Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

LOLITA JAVIER and JOVITO CERNA, Petitioners,	**G.R. No. 233821** Present:
-versus-	LEONEN, *J., Chairperson,* HERNANDO*, INTING, DELOS SANTOS, and LOPEZ, J., *JJ.*
DIRECTOR OF LANDS, Respondent.	**Promulgated:** June 14, 2021

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DECISION

LEONEN, *J.*:

Estoppel by laches had already set in when respondent raised the issue of lack jurisdiction for the first time on appeal, after the lapse of 42 years from its filing of petition, and only after the trial court ruled against it twice.

This Petition for Review on Certiorari[1] assails the Decision[2] and July 26, 2017 Resolution[3] of the Court of Appeals, which reversed and set aside

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* On wellness leave.

1 *Rollo*, pp. 29–54. Under Rule 45 of the Rules of Court.

2 Id. at 282–290. The May 31, 2017 Decision was penned by Associate Justice Ronaldo B. Martin and concurred in by Associate Justices Edgardo T. Lloren and Louis P. Acosta of the Twenty-Third Division of the Court of Appeals, Cagayan de Oro City.

3 Id. at 292–293. The July 26, 2017 Resolution was penned by Associate Justice Ronaldo B. Martin and concurred in by Associate Justices Edgardo T. Lloren and Louis P. Acosta of the Former Twenty-Third Division of the Court of Appeals, Cagayan de Oro City.

the March 8, 2010 Judgment[4] and February 28, 2013 Order[5] of the Regional Trial Court

On August 20, 1971, the Director of Lands filed a petition before the Court of First Instance of Mati, Davao Oriental for the adjudication of title to a land,[6] specifically described as follows:

> A tract of land containing an area of 2,540.5667 hectares more or less divided into 1,079 lots situated in the Municipality of Lupon, Province of Davao, Philippines, the same being designated as Lupon Cadastre, Cad-353-D, Case 1.[7]

On June 25, 1974, the siblings Lolita Javier (Javier) and Jovito Cerna (Cerna) filed their respective Answers asserting ownership over portions of the Lupon Cadastre, specifically Lot No. 3541 with an area of 71,167 square meters. Javier claimed Lot No. 3541-A with an area of 22,743 square meters, while Cerna claimed Lot No. 3541-B with an area of 48,424 square meters.[8]

On January 28, 2005, Javier and Cerna filed a Motion to Set Case for Hearing before the Regional Trial Court of Lupon, Davao Oriental.[9] Javier and Cerna alleged that per the Certification of the Regional Trial Court of Mati, Davao Oriental issued on October 4, 1983, they were the only ones who filed their Answers to the cadastral proceedings and no hearing had been set for the adjudication of their claims.[10]

In a February 16, 2005 Order, the Regional Trial Court set the case for initial hearing on April 19, 2005 at 8:30 a.m.[11] At the hearing, Provincial Prosecutor Neil C. Pudpud appeared for the Office of the Solicitor General.[12]

On August 1, 2006, Javier, as the lone witness, testified that: (1) her father Ignacio Cerna, Sr. was the original claimant of Lot No. 3541; (2) while still alive, he donated the lot to her and her brother Cerna, through a Donation *Inter Vivos* dated April 30, 1974; and (3) since then, Javier and Cerna occupied, cultivated, declared for tax purposes, and subdivided their respective lots.[13]

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4 Id. at 242–244. The March 8, 2010 Judgment was penned by Presiding Judge Emilio G. Dayanghirang III of the Regional Trial Court of Lupon, Davao Oriental in LRC Rec. No. N-575, Cadastral Case No. N-42.

