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REPORT OF CASES

DECIDED BY THE

SUPREME COURT OF THE PHILIPPINES

THIRD DIVISION

[G.R. No. 221978; April 4, 2022]

DMCI PROJECT DEVELOPERS, INC., *Petitioner*, *v.* **NELIA BERNADAS, NOEL BATANES, EDUARDO NONSOL, JOSE BALDE, ELMOR MABATAN, and LILIO M. REBUENO,** *Respondents*.

D E C I S I O N

LOPEZ, J., *J.*:

This Court resolves the Petition for Review on *Certiorari*[1] filed by DMCI Project Developers, Inc. *(DMCI)*, assailing the June 5, 2015 Decision[2] and the December 15, 2015 Resolution[3] of the Court of Appeals *(CA)* in CA-G.R. SP No. 132268. The assailed Decision affirmed the April 3, 2013 Resolution[4] and the September 26, 2013 Order[5] of the Land Registration Authority *(LRA)* in Consulta No. 5208.

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1 *Rollo*, Vol. I, pp. 10-43.

2 Penned by Associate Justice Agnes Reyes-Carpio, with Associate Justices Rosmari D. Carandang (a retired member of this Court) and Pedro B. Corales concurring; *id.* at 51-59.

3 *Rollo*, Vol. I, pp. 61-62.

4 *Id.* at 99-103.

5 *Id.* at 105-107.

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Facts

The instant case involves a certain parcel of land *(subject lot)* with an area of 16,461 square meters located in Taguig City and covered by Transfer Certificate of Title *(TCT)* No. 25491[6] issued to "Honorato Lacsina married to Milagros Lacsina, Reynaldo Bonifacio Lacsina married to Evelyn Lacsina, and Renato G. Dionisio married to Corazon Platon Dionisio." The same lot became the subject of a labor case filed with the National Labor Relations Commission *(NLRC)* instituted by Nelia Bernadas, Noel Batanes, Eduardo Nonsol, Jose Balde, Elmor Mabatan, and Lilio Rebueno *(Bernadas, et al.)*, entitled "*Nelia Bernadas, et al. v. Liberty Transport Corp. and/or Mr. and Mrs. Honorato Lacsina*."[7] Eventually, the NLRC resolved the case in Bernadas, *et al.*'s favor, prompting a Notice of Levy to be annotated on TCT No. 25491 on March 15, 2006, stating:

> Entry No. 5371/25491: Affecting title, rights, interests, shares and participations of the herein registered owner in the property described herein in accordance with the said notice, in NLRC NCR CASE NO. 00-08-04508-96 of the Department of Labor and Employment[,] National Labor Relations Commission, Quezon City, entitled NELIA BERNADAS, ET AL. -versus- LIBERTY TRANSPORT FORP. (sic), & or MR. & MRS. HONORATO-NILA (sic) LACSINA, issued by Sheriff, Ramon Nonato R. Dayao.
>
> Date of instrument: Mar. 15, 2006
> Date of inscription: Mar. 3, 11:01 a.m.[8]

On April 3, 2009, an auction sale was conducted for the subject lot where Bernadas, *et al.* emerged as the winning bidder.[9] To reflect the sale, the Register of Deeds caused an annotation on TCT No. 25491 on June 3, 2009, thus:

> Entry No. 3252: CERTIFICATE OF SALE in favor of NELIA BERNADAS, EVELYN I. REBUENO, NOEL BATANES, EDUARDO

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6 *Id.* at 108-111.

7 *Id.* at 51-52.

8 *Id.* at 110.

