch 53 are **AFFIRMED**.

The Entry of Judgment dated July 16, 2015 is **RECALLED** only insofar as the appeal filed by the petitioners is concerned. The petition for review filed by the Office of the Solicitor General is hereby **REINSTATED**. The Court of Appeals is **DIRECTED** to proceed to dispose the case with deliberate dispatch.

**SO ORDERED.**

  
**JOSE C. REYES, JR.**  
*Associate Justice*

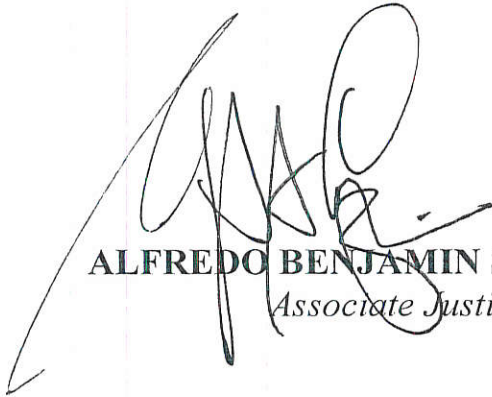
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<sup>45</sup> Supra note 37.

**WE CONCUR:**



**DIOSDADO M. PERALTA**  
*Chief Justice*  
*Chairperson*



**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*



**AMY C. LAZARO-JAVIER**  
*Associate Justice*



**MARIO V. LOPEZ**  
*Associate Justice*

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**DIOSDADO M. PERALTA**  
*Chief Justice*