5 Id. at 245–247. The February 28, 2013 Order was penned by Designated Presiding Judge Nino A. Batingana of Lupon, Davao Oriental in LRC Rec. No. N-575, Cadastral Case No. N-42

6 Id. at 282–283.

7 Id. at 283.

8 Id.

9 Id.

10 Id. at 242 and 283.

11 Id.

12 Id. at 242.

13 Id. at 242–243 and 283–284.

On September 4, 2006, the Regional Trial Court issued an Order admitting the documentary evidence offered by Javier and Cerna, and submitted the case for decision.[14] However, on November 8, 2006, the trial court issued a Clarificatory Order setting aside its September 4, 2006 Order and authorizing Javier and Cerna to hire a geodetic engineer to conduct a partition survey of the lot in accordance with their Extrajudicial Agreement of Partition subject to the approval of the Land Management Services of the Department of Environment and Natural Resources.[15]

Thereafter, Javier and Cerna submitted a duly approved subdivision survey over Lot No. 3541,[16] and moved that Lot No. 3541 be adjudicated in their favor.[17]

On March 8, 2010, the Regional Trial Court issued its Judgment[18] adjudicating Lot No. 3541 to Javier and Cerna, upon finding that the motion was fully substantiated and for failure of the government to oppose or present evidence to oppose the motion,[19] thus:

> WHEREFORE, Premises Considered, Lot No. 3541, Cad. Case No. N-42, LRC Reg. No. N-575, Lupon Cadastre is hereby adjudicated, with all the improvements thereon, to movants Lolita C. Javier, widow, a resident of 464-2, Guerero St., Davao City and Jovito R. Cerna, married to Matilda Estipona-Cerna, and a resident of Cabuyao, Laguna, Philippines.
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> The roads, highways, alleys, streets, water courses and other parcel of the land not specified as lots, located within the borders of the aforementioned lots are hereby declared to be the properties of the Republic of the Philippines.
>
> The Land Registration Authority is hereby ordered, after this judgment shall have become final and executory of which it shall be duly advised by a specific order by this Court, to issue separate Decree of Registration of Title to movants of Lot No. 3541 in the following manner:
>
> 1. Lot No. 3541-A with all the improvements thereon containing an area of 22,864 square meters to be adjudicated in favor of Lolita C. Javier; and
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> 2. Lot No. 3541-B with all the improvements existing thereon containing an area of 48,303 square meters is adjudicated in favor of Jovito R. Cerna.
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> SO ORDERED.[20]

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14 Id. at 284.
15 Id.
16 Id. at 243.
17 Id. at 242.
18 Id. at 242–244.
19 Id. at 243.
20 Id. at 243–244.

On March 31, 2010, the Office of the Solicitor General filed a Motion for Reconsideration alleging that the trial court violated the State's constitutional right to due process, as it was not served copies of the pleadings, motions, records or notices, and it was not given a chance to participate in the proceedings.[21]

On February 28, 2013, the Regional Trial Court denied the motion for reconsideration.[22] The trial court stated that the Office of the Solicitor General was furnished with every copy of the pleadings and motions filed by Javier and Cerna, as evidenced by registry receipts, as well as every court orders, notices, and processes.[23] The trial court likewise pointed out that the Provincial Prosecutor, as the Office of the Solicitor General's representative, actively participated during the hearings.[24]

On March 26, 2013, the Office of the Solicitor General filed an Appeal questioning the trial court's jurisdiction to hear the case for the alleged failure of Javier and Cerna to prove the publication of the Notice of Initial Hearing in the Official Gazette.[25] Moreover, Javier and Cerna allegedly failed to prove possession in the manner required by law.[26]

On April 10, 2013, the trial court gave due course to the appeal and elevated the case records and documentary evidence to the Court of Appeals.[27]

On May 31, 2017, the Court of Appeals granted[28] the appeal and held that the trial court lacked jurisdiction to pass upon LRC Cad. Rec. No. N-575, Cadastral Case No. N-42.[29] The Court of Appeals found that Javier and Cerna failed to prove compliance with the publication requirement and that the trial court was vested with jurisdiction, when they filed their Motion to Set Case for Hearing on January 28, 2005, or 30 years after they filed their Answer.[30] The Court of Appeals dismissed Javier and Cerna's defense that the Notice of Initial Hearing dated December 10, 1973 was published twice in the Official Gazette, and rejected the belatedly submitted certifications of publication because of failure to offer them as evidence.[31] The dispositive portion of its Decision reads:

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21 Id. at 284.
22 Id. at 223–225.
23 Id. at 224.
24 Id. at 225.
25 Id.
26 Id.
27 Id. at 285.
28 Id. at 282–290.
29 Id. at 289.
30 Id. at 288.
31 Id.