9 CA Decision dated June 5, 2015; *id.* at 52.

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NONSOL, JOSE BALDE, ELMOR MABATAN, LILIO M. REBUENO for the sum of ONE MILLION NINE HUNDRED FIFTEEN THOUSAND EIGHT HUNDRED [PESOS] (₱1,915,800) in accordance with a cert. [o]f sale issued by NLRC. The period of redemption expires under the pertinent guarantee provided by law.[10]

On June 29, 2009, Bernadas, *et al.* executed a Deed of Sale and/or Certificate of Redemption of Real Property,[11] ceding the ownership of the subject lot to DMCI after having received the sum of ₱1,915,800.00, representing Bernadas' total monetary award. On the same date, Bernadas, *et al.* likewise executed a Release and Quitclaim,[12] discharging Honorato and Milagros Lacsina and DMCI from all liabilities arising from their instituted labor case. Thereafter, both DMCI and Bernadas, *et al.* filed a petition before the Register of Deeds of Taguig City seeking to cancel the Notice of Levy on Execution appearing as Entry No. 5371/25491 and the Certificate of Sale on the TCT. Subsequently, Taguig Land Development Corporation *(Taguig Land)* acquired the subject lot, securing a new TCT — TCT No. 12619.[13] Thereafter, Taguig Land transferred the subject lot to DMCI by virtue of a merger.[14]

Contrary to their previous actions, Bernadas, *et al.* filed a Motion to Nullify the Deed of Sale and/or Certificate of Redemption of Real Property and Release and Quitclaim[15] before the NLRC. In the motion, Bernadas, *et al.* asserted that the Deed of Sale and/or Certificate of Redemption of Real Property and Release and Quitclaim was spurious and had been falsified. Reflective of Bernadas, *et al.*'s intent to own the subject lot, a Sheriff's Final Deed of Sale[16] was already issued by NLRC Sheriff Ramon Nonato P. Dayao in order to consolidate the ownership of the subject lot in their favor. In advocating for its falsity, Bernadas, *et*

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[10] *Rollo*, Vol. I, p. 111.

[11] *Id.* at 116-122.

[12] *Id.* at 123-129.

[13] *Id.* at 113.

[14] Certificate of Filing of the Articles of Merger; *id.* at 112.

[15] *Rollo*, Vol. I, pp. 138-144.

[16] *Id.* at 114-115.

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al. further argued that one of the signatories, Lidfiel Marikit, had already died on January 15, 1997, long before the execution of the said documents. Similarly, Jerson Talam, also a signatory, was no longer part of the judgment and can no longer be found. Worse, Bernadas, *et al.* claimed to have been prejudiced for not having been paid their monetary claims amounting to ₱1,915,800.00. In lieu thereof, they received a mere sum of ₱100,000.00 from collections from a surety company. As a way to stealthily collect their signatures for the Deed of Sale and/or Certificate of Redemption of Real Property and Release and Quitclaim, Bernadas, *et al.* were made to sign a piece of paper while making them believe that it was a document representing their receipt of the ₱100,000.00.[17]

DMCI opposed[18] the motion and argued that Evelyn Insilay-Rebueno *(Evelyn)*, the alleged attorney-in-fact who filed the motion on behalf of Bernadas, *et al.*, lacked the requisite authority. Since Evelyn received the monetary claims from DMCI, Bernadas, *et al.*'s act of agency in favor of Evelyn was deemed extinguished by virtue of Article 1919[19] of the New Civil Code. Simply, as Evelyn had already collected Bernadas, *et al.*'s claims, there was no need for her to act as agent on their behalf. Connectedly, DMCI insisted that the Labor Arbiter *(LA)* should dismiss the motion by virtue of the full payment and satisfaction of the judgment award in favor of Bernadas, *et al.*

On January 4, 2011, LA Antonio R. Macam issued an Order[20] granting Bernadas, *et al.*'s motion, thereby nullifying the Deed of Sale and/or Certificate of Redemption of Real Property and Release and Quitclaim. Therefore:

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[17] *Sinumpaang Salaysay* dated February 28, 2011; *id.* at 219-220.

[18] Opposition to the Motion to Nullify the Deed and/or Certificate of Redemption of Real Property with Motion to Dismiss Based on Satisfaction of Judgment, *id.* at 145-150.

[19] Article 1919. *Agency is extinguished*:
x x x x
(5) By the accomplishment of the object or purpose of the agency.

[20] *Rollo*, Vol. I, pp. 158-167.

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ACCORDINGLY, the Motion to Nullify the Deed and/or Certificate of Redemption and the Quitclaim and Release is granted and the said documents are hereby nullified. And as prayed for, the title issued under the name of Taguig [L]and Development Corporation under TCT [N]o. 12619, is ordered cancelled and a new Transfer Certificate of Title be issued by the Registry of Deeds in favor of complainants.

