Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

CHARNNEL SHANE THOMAS, Petitioner,	**G.R. No. 241032**
	Present:
- versus -	PERLAS-BERNABE, *S.A.J.*, *Chairperson*, GESMUNDO, LAZARO-JAVIER, M. LOPEZ, and ROSARIO, *JJ.*
RACHEL TRONO and **THE REPUBLIC OF THE PHILIPPINES,** Respondents.	Promulgated: MAR 15 2021

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RESOLUTION

M. LOPEZ, *J.*:

The propriety of the dismissal of the petition for annulment of judgment filed by Charnnel Shane Thomas (Charnnel) is the crux of the controversy in this Petition for Review on *Certiorari*[1] assailing the October 10, 2017[2] and July 26, 2018[3] Resolutions of the Court of Appeals (CA) in CA-G.R. SP No. 152507.

ANTECEDENTS

Earl Alphonso Thomas (Alphonso), an American citizen, was married to Rachel Trono (Rachel) on October 7, 1984. The couple begot a son, Earl James Thomas (Earl), born on August 14, 1985. Upon Alphonso's petition for declaration of nullity, his marriage to Rachel was declared void *ab initio* in a Decision,[4] dated August 22, 1997, rendered by the Regional Trial Court

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1 *Rollo*, pp. 27-61, filed under Rules 45 of the Rules of Court.

2 *Id.* at 10-14; penned by Associate Justice Romeo F. Barza, with the concurrence of Associate Justices Myra V. Garcia-Fernandez and Pablito A. Perez.

3 *Id.* at 16-18.

4 *Rollo*, pp. 129-131. The dispositive portion of the Decision reads:

> WHEREFORE, premises considered, judgment is hereby rendered DECLARING the marriage of EARL ALPHONSO THOMAS and RACHEL TRONO on October 7, 1984 VOID AB INITIO for being bigamous, with all the effects and consequences provided for by all the applicable provisions of existing pertinent laws.

(RTC) of Makati City, Branch 140. The RTC held that the marriage was a bigamous marriage since Alphonso was still married to Nancy Thomas (Nancy), an American citizen. In the course of the trial, Alphonso and Rachel agreed that the properties they acquired during the marriage shall go to Rachel and Earl.

Relying on the dissolution of his marriage with Rachel, Alphonso cohabited with Jocelyn C. Ledres (Jocelyn). On August 21, 1998, Jocelyn gave birth to their child, Charnnel.[5] On July 22, 2007, out of their desire to make their union legal and binding and to legitimize the status of their child, Alphonso and Jocelyn got married in Makati City.[6]

Alphonso died on February 12, 2011. To settle his affairs, Jocelyn, requested for certified true copies of the August 22, 1997 Decision, its certificate of finality, and the entry of judgment from the RTC believing in good faith that the judgment had already attained finality after the lapse of 13 years since it was rendered.[7] As a result of the request, the Branch Clerk of Court purportedly discovered that the Republic, through the Office of the Solicitor General (OSG), was not furnished a copy of the August 22, 1997 Decision. The RTC, instead of granting Jocelyn's request, furnished the OSG with a copy of the Decision and gave it 15 days from receipt to perfect an appeal, or to file a motion for reconsideration.[8] The Decision was received by the OSG on March 8, 2011.

On March 28, 2011, the OSG sought reconsideration of the August 22, 1997 Decision contending that Alphonso's marriage with Nancy was not proven by competent evidence, that it was not furnished with copies of the orders and processes, and that the case proceeded without a definitive determination that no collusion existed between the parties.[9] The RTC then ordered Alphonso to file a comment or opposition within 15 days from notice.[10] Jocelyn, by counsel, filed a Manifestation and Special Appearance informing the RTC of: (1) Alphonso's death on February 12, 2011; (2) her marriage with him on December 25, 1996 in Bangkok, Thailand; (3) her lack of knowledge of the legal issues concerning his marital past; and (4) her failure to locate and consult with Atty. Dante C. Contreras, Alphonso's counsel on record. Jocelyn likewise alleged that there is a presumption of regularity behind the August 22, 1997 Decision, and that Alphonso's then marriage with Nancy was proven by competent evidence.[11]

> As per manifestation of [Alphonso], all the conjugal properties acquired during the marriage shall belong to [Rachel] and Earl James Thomas.
>
> After this Decision becomes final, furnish copies thereof to the Local Civil Registrar of Davao City who is ordered to cancel the same from its Civil Registry and Local Civil Registrar of Makati for its information.
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> SO ORDERED. *Id.* at 130-131.