> **WHEREFORE**, premises considered, the appeal is **GRANTED**. The Judgment dated March 8, 2010 and Order dated February 28, 2013 of the Regional Trial Court, Branch 32, Lupon, Davao Oriental are **SET ASIDE**. Let a new judgment be issued **DISMISSING** LRC Rec. No. N-575, Cadastral Case No. N-42, Lot 3451 for lack of jurisdiction.
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> **SO ORDERED**.[32] (Emphasis in the original)

In a July 26, 2017 Resolution,[33] the Court of Appeals denied the motion for reconsideration filed by Javier and Cerna.

Subsequently, Javier and Cerna filed before this Court a Petition for Review on Certiorari dated September 20, 2017.[34] In a December 4, 2017 Resolution,[35] this Court required respondent Director of Lands to file a comment. Thus, respondent, through the Office of the Solicitor General, filed its Comment[36] on February 20, 2018.[37] Meanwhile, petitioners filed their Reply on March 15, 2017.[38]

Petitioners assert that the jurisdictional requirement of publication of the Notice of Initial Hearing referred to in Section 7 of Act No. 2259 was already complied with as early as 1974.[39] They argue that the February 16, 2005 Order was not the notice of initial hearing and the Court of Appeals seriously erred in ruling that the publication requirement extends to subsequent notices of hearing.[40] Thus, petitioners allege that the Court of Appeals erred in declaring lack of jurisdiction for the trial court, because of petitioners' failure to present proof of publication of the Notice of Initial Hearing in the Official Gazette.[41]

Petitioners further claim that *Spouses Tan Sing Pan v. Republic*[42] is not applicable in this case, because of the different facts involved. Further, the quoted portion in the assailed Decision did not accurately reflect the reasoning of the Court.[43] Petitioners argue that the duty to ensure compliance with publication lies with the government, and the government cannot belatedly claim lack of notice and publication, considering that it was the Director of Lands, through the Office of the Solicitor General, who initiated the cadastral proceedings, and they were served copies of all records of the proceedings.[44]

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32 Id. at 289.
33 Id. at 292–293.
34 Id. at 50.
35 Id. at 469.
36 Id. at 476–489.
37 Id.
38 Id. at 242.
39 Id. at 41.
40 Id. at 40.
41 Id. at 38–39.
42 528 Phil. 623 (2006) [Per J. Garcia, Second Division].
43 *Rollo*, pp. 41–44.
44 Id. at 46–47.

Petitioners claim that the Court of Appeals erred in not taking judicial notice of the records submitted before it, and this Court should give weight to the documents proving jurisdictional requirement of publication as these form part of the official records of the trial court.[45]

On the other hand, respondent argues that the decision of the Court of Appeals is correct. Respondent claims that petitioners only submitted the purported Notice of Initial Hearing and its publication in the Official Gazette as annexes in their Appellee's Brief, and they were not offered as evidence before the trial court.[46] Respondent further points out that petitioners only filed a Motion to Set Case for Hearing on January 26, 2005, or 30 years from the time they filed their Answers in 1974.[47]

In their Reply, petitioners reiterate the arguments they raised in their Petition.[48]

The sole issue for resolution is whether or not the Court of Appeals erred in finding that the trial court had no jurisdiction to adjudicate the cadastral case for failure of petitioners Lolita Javier and Jovito Cerna to show proof of publication of the Notice of Initial Hearing.

We grant the Petition.