SO ORDERED.[21]

The LA found that DMCI had no personality to redeem the subject lot as it was not a redemptioner as contemplated under Section 11, Rule VII of the NLRC Manual on Execution of Judgment *(NLRC Manual)*, which lays down specific parties and/ persons entitled to redeem, to wit:

a) The **losing party, or his successor in interest** in the whole or any part of the property;

b) A **creditor** having a lien by attachments, judgment or mortgage on the property sold, or on some part thereof, subsequent to the judgment under which the property was sold. Such redeeming creditor is termed a redemptioner.[22]

Here, DMCI could not be considered as a successor-in-interest of the subject lot, as the property was sold on auction, the original owners being those named in TCT No. 25491, namely: "Honorato Lacsina married to Milagros Lacsina, Reynaldo Bonifacio Lacsina married to Evelyn Lacsina, and Renato G. Dionisio married to Corazon Platon Dionisio." The LA also cited DMCI's thwarted attempts at being declared as owner of the subject lot. It appears from the records that DMCI had already attempted to be declared as successor-in-interest by instituting a third-party claim with the NLRC, contending that it purchased the subject lot from Taguig Land.[23] For sheer lack of evidence, and for failing to annotate TCT No. 25491 for an inordinate period of 11 years, the case was dismissed. Upon elevating the case *via* a petition for *certiorari* to

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[21] *Id.* at 167.

[22] Emphasis ours.

[23] Order dated October 18, 2007; *rollo*, vol. II, pp. 648-649.

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the CA, the CA likewise rejected DMCI's claim of ownership in a Decision[24] dated July 31, 2009, which became final and executory.

The LA likewise held that DMCI cannot claim that it possesses a lien, judgment, or mortgage on the property sold, having only acquired the property through a merger with Taguig Land. The LA was inclined to nullify the assailed documents, as quitclaims and releases have been jurisprudentially disfavored for being contrary to public policy, citing *Veloso v. Department of Labor and Employment*.[25]

Undeterred, DMCI filed a Memorandum of Appeal[26] on February 7, 2011. Regardless if it were a valid redemptioner under the NLRC Rules, it was still the rightful owner given the Deed of Sale and/or Certificate of Redemption of Real Property and Release and Quitclaim executed by Bernadas, *et al.* in its favor. It also reiterated its previous argument that the proceedings should have been long terminated, in view of the full payment received by Bernadas, *et al.*

For their part, Bernadas, *et al.* filed an Answer to Appeal[27] dated March 1, 2011, praying that the January 4, 2011 Order be affirmed. Bernadas, *et al.* asseverated that the LA was correct in ruling that DMCI has no standing to redeem, given the prevailing NLRC Rules and in view of the pending receipt of their monetary awards.

On May 27, 2011, the NLRC rendered a Resolution[28] affirming the January 4, 2011 Order issued by the LA. While DMCI averred that Evelyn lacks the requisite authority to file the motion, it appears from the records that DMCI implicitly admitted the same by continuing to participate in the proceedings. In fact, they filed an Affidavit dated July 21, 2010, reiterating their prayer to nullify

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[24] *Rollo*, Vol. II, pp. 660-668.

[25] 277 Phil. 230 (1991).

[26] *Rollo*, Vol. I, pp. 168-197.

[27] *Id.* at 203-218.

[28] *Id.* at 263-285.

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the assailed documents. The NLRC likewise concluded that the theory that the case has been terminated with the payment of the judgment award is "more of a conclusion, facts surrounding which were not sufficiently proven."[29]

On July 19, 2011, despite DMCI seeking reconsideration,[30] the NLRC issued an Entry of Judgment[31] declaring that its May 27, 2011 Resolution has become final and executory. Arguing that the Entry of Judgment was premature for failure of the NLRC to rule on their pending motion for reconsideration, DMCI filed a Manifestation and Motion to Recall Entry of Judgment[32] dated August 25, 2011.

On August 25, 2011, pursuant to the Entry of Judgment, Bernadas, *et al.*, through their attorney-in-fact, Evelyn, filed a letter-request with the Register of Deeds of Taguig City, praying that the January 4, 2011 Order of the LA be implemented and registered pursuant to the Register of Deeds' ministerial duties.