5 *Id.* at 132.
6 *Id.* at 32.
7 *Id.* at 135-136.
8 *Id.* at 88.
9 *Id.* at 137-145.
10 *Id.* at 146, Order dated April 1, 2011.
11 *Id.* at 147-154.

In an Order, dated June 28, 2011, the RTC granted the OSG's motion, reversed its August 22, 1997 Decision, and ruled that the marriage between Alphonso and Rachel is valid and subsisting.[12] Consequently, on September 13, 2017, Charnnel filed a petition for annulment of judgment with the CA on the ground of denial of due process of law. Charnnel alleged, among others, that her parents were lawfully married and that the three of them lived as a family until Alphonso's death on February 12, 2011.[13] The OSG's motion for reconsideration of the August 22, 1997 Decision was belatedly filed on March 28, 2011, considering that the OSG received a copy of the Decision on March 8, 2011, and had until March 23, 2011, to file its appeal or motion for reconsideration.[14] Charnnel asseverated that she never received a copy of the motion for reconsideration, depriving her of due process as an heir of Alphonso. The RTC no longer had jurisdiction to rule upon the OSG's belated motion for reconsideration because the August 22, 1997 Decision already attained finality.[15]

The CA, in its October 10, 2017 Resolution, dismissed the petition for annulment of judgment.[16] Although the Order, dated June 28, 2011, was issued 14 years after the rendition of the August 22, 1997 Decision, the RTC retained jurisdiction because the Decision had not yet attained finality due to the failure to furnish the OSG a copy. The CA ruled that Charnnel was not denied of due process because of the directive for Alphonso to file a comment or opposition to the motion for reconsideration; in fact, her mother, Jocelyn, filed a Manifestation and Special Appearance.[17] Charnnel sought reconsideration,[18] but this was denied.[19] Hence, this petition.[20]

Charnnel maintains that she was not afforded due process when she was not allowed to participate in the proceedings for reconsideration before the RTC. On the other hand, the OSG countered that due process requirements were observed considering that Jocelyn was able to file a Manifestation and Special Appearance on the motion for reconsideration.

RULING

The petition is meritorious.

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12 *Id.* at 113-116. The OSG's motion for reconsideration was resolved as follows:
> WHEREFORE, the motion for reconsideration filed by the Office of the Solicitor General filed on March 23, 2011 is hereby granted.
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> Accordingly, the decision dated August 22, 1997 is hereby reversed and set aside. The marriage of the herein parties is considered valid and subsisting.
>
> SO ORDERED. *Id.* at 115.

13 *Id.* at 88.

14 *Id.* at 88 & 137.

15 *Id.* at 89.

16 *Supra* note 2. The *fallo* of the CA's Resolution states:
> **ACCORDINGLY**, the petition for Annulment of Judgment is hereby **DISMISSED OUTRIGHT**.
>
> **SO ORDERED**. *Supra* at 13-14.

17 *Supra* at 13.

18 *Rollo*, pp. 155-172.

19 *Supra* note 3. Resolution dated July 26, 2018.

20 *Supra* note 1.

A petition for annulment of judgment is a remedy in equity so exceptional in nature that it may be availed of only when other remedies are wanting, and only if the judgment, final order, or final resolution sought to be annulled was rendered by a court lacking jurisdiction, or through extrinsic fraud.[21] Under Section 2, Rule 47 of the Rules of Court, the grounds for annulment of judgment are: (1) extrinsic fraud; and (2) lack of jurisdiction. Jurisprudence, however, recognizes a third ground – denial of due process of law.[22] In *Arcelona v. Court of Appeals*,[23] we declared that a decision which is patently void may be set aside on grounds of want of jurisdiction or non-compliance with due process of law, where mere inspection of assailed judgment is enough to demonstrate its nullity.