I

An offspring of the Torrens System, the Cadastral System, established by Act No. 2259, aims to serve public interest by requiring titles to any lands be "settled and adjudicated[,]"[49] and by decreeing land titles to be "final, irrevocable, and indisputable."[50] Under the Cadastral System, titles for all the land within a stated area are adjudicated, regardless of whether people living within the area desire to have titles issued, pursuant to the Government's initiative.[51] The process of cadastral proceeding is explained in *Government of the Philippine Islands v. Abural*:[52]

> The proceedings are initiated by a notice of survey. When the lands have been surveyed and plotted, *the Director of Lands, represented by the Attorney General, files a petition in court praying that the titles to the lands named be settled and adjudicated. Notice of the filing of the petition is then published twice in successive issues of the Official Gazette in both the English and Spanish languages.* All persons interested are given the

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45 Id. at 49.
46 Id. at 483.
47 Id. at 485.
48 Id. at 497–507.
49 *Government of the Philippine Islands v. Abural*, 39 Phil. 996, 1001 (1919) [Per J. Malcolm, En Banc].
50 Id. at 1000.
51 Id. at 1001.
52 39 Phil. 996 (1919) [Per J. Malcolm, En Banc].

> benefit of assistance by competent officials and are informed of their rights. A trial is had. "All conflicting interests shall be adjudicated by the court and decrees awarded in favor of the persons entitled to the lands or the various parts thereof, and such decrees, when final, shall be the bases of original certificates of title in favor of said persons." (Act No. 2259, Sec. 11.) Aside from this, the commotion caused by the survey and a trial affecting ordinarily many people, together with the presence of strangers in the community, should serve to put all those affected on their guard.
>
> After trial in a cadastral case, three actions are taken. The first adjudicates ownership in favor of one of the claimants. This constitutes the decision — the judgment — the decree of the court, and speaks in a judicial manner. The second action is the declaration by the court that the decree is final and its order for the issuance of the certificates of title by the Chief of the Land Registration Office. Such order is made if within thirty days from the date of receipt of a copy of the decision no appeal is taken from the decision. This again is judicial action, although to a less degree than the first.
>
> The third and last action devolves upon the General Land Registration Office. This office has been instituted "for the due effectuation and accomplishment of the laws relative to the registration of land." (Administrative Code of 1917, Sec. 174.) An official found in the office, known as the chief surveyor, has as one of his duties "to prepare final decrees in all adjudicated cases." (Administrative Code of 1917, Sec. 177.) This latter decree contains the technical description of the land and may not be issued until a considerable time after the promulgation of the judgment. The form for the decree used by the General Land Registration Office concludes with the words: "Witness, the Honorable (name of the judge), on this the (date)." The date that is used as authority for the issuance of the decree is the date when, after hearing the evidence, the trial court decreed the adjudication and registration of the land.
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> The judgment in a cadastral survey, including the rendition of the decree, is a judicial act. As the law says, the judicial decree when final is the base of the certificate of title. The issuance of the decree by the Land Registration Office is ministerial act.[53] (Emphasis supplied)

The government, through the Director of Lands, initiates a cadastral case by filing a petition compelling all claimants of lands within a stated area to litigate against one another, in order to settle as much as possible all disputes over land and to remove all clouds over land titles. Notice of the filing of the petition is published in the Official Gazette compelling all claimants to present their answers so as not to lose their right to own their property. After conflicting claims are presented during trial, the court adjudicates ownership in favor of one of the claimants and orders the issuance of the decree of registration, which becomes the basis for the issuance of a certificate of title upon finality of the decision.[54]

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53 Id. at 1001–1002.

54 *Abellera v. Farol*, 74 Phil. 284 (1943) [Per J. Bocobo, First Division].

In *Spouses Tan Sing Pan v. Republic*,[55] this Court emphasized that the publication requirement must be complied with for the court to acquire jurisdiction in cadastral cases, thus:

> To be sure, publication of the Notice of Initial Hearing in the Official Gazette is one of the essential requisites for a court to acquire jurisdiction in land registration and cadastral cases, and additional territory cannot be included by amendment of the plan without new publication.
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> Section 7 of the Cadastral Act (Act No. 2259) provides:
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> Sec. 7. Upon the receipt of the order of the court setting the time for initial hearing of the petition, the Commission on Land Registration shall cause notice thereof to be published twice, in successive issues of the Official Gazette, in the English language. The notice shall be issued by order of the Court, attested by the Commissioner of the Land Registration Office, ...
>
> In *Director of Lands, et al. v. Benitez, et al.*, the Court categorically stated that publication is essential to establish jurisdiction in land registration and cadastral cases, without which the court cannot acquire jurisdiction thereon or obtain any authority to proceed therewith.
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> Here, compliance with the publication requirement is rendered even more imperative by the fact that the lot involved was originally surveyed as Lot No. 1027 but what was adjudicated to petitioners is a portion designated as "Lot No. 1027-A now equal to Lot No. 18009 of the Atimonan Cadastre."[56] (Citations omitted)

