



Republic of the Philippines  
**Supreme Court**  
Baguio City

**SECOND DIVISION**

MARILYN L. GO RAMOS-YEO,  
LAURENCE L. GO, and  
MONTGOMERY L. GO,  
*Petitioners,*

- versus -

SPOUSES RICHARD O. CHUA and  
POLLY S. CHUA, CENTURY TRADING  
INC.,\* MULTI-REALTY  
DEVELOPMENT CORPORATION, ECI  
TRADING CORPORATION, substituted  
by SPOUSES RAFAEL G. HECHANOVA  
and EUMELIA C. HECHANOVA, and J.  
KING & SONS, CO., INC., THE  
REGISTER OF DEEDS FOR  
TAGAYTAY CITY, THE CITY  
ENGINEER FOR TAGAYTAY CITY and  
LAND MANAGEMENT BUREAU,  
*Respondents.*

X ----- X

MULTI-REALTY DEVELOPMENT  
CORPORATION,  
*Petitioner,*

- versus -

MARILYN L. GO RAMOS-YEO,  
LAURENCE L. GO and MONTGOMERY  
L. GO, REGIONAL TRIAL COURT,

G.R. No. 236075

Present:

PERLAS-BERNABE, S.A.J.,  
*Chairperson,*  
HERNANDO,  
ZALAMEDA,  
ROSARIO, and  
MARQUEZ, JJ.

G.R. No. 236076

\* Also referred to as Century Investment Co., Inc. in some parts of the records.

**BRANCH 18, TAGAYTAY CITY,  
SPOUSES RICHARD O. CHUA AND  
POLLY S. CHUA, CENTURY TRADING  
INC., ECI TRADING CORPORATION,  
substituted by SPOUSES RAFAEL G.  
HECHANOVA and EUMELIA C.  
HECHANOVA, and J. KING & SONS  
CO., INC.,**

*Respondents.*

Promulgated:

APR 18 2022



X-----X

## RESOLUTION

**HERNANDO, J.:**

For resolution is the Consolidated Motion for Reconsideration<sup>1</sup> filed by respondents Spouses Richard and Polly Chua (spouses Chua) of the Court's November 5, 2018 Decision,<sup>2</sup> reversing and setting aside the March 9, 2017 Decision<sup>3</sup> and October 24, 2017 Resolution<sup>4</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 50922.

To recall, the Court, in its November 5, 2018 Decision, found the CA to have committed a reversible error in denying the Amended Petition for Annulment of Judgment<sup>5</sup> of the January 27, 1992 Amended Decision<sup>6</sup> of the Regional Trial Court (RTC), Fourth Judicial Region, Branch 18 of Tagaytay City, in Civil Case No. TG-893 that was filed by Marilyn Go Ramos-Yeo, Laurence Go and Montgomery Go (the Gos). In so ruling, We held that the trial court did not acquire jurisdiction over the persons of the Gos because of invalid substituted service of summons. Neither did it have jurisdiction over the subject matter which is within the jurisdiction of a court sitting as a land registration court. This is because the Complaint for *Accion Reinvidicatoria*<sup>7</sup> filed by Spouses Chua sought, in reality, to re-open, amend, and review the transfer of

<sup>1</sup> *Rollo* (G.R. No. 236075), pp. 600-613.

<sup>2</sup> *Id.* at 527-546. Penned by Associate Justice Noel Gimenez Tijam and concurred in by Associate Justices Lucas P. Bersamin and Francis H. Jardeleza (now retired Members of the Court).

<sup>3</sup> *Id.* at 88-105. Penned by Associate Justice Japar B. Dimaampao (now a Member of the Court) and concurred in by Associate Justices Franchito N. Diamante and Carmelita Salandanan-Manahan.

<sup>4</sup> *Id.* at 106-113. Penned by Associate Justice Japar B. Dimaampao (now a Member of the Court) and concurred in by Associate Justices Franchito N. Diamante and Carmelita Salandanan-Manahan.

