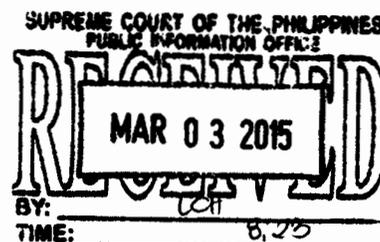




Republic of the Philippines  
Supreme Court  
Manila  
SPECIAL FIRST DIVISION



NOTICE

Sirs/Mesdames:

Please take notice that the Court, Special First Division, issued a Resolution dated **February 4, 2015** which reads as follows:

**“G.R. No. 199595 (Philippine Woman’s Christian Temperance Union, Inc. v. Teodoro R. Yangco 2<sup>nd</sup> and 3<sup>rd</sup> Generation Heirs Foundation, Inc., et al.).** – The petitioner’s motion for an extension of ten (10) days within which to file a comment on the private respondent’s motion for reconsideration (with motion to refer the case to the Supreme Court *en banc*) of the Decision dated April 2, 2014 is **GRANTED**. The petitioner’s comment/opposition to private respondent’s motion for reconsideration, the private respondent’s motion for leave to file the thereto attached reply to the petitioner’s comment/opposition to the motion for reconsideration, as well as the aforesaid reply are all **NOTED**.

This resolves the *Motion for Reconsideration with Motion to Refer the Case to the Supreme Court En Banc*<sup>1</sup> filed by private respondent Teodoro R. Yangco 2<sup>nd</sup> and 3<sup>rd</sup> Generation Heirs Foundation, Inc. (TRY Foundation).

TRY Foundation seeks that the Court Decision<sup>2</sup> dated April 2, 2014 be reconsidered and set aside on the following grounds: (a) the final and executory judgment in G.R. No. 190193 can no longer be disturbed pursuant to the doctrines of immutability of final judgment and *res judicata*; (b) a petition for prohibition and *certiorari* are not sanctioned

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<sup>1</sup> Rollo, pp. 382-406.  
<sup>2</sup> Id. at 365-381.

remedies against a final judgment rendered by this Court; (c) the Property Registration Decree has already eliminated the distinction between the general jurisdiction and limited jurisdiction of the Regional Trial Court (RTC); (d) whether a matter should be resolved by the RTC in the exercise of its general or limited jurisdiction is a procedural question and not a jurisdictional one; and (e) any issue on jurisdiction was waived by Philippine Woman's Christian Temperance Union, Inc. (PWCTUI) when it actively participated in the case.<sup>3</sup>

The Court denies reconsideration. As exhaustively discussed in the Court Decision dated April 2, 2014, the doctrine of immutability of final judgment is not applicable in the present case because all proceedings and judgments, including those taken and rendered during the appeal stage in LRC Case No. Q-18126(04), were void for lack of jurisdiction. This nullity is the inevitable consequence of the trial court's failure to acquire jurisdiction over the fundamental subject matter of TRY Foundation's petition that is – the revocation of the donation made in favor of PWCTUI.

Instead of proceeding to hear, try and resolve the underlying issue of revocation of donation, the RTC should have dismissed the petition, subject to the re-filing of the appropriate civil action, or re-docketed the same as an ordinary civil action which required stricter jurisdictional requirements than a land registration case. The lack of a valid service of summons and payment of docket fees imposed on ordinary civil actions prevented the RTC from validly acquiring jurisdiction over the claim for revocation of donation deceitfully passed off as a simple petition for amendment or alteration of a certificate of title.

The fact that PWCTUI participated in the proceedings before the RTC cannot be taken as a waiver of the absence of jurisdiction. Jurisdiction over the subject matter is conferred only by the Constitution or the law. It cannot be acquired through a waiver or enlarged by the omission of the parties.<sup>4</sup>

Contrary to the contention of TRY Foundation, the disquisition in the Decision dated April 2, 2014 did not disentangle the entwined general and limited jurisdiction of RTCs. The Court only emphasized the distinct and more stringent jurisdictional requirements for ordinary civil actions cognizable under the trial court's general jurisdiction.

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<sup>3</sup> Id. at 384-398.