In *Spouses Tan Sing Pan,* the petitioners failed to establish by positive proof that the publication requirement has been complied with. Further, they only filed their answer after more than six decades from the time the cadastral case was initiated by the Director of Lands. There, this Court held that cadastral proceedings, being proceedings *in rem*, must comply with the usual rules of practice, procedure, and evidence. Only after the applicants prove compliance with all the requisite jurisdictional facts will a cadastral decree and a certificate of title be issued.[57]

Unlike in *Spouses Tan Sing Pan,* petitioners in this case proved that the trial court's Notice of Initial Hearing dated December 10, 1973 was published twice in the Official Gazette on January 1 and 28, 1974, after the petition was filed on August 20, 1971 by the Director of Lands. Compliance with the publication requirement can also be gleaned from the fact that petitioners managed to file their Answer to the petition on June 25, 1974, or within six months from the said publication. Section 9 of Act No. 2259 provides that any person claiming interest in the land under cadastral proceedings, whether named in the notice or not, shall appear before the court and file an answer on or before the return date allowed by the court.

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[55] 528 Phil. 623 (2006), [Per J. Garcia, Second Division].
[56] Id. at 627–628.
[57] Id. at 632.

Thus, the Court of Appeals erred in refusing to consider the documentary evidence, which includes the proof of publication, submitted by petitioners on appeal despite admitting that it formed part of the documentary evidence elevated before it.[58] Having proven that the publication requirement has been complied with, the Court of Appeals erred in concluding that the trial court lacked jurisdiction over the cadastral case for this sole reason.

II

The general rule is that the issue of jurisdiction over the subject matter of a complaint is not lost by waiver or by estoppel and may be raised at any stage of the proceedings, even on appeal.[59] A person is not estopped from challenging a court's jurisdiction over the subject matter, especially when they do not secure any advantage or the adverse party does not suffer any harm, since jurisdiction arises from law and not by mere consent of the parties.[60]

However, equity dictates that estoppel by laches may bar a litigant from invoking the court's lack of jurisdiction for "failure or neglect for an unreasonable and unexplained length of time, to do that which, by the exercising due diligence, could or should have been done earlier,"[61] or in cases similar to the factual milieu of *Tijam v. Sibonghanoy*:[62]

> A party may be estopped or barred from raising a question in different ways and for different reasons. Thus, we speak of estoppel *in pais*, of estoppel by deed or by record, and of estoppel by *laches*.
>
> Laches, in a general sense, is failure or neglect, for an unreasonable and unexplained length of time, to do that which, by exercising due diligence, could or should have been done earlier; it is negligence or omission to assert a right within a reasonable time, warranting a presumption that the party entitled to assert it either has abandoned it or declined to assert it.
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> The doctrine of laches or of "stale demands" is based upon grounds of public policy which requires, for the peace of society, the discouragement of stale claims and, unlike the statute of limitations, is not a mere question of time but is principally a question of the inequity or unfairness of permitting a right or claim to be enforced or asserted.
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> It has been held that a party cannot invoke the jurisdiction of a court to secure affirmative relief against his opponent and, after obtaining or failing to obtain such relief, repudiate or question that same jurisdiction

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58 *Rollo*, p. 285.
59 *Figueroa v. People*, 580 Phil. 58, 76 (2008) [Per J. Nachura, Third Division].
60 Id.
61 Id. at 75.
62 131 Phil. 556 (1968) [Per J. Dizon, En Banc].