<sup>5</sup> *Id.* at 534.

<sup>6</sup> *Id.* at 156-167.

<sup>7</sup> *Id.* at 11.

certificates of titles issued to the Gos and the Multi-Realty Development Corporation (Multi-Realty), and not merely a correction of the exact boundaries of the subject properties. The action is therefore tantamount to an indirect and collateral attack on the validity of their respective certificates of title<sup>8</sup> in violation of Sections 32 and 108 of Presidential Decree No. (PD) 1529.<sup>9</sup>

The Court further held that the certificates of title conferred to the Gos and Multi-Realty are already incontrovertible considering that more than one year had lapsed since the decree of registration was issued in their favor. Consequently, We ruled that the Gos and Multi-Realty are not barred by laches. Considering that the trial court had no jurisdiction over their persons and subject matter, the trial court's decision is therefore null and void.<sup>10</sup>

The dispositive portion of this Court's Decision reads:

**WHEREFORE**, premises considered, the petitions are **GRANTED**. The Court of Appeals' Decision dated March 9, 2017 and Resolution dated October 24, 2017 in CA-G.R. SP No. 50922, are **REVERSED and SET ASIDE**.

Accordingly, all proceedings taken, *i.e.*, decisions, resolutions, orders and other issuances made in Civil Case No. TG-893 and CA-G.R. SP No. 50922 are hereby **ANNULLED and SET ASIDE**.

The Register of Deeds of Tagaytay City is hereby **ORDERED** to CANCEL any amendments made in the Transfer Certificate of Titles (sic) of Marilyn L. Go Ramos-Yeo, Laurence L. Go and Montgomery L. Go and Multi-Realty Development Corporation, as a consequence of the execution of the disposition in Civil Case No. TG-893, and to **REINSTATE** the boundaries of their respective titles in Transfer Certificate of Title Nos. T-17272 and T-17217 in the names of Marilyn L. Go Ramos-Yeo, Laurence L. Go, and Montgomery L. Go and Transfer Certificate[s] of Title Nos. 14786 and 14787 in the name of Multi-Realty Development Corporation.

**SO ORDERED.**<sup>11</sup> (Emphasis in the original)

In their Consolidated Motion for Reconsideration,<sup>12</sup> Spouses Chua ascribed the following errors on the part of this Court in granting petitioners' petition:

---

<sup>8</sup> Id. at 18-25.

<sup>9</sup> Entitled "AMENDING AND CODIFYING THE LAWS RELATIVE TO REGISTRATION OF PROPERTY AND FOR OTHER PURPOSES." Approved: June 11, 1978.

<sup>10</sup> *Rollo* (G.R. No. 236075), pp. 24-25.

<sup>11</sup> *Rollo* (G.R. No. 236075) p. 545.

<sup>12</sup> *Rollo* (G.R. No. 236075), pp. 600-613.

*First*, the arguments raised therein by the Gos and Multi-Realty were the same as those raised in the CA which were already exhaustively discussed and ruled upon by the said appellate court.<sup>13</sup>

*Second*, petitioners raised issues that are factual in nature, which is beyond the purview of a Rule 45 petition. In particular, they contend that the issue on improper substituted service is a question of fact as it requires the re-examination of the evidence for its resolution. In any case, the Spouses Chua argue that strict observance of the rule on substituted service is not warranted as the Gos deliberately avoided to personally receive the summons thereby prompting a resort to a substituted service.<sup>14</sup>

*Third*, the complaint for *accion reivindicatoria* of the Chuas did not assail the final decrees of registration that were granted in favor of petitioners Go and Multi-Realty. They never alleged that the final decrees were fraudulently obtained, which is necessary for a court sitting as a land registration court, to acquire jurisdiction. The Spouses Chua further allege that it is the RTC which has jurisdiction not only on applications for original registration of title, but also on all petitions filed after the registration of the same. Hence, the trial court has the authority to alter or amend the technical descriptions of a land which can be brought in an ordinary civil action, such as an *accion reivindicatoria*, like in this case, being the correct remedy.<sup>15</sup>