<sup>4</sup> *Republic v. Bantigue Point Development Corporation*, G.R. No. 162322, March 14, 2012, 668 SCRA 158, 164.

Clearly, the issues tendered by TRY Foundation are matters of no extraordinary import that merit the attention of the Court *en banc*. They do not involve novel questions of law. Neither did the Decision dated April 2, 2014 modify or reverse any established jurisprudence. As settled in *Dolar v. Barangay Lublub (now P.D. Monfort North), Municipality of Dumangas*<sup>5</sup> and *Paz v. Republic of the Philippines*,<sup>6</sup> an action which seeks the reconveyance of a property on the ground of a revoked deed of donation cannot prosper until the donation shall have first been revoked in due course under Article 764 or Article 1144 of the Civil Code.

Likewise equally recognized is the principle that it is always in the power of the Court to suspend its own rules or to except a particular case from its operation, whenever the purposes of justice require it.<sup>7</sup> “Rules of procedure should be viewed as mere tools designed to facilitate the attainment of justice. Their strict and rigid application, which would result in technicalities that tend to frustrate rather than promote substantial justice, must always be eschewed. x x x The power to suspend or even disregard rules can be so pervasive and compelling as to alter even that which this Court itself had already declared to be final.”<sup>8</sup>

The Court’s duty to rectify a serious jurisdictional error committed by a trial court in order to avert the resultant deprivation of PWCTUI’s property without due process of law are sufficiently compelling reasons for the Court to suspend the procedural rules on appeals and take a second hard look at the arguments espoused by PWCTUI.

Moreover, given that all proceedings taken in connection with and arising from LRC Case No. Q-18126(04) were of no force and effect, it cannot be correctly argued that the Court Decision dated April 2, 2014 was in conflict with the void pronouncement in G.R. No. 190193. There is no basis for the claim of TRY Foundation that the subject matter of the case has a huge financial impact on businesses or affects the welfare of a community so as to justify its referral to the Court *en banc*.

Finally, it bears emphasizing that the Court sitting *en banc* is not an appellate court *vis-à-vis* its divisions and it exercises no appellate jurisdiction over the latter. Each division of the Court is considered not a body inferior to the Court *en banc*, and sits veritably as the Court *en banc* itself.<sup>9</sup>

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<sup>5</sup> 512 Phil. 108, 123 (2005).

<sup>6</sup> G.R. No. 157367, November 23, 2011, 661 SCRA 74, 81-82.

<sup>7</sup> *Ginete v. CA*, 357 Phil. 36, 52 (1998).

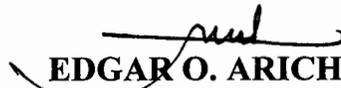
<sup>8</sup> *Barnes v. Judge Padilla*, 482 Phil. 903, 915 (2004).

<sup>9</sup> *Apo Fruits Corp., et al. v. Court of Appeals, et al.*, 576 Phil. 234, 243-244 (2008).

**WHEREFORE**, all the foregoing considered, the Motion for Reconsideration and Motion to Refer the Case to the Supreme Court *en banc* are hereby **DENIED** for lack of merit.

**SO ORDERED.”**

Very truly yours,

  
**EDGAR O. ARICHETA**  
Division Clerk of Court  
2

Atty. Perfecto E. Mirador, Jr.  
Counsel for Petitioner  
2<sup>nd</sup> Flr., King’s Court I Bldg.  
#2129 Chino Roces Ave.  
1200 Makati City

Court of Appeals (x)  
Manila  
(CA-G.R. CV No. 90763)

CRUZ ENVERGA & LUCERO  
Counsel for Priv. Respondent  
25<sup>th</sup> Flr., Cityland 10, Tower 1  
6815 Ayala Avenue North  
1226 Makati City

The Register of Deeds of  
Quezon City  
Public Respondent  
East Ave. cor. NIA Road  
1100 Quezon City

The Hon. Presiding Judge  
Regional Trial Court, Br. 218  
1100 Quezon City  
(LRC Case No. Q-18126[04])

The Sheriff  
Public Respondent  
Regional Trial Court, Br. 218  
1100 Quezon City

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