> (*Dean vs. Dean*, 136 Or. 694, 86 A.L.R. 79). In the case just cited, by way of explaining the rule, it was further said that the question whether the court had jurisdiction either of the subject-matter of the action or of the parties was not important in such cases because the party is barred from such conduct *not because the judgment or order of the court is valid and conclusive as an adjudication, but for the reason that such a practice cannot be tolerated —obviously for reasons of public policy.*
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> Furthermore, it has also been held that after voluntarily submitting a cause and encountering an adverse decision on the merits, it is too late for the loser to question the jurisdiction or power of the court (*Pease vs. Rathbun-Jones* etc. 243 U.S. 273, 61 L. Ed. 715, 37 S. Ct. 283; *St. Louis etc. vs. McBride*, 141 U.S. 127, 35 L. Ed. 659). And in *Littleton vs. Burgess*, the Court said that it is not right for a party who has affirmed and invoked the jurisdiction of a court in a particular matter to secure an affirmative relief, to afterwards deny that same jurisdiction to escape a penalty.
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> Upon this same principle is what We said in the three cases mentioned in the resolution of the Court of Appeals of May 20, 1963 (supra) — to the effect that we frown upon the "undesirable practice" of a party submitting his case for decision and then accepting the judgment, only if favorable, and attacking it for lack of jurisdiction, when adverse — as well as in *Pindañgan etc. vs. Dans et al.*, G. R. L-14591, September 26, 1962; *Montelibano et al. vs. Bacolod-Murcia Milling Co., Inc.*, G. R. L-15092; *Young Men Labor Union etc. vs. the Court of Industrial Relations et al.*, G. R. L-20307, Feb. 26, 1965, and *Mejia vs. Lucas*, 100 Phil. p. 277.
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> The facts of this case show that from the time the Surety became a quasi-party on July 31, 1948, it could have raised the question of the lack of jurisdiction of the Court of First Instance of Cebu to take cognizance of the present action by reason of the sum of money involved which, according to the law then in force, was within the original exclusive jurisdiction of inferior courts. It failed to do so. Instead, at several stages of the proceedings in the court a quo as well as in the Court of Appeals, it invoked the jurisdiction of said courts to obtain affirmative relief and submitted its case for a final adjudication on the merits. It was only after an adverse decision was rendered by the Court of Appeals that it finally woke up to raise the question of jurisdiction. Were We to sanction such conduct on its part, We would in effect be declaring as useless all the proceedings had in the present case since it was commenced on July 19, 1948 and compel the judgment creditors to go up their Calvary once more. The inequity and unfairness of this is not only patent but revolting.[63]

Amoguis v. Ballado[64] enumerated cases when the general rule and exception were applied by the Court, and further set out the requisites when *Tijam* applies to a party claiming lack of subject matter jurisdiction:

> In *Tijam*, this Court ruled that long delay in raising lack of jurisdiction is unfair to the party pleading laches because he or she was misled into believing that this defense would no longer be pursued. A

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63 Id. at 563–565.

64 G.R. No. 189626, August 20, 2018, <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64639> [Per J. Leonen, Third Division].

delay of 15 years in raising questions on subject matter jurisdiction was appreciated by this Court as estoppel by laches.

In *Metromedia Times Corporation v. Pastorin*, this Court recognized the unfairness in allowing a party who sought affirmative relief from a tribunal and invoked its jurisdiction to later disavow the same jurisdiction upon passage of an adverse ruling. It ruled that raising lack of jurisdiction over a subject matter a little under a year since a complaint is filed does not amount to laches.

In *Figueroa,* this Court observed the injustice caused to the party pleading laches. Restoration of and reparation towards the party may no longer be accomplished due to the changes in his or her circumstances. Laches, however, was not appreciated as it was a mere four (4) years since trial began that the petitioner in that case raised the issue of jurisdiction on appeal.

In *Bernardo v. Heirs of Villegas,* this Court identified the propensity of litigants who, to exhaust the time and resources of their opponents, will plead lack of jurisdiction only when an unfavorable decision is obtained in order to re-litigate the case. The delay of 10 years in raising jurisdictional issues in that case was appreciated as laches.