Due process requires that those with interest to the subject matter in litigation be notified and be afforded an opportunity to defend their interests. As guardians of constitutional rights, courts cannot be expected to deprive persons of their rights to due process while at the same time be considered as acting within their jurisdiction.[24] Where the denial of the fundamental right of due process is apparent, a decision rendered in disregard of that right is void for lack of jurisdiction.[25]

In this case, Charnnel, as an heir of Alphonso, is vested with the legal standing to assail the marriage of Alphonso and Rachel by seeking the annulment of the RTC's Order dated June 28, 2011. In *Niñal v. Bayadog*,[26] the Court ruled that void marriages governed by the New Civil Code can be questioned even after the death of either party. The death of a party does not extinguish the action for petition for declaration of absolute nullity of marriage as the deceased may have heirs with legal standing to assail the void marriage.[27] As borne by the records, Charnnel was neither made a party to the proceedings nor was she duly notified of the case. Also, she was a minor at the time the RTC granted the OSG's motion. While Jocelyn was able to file a Manifestation and Special Appearance on the OSG's motion for reconsideration, this should not bind, much less prejudice, Charnnel as a perusal of it readily shows that Charnnel's interests as Alphonso's heir were not directly raised and threshed out in this pleading. To hold otherwise, would be tantamount to depriving a then innocent child, now rightfully asserting her rights, of due process of law.

Anent, the jurisdiction of the RTC to rule on the OSG's motion for reconsideration and reverse its Decision dated August 22, 1997, the CA overlooked the fact that the OSG's motion for reconsideration was belatedly filed. Considering that the OSG received a copy of the August 22, 1997 Decision on March 8, 2011, it had until March 23, 2011 to file its motion for reconsideration. However, the motion was filed only on March 28, 2011,

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21 *Spouses Hofer v. Yu*, G.R. No. 231452, July 1, 2020.
22 *Id.*
23 345 Phil. 250 (1997); as citied in *Baclaran Mktg. Corp. v. Nieva*, 809 Phil. 92, 99 (2017).
24 *De Pedro v. Romasan Development Corp.*, 748 Phil. 706, 726 (2014).
25 *Spouses Hofer v. Yu*, *supra* note 21.
26 384 Phil. 661 (2000).
27 Id. at 673.

beyond the 15-day reglementary period. Thus, the August 22, 1997 Decision became final. In effect, the RTC already lost its jurisdiction over the case and could no longer alter or reverse the August 22, 1997 Decision.

It is a well-established rule that a judgment, once it has attained finality, can never be altered, amended, or modified, even if the alteration, amendment or modification is to correct an erroneous judgment. This is the principle of immutability of judgments — to put an end to what would be an endless litigation. *Interest reipublicae ut sit finis litium.* In the interest of society as a whole, litigation must come to an end. But this tenet admits several exceptions, these are: (1) the correction of clerical errors; (2) the so-called *nunc pro tunc* entries which cause no prejudice to any party; (3) void judgments; and (4) whenever circumstances transpire after the finality of the decision rendering its execution unjust and inequitable,[28] none of which exists in this case.

Moreover, a judgment becomes final and executory by operation of law.[29] There is no need for any judicial declaration or performance of an act before the finality takes effect. Finality of a judgment becomes a fact upon the lapse of the reglementary period of appeal if no appeal is perfected, or motion for reconsideration or new trial is filed. The trial court need not even pronounce the finality of the order as the same becomes final by operation of law. In fact, the trial court could not even validly entertain a motion for reconsideration filed after the lapse of the period for taking an appeal. It is of no moment that the opposing party failed to object to the timeliness of the motion for reconsideration. Thereafter, the court loses jurisdiction over the case and not even an appellate court would have the power to review a judgment that has acquired finality.[30]

FOR THESE REASONS, the petition is **GRANTED.** The Resolution dated October 10, 2017 and Resolution dated July 26, 2018 issued by the Court of Appeals in CA-G.R. SP No. 152507 are **REVERSED** and **SET ASIDE**. A new judgment is rendered ordering the **GRANTING** of petitioner Charnnel Shane Thomas' petition for annulment of judgment. The Decision dated August 22, 1997 of the Regional Trial Court of Makati City, Branch 140 is **REINSTATED**.

SO ORDERED.

MARIO V. LOPEZ
Associate Justice

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28 *Republic v. Heirs of Gotengco,* 824 Phil. 568, 578 (2018).
29 *Ng Ching Ting v. Philippine Business Bank, Inc.*, G.R. No. 224972, July 9, 2018.
30 *Id.*

WE CONCUR:

ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson

ALEXANDER G. GESMUNDO
Associate Justice

AMY C. LAZARO-JAVIER
Associate Justice

RICARDO R. ROSARIO
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.

DIOSDADO M. PERALTA
Chief Justice