*Lastly*, the Spouses Chua question the promulgation of the Court's Decision and Resolution<sup>16</sup> on the same date.<sup>17</sup> In the Resolution, the Court noted the Comment filed by the Gos, and granted the motion for substitution of party filed by ECI Trading Corporation. We also noted the Comments filed by Spouses Chua and Multi-Realty, and required them to submit a soft copy of the same.<sup>18</sup>

There is no merit in the motion.

We first resolve the Spouses Chua's query on the promulgation of the assailed Decision and Resolution on the same date. In their motion, they stated that they were surprised to find out that the Court promulgated the assailed Decision and issued a Resolution on the same date. Quoting their words in the motion, they asked the Court: "why did the Honorable Court promulgate a judgment on 05 November 2018, when on THE SAME DAY, it was still taking note of the [r]espondents' Comments to the two (2) Petitions for Review on *Certiorari* and its directive to [r]espondents to submit soft copy of said

---

<sup>13</sup> *Rollo* (G.R. No. 236076), pp. 332-343.

<sup>14</sup> *Id.* at 333-335.

<sup>15</sup> *Id.* at 341-343.

<sup>16</sup> *Rollo* (G.R. No. 236075), pp. 670-671.

<sup>17</sup> *Rollo* (G.R. No. 236076), p. 332.

<sup>18</sup> *Rollo* (G.R. No. 236075), p. 670.

Comments was not yet complied with by [r]espondents Chua since the five (5) day period given to them for compliance has not even start[ed] to run?”<sup>19</sup>

No procedural misstep can be attributed to the Court in rendering the Resolution and the assailed Decision on the same date. The Gos and Multi-Realty already submitted a hard copy of their respective Comments to the Petition on **October 5, 2018**.<sup>20</sup> On the other hand, Spouses Chua filed a hard copy of their Comment on **October 4, 2018**.<sup>21</sup> These dates constitute as the dates the parties, including the Spouses Chua, filed their Comment upon our directive. As such, the Court’s actions of taking note of the Comments filed by the parties constitute as an acknowledgment of receipt thereof on October 4 and 5, 2018. In other words, it simply means that the Court **has already received** and considered the Comments that are required to be submitted by the parties within the prescribed period of filing the same.

The directive to subsequently file soft copies of the Comments to the Petitions is only for the parties to comply with A.M. Nos. 10-3-7-SC (Rules on E-Filing), and 11-9-4-SC (Efficient Use of Paper Rule), the hard copies thereof we have already received, examined and assessed. It, therefore, does not preclude this Court from resolving the instant case since the Comments to the Consolidated Petitions have already been deemed filed one month before we rendered judgment. Considering that all the pleadings and the records of the case had already been submitted before the Court, it, therefore, can now fully resolve the issues presented by parties in the case pursuant to our constitutional mandate to promptly dispense justice. To await for the soft copies of the Comments even if their hard copies were already filed by the parties would only result to the delay of the resolution of the case.

Anent the other issues raised by the Spouses Chua in their motion, these grounds have already been presented in their pleadings and which the Court has sufficiently exhaustively passed upon, and resolved in the assailed Decision. Nonetheless, the Court reiterates, in brief, Our assailed judgment.

Contrary to the Spouses Chua’s claim, the determination of the propriety of substituted service effected on the Gos is a question of law. It is a question of what and how the law should be applied.<sup>22</sup> Hence, the petition is within the purview of an appeal by *certiorari* under Rule 45.

We have already thoroughly discussed in our assailed Decision that Deputy Sheriff Bienvenido Liboro (Sheriff Liboro) did not exert serious efforts to personally serve the summons to the Gos before resorting to substituted service. Neither did he prove that he tried to personally serve the summons to

---

<sup>19</sup> Id. at 606.