In summary, *Tijam* applies to a party claiming lack of subject matter jurisdiction when:

(1) there was a statutory right in favor of the claimant;

(2) the statutory right was not invoked;

(3) an unreasonable length of time lapsed before the claimant raised the issue of jurisdiction;

(4) the claimant actively participated in the case and sought affirmative relief from the court without jurisdiction;

(5) the claimant knew or had constructive knowledge of which forum possesses subject matter jurisdiction;

(6) irreparable damage will be caused to the other party who relied on the forum and the claimant's implicit waiver.[65] (Citations omitted)

In *Amoguis*, this Court held that estoppel by laches set in when the petitioners did not question the jurisdiction of the Regional Trial Court during trial and on appeal, but only raised it before this Court—22 long years after the Complaint was filed.[66]

In *Far East Bank and Trust Company v. Chua*,[67] estoppel by laches also applied. There, We held that respondent cannot repudiate the adverse

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[65] Id.

[66] Id.

[67] 763 Phil. 289 (2015) [Per J. Leonen, Second Division]

decision of the National Labor Relations Commission by belatedly invoking the issue of jurisdiction before the Court of Appeals, thus:

> The Court of Appeals thus failed to account for the crucial fact that the issue of jurisdiction was invoked by respondent only upon her elevation to it of the case. It failed to recognize that respondent had all the opportunity to raise this issue before the very tribunal whom she claims to have had no competence to rule on the appeal, but that it was only after the same tribunal ruled against her twice — first, in its initial Resolution and second, in denying her reconsideration — that she saw it fit to assail its jurisdiction. The Court of Appeals failed to see through respondent's own failure to seasonably act and failed to realize that she was guilty of estoppel by laches, taking "an unreasonable . . . length of time, to do that which, by exercising due diligence, could or should have been done earlier[.]"
>
> Respondent cannot now profit from her own inaction. She actively participated in the proceedings and vigorously argued her case before the National Labor Relations Commission without the slightest indication that she found anything objectionable to the conduct of those proceedings. It is thus but appropriate to consider her as acceding to and bound by how the National Labor Relations Commission was to resolve and, ultimately did resolve, petitioner's appeal. Its findings that the requisites of substantive and procedural due process were satisfied in terminating respondent's employment now stand undisturbed.[68] (Citation omitted)

Here, respondent Director of Lands filed the petition for cadastral proceedings as early as August of 1971, but, for some unknown reason, the case slept for decades, and was only revived on January 28, 2005, upon motion of petitioners. During trial, respondent, through the Public Prosecutor, actively participated in the case yet it never brought up the issue of lack of jurisdiction and did not oppose petitioners' motion to have the lots adjudicated in their favor. Petitioners likewise went through the entire process of having the lots surveyed and subdivided during the cadastral proceedings, without any opposition from respondent. Thirty-nine years after respondent first filed its petition, Judgment was rendered in favor of petitioners. Respondent, through the Office of the Solicitor General, filed a motion for reconsideration, which was subsequently denied by the trial court. Respondent was furnished with every copy of the pleadings and motions filed, and even actively participated during the trial.[69]

Accordingly, estoppel by laches had set in. Respondent had all the opportunity to raise the issue of lack jurisdiction before the trial court, but it was only after the trial court ruled against it twice—first, in its Judgment; and second, in denying the motion for reconsideration—that it saw it fit to assail its jurisdiction. It only raised the issue of lack of jurisdiction for the first time on appeal to the Court of Appeals in 2013, or after the lapse of 42 years from its filing of petition. To have it question the trial court's

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[68] Id. at 310–311.

[69] *Rollo*, p. 224.

jurisdiction, when it could have done so at an earlier time and on several occasions, would be the height of injustice and would condone its apparent negligence in handling its own petition for cadastral proceedings.

WHEREFORE, the Petition is **GRANTED**. The March 8, 2010 Judgment of the Regional Trial Court of Lupon, Davao Oriental in LRC Rec. No. N-575, Cadastral Case No. N-42 is **REINSTATED.**

SO ORDERED.

MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:

On wellness leave
RAMON PAUL L. HERNANDO
Associate Justice

HENRI JEAN PAUL B. INTING
Associate Justice

EDGARDO L. DELOS SANTOS
Associate Justice

JHOSEP Y. LOPEZ
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

MARVIC M.V.F. LEONEN
Associate Justice
Chairperson

CERTIFICATION

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

ALEXANDER G. GESMUNDO
Chief Justice