<sup>20</sup> Id. at 463 and 483.

<sup>21</sup> Id. at 472.

<sup>22</sup> See *Velayo-Fong v. Spouses Velayo*, 539 Phil. 377, 387 (2006).

them on, at least, three separate instances, nor did he offer any justification why personal service was ineffectual. Moreover, it must be stressed that Sheriff Liboro did not even validate that “Patricio Alampay [Alampay] is a person of suitable age with full legal capacity xxx, and is considered to have enough discernment to comprehend the import of the summons, and fully realize the need to deliver the same to the Gos at the earliest possible time for the person to take appropriate action.”<sup>23</sup> Clearly, the substituted service of summons on the persons of the Gos is improper; hence, the RTC did not acquire jurisdiction over their persons.

The Spouses Chua also argue that the rule on substituted service should not be strictly applied as the Gos were guilty of evident avoidance. Their contention is misplaced. Contrary to the findings of the CA, Alampay’s receipt of the Spouses Chua’s Motion for Reconsideration that was filed on November 23, 1990 does not conclude that the Gos flagrantly refused or avoided to receive the service of summons. At most, it only showed that Alampay received a copy of the motion of the Chuas. This alone does not validate the presence of the requisites prescribed by law so as to effect a valid substituted service. Thus, the impossibility of personal service of summons is clearly wanting in this case to warrant a substituted service.

On the Spouses Chua’s claim that the RTC has jurisdiction over the subject matter of the case, the Court reiterates that the amended complaint of *accion reivindicatoria* is a disguise to review a final decree of registration in the names of the Gos and Multi-Realty in violation of Section 108 of PD 1529.<sup>24</sup> The trial court’s judgment in favor of the Chuas materially altered the boundaries of the properties owned by the Gos and Multi-Realty, affecting the integrity of their title over their respective lands.<sup>25</sup> It is, therefore, the trial court sitting as a land registration court which has jurisdiction over the case under PD 1529.<sup>26</sup>

Consequently, the RTC Amended Decision is null and void because the trial court lacked jurisdiction over the subject matter.<sup>27</sup> The Gos and Multi-Realty are therefore not barred by laches. No rights were also conferred in favor of the Spouses Chua or imposed obligations against the parties.<sup>28</sup>

All told, the Court finds no cogent reason to reverse or modify our assailed Decision.

**WHEREFORE**, the motion for reconsideration is **DENIED with FINALITY**. Let entry of judgment be issued immediately.

---

<sup>23</sup> *Rollo* (G.R. No. 236075), p. 539.

<sup>24</sup> *Id.* 539-540.

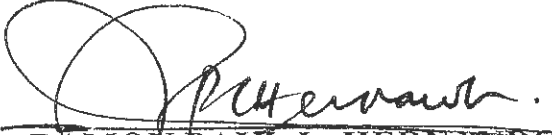
<sup>25</sup> *Id.* at 542.

<sup>26</sup> *Id.* at 542-543.


<sup>27</sup> *Id.* at 544.

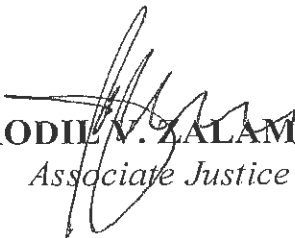
<sup>28</sup> *Id.*

**SO ORDERED.**

  
**RAMON PAUL L. HERNANDO**  
*Associate Justice*

WE CONCUR:

  
**ESTELA M. PERLAS-BERNABE**  
*Senior Associate Justice*  
*Chairperson*


  
**RODIL V. ZALAMEDA**  
*Associate Justice*

  
**RICARDO R. ROSARIO**  
*Associate Justice*

  
**JOSE MIDAS P. MARQUEZ**  
*Associate Justice*


**ATTESTATION**

I attest 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.

  
**ESTELA M. PERLAS-BERNABE**  
*Senior 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 Resolution 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*