To avoid any conflict involving the title to the subject lot, the Register of Deeds elevated the matter to the LRA *via* consulta based on the following issues:

1. Whether or not the NLRC has the power to issue an Order for the cancellation of a title already issued in the name of Taguig Land Development Corporation; and

2. Whether or not the order includes the cancellation of the two-third (2/3) shares of the previous owners (Reynaldo Bonifacio D. Lacsina and Renato G. Dionisio) who are not parties to the NLRC case thereby declaring their sale null and void.[33]

In a Manifestation[34] dated January 12, 2012, DMCI asserted that the consulta to the LRA has no leg to stand on, as the Entry

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[29] *Id.* at 283.

[30] Motion for Reconsideration dated June 17, 2011; *id.* at unnumbered page after 285-292.

[31] *Rollo*, Vol. I, p. 310.

[32] *Id.* at 307-308.

[33] Appeal en Consulta dated October 27, 2011; *id.* at 325-326.

[34] *Rollo*, Vol. II, pp. 344-345.

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of Judgment dated July 19, 2011 was deemed premature and, subsequently, recalled by the NLRC.

DMCI also lodged a Complaint[35] with a prayer for the issuance of a temporary restraining order and/or preliminary injunction dated November 4, 2011 before the Regional Trial Court of Pasig City, Branch 266 *(RTC)* for quieting of title, alleging that it is the true, lawful, and absolute owner of the subject lot, having acquired the same from Taguig Land under TCT No. 12619. It repeated its previous arguments that by virtue of the Deed of Sale and/or Certificate of Redemption of Real Property and Release and Quitclaim, Bernadas, *et al.* have no claim over the subject lot. Concomitantly, their action to nullify their previous issuances are a cloud on the title of DMCI.

On March 22, 2012, the NLRC issued a Resolution[36] recalling the Entry of Judgment dated July 19, 2011 for failure to resolve DMCI's motion for reconsideration.

On April 4, 2012, the NLRC denied[37] DMCI's motion for reconsideration for its utter failure to file the said motion within the 10-day reglementary period pursuant to Section 15,[38] Rule VII of the 2011 NLRC Rules of Procedure.

Meanwhile, on April 19, 2012, the RTC granted the application for a temporary restraining order, thus enjoining Bernadas, *et al.* from implementing the levy on execution under Entry No. 5371/25491 and Certificate of Sale (Entry No. 3252) annotated on TCT No. 25491.[39]

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[35] *Id.* at 346-354.

[36] *Id.* at 449-450.

[37] *Id.* at 451-453.

[38] Section 15. *Motions of Reconsideration*. — Motion for reconsideration of any decision, resolution, or order of the Commission shall not be entertained except when based on palpable or patent errors; *provided that*, the motion is filed **within ten (10) calendar days** from receipt of decision, resolution or order, with proof of service that a copy of the same has been furnished, within the reglementary period, the adverse party; and *provided further*, that only one such motion from the same party shall be entertained. (15a) (Emphasis ours)

[39] Order dated April 19, 2012; *rollo*, vol. I, pp. 490-496.

Then on May 16, 2012, the NLRC issued a subsequent Entry of Judgment,[40] declaring that the April 4, 2012 Resolution has become final and executory.

In the case pending with the RTC, a preliminary injunction was subsequently issued against Bernadas, *et al.* on October 22, 2012.[41] In granting the injunction, the RTC was convinced that between DMCI and Bernadas, *et al.* DMCI had clearly shown a better right over the subject lot by virtue of the evidence it proffered. Thus, there was a clear, urgent, and paramount necessity for the injunctive writ to stop Bernadas, *et al.* from enforcing the levy on execution.[42]

On October 31, 2012, DMCI filed a Manifestation[43] with the LRA, attaching the October 22, 2012 Order of the RTC.

On April 3, 2013, the LRA issued a Resolution,[44] in Consulta No. 5208, ruling that the January 4, 2011 NLRC Order and its July 19, 2011 Entry of Judgment are registrable.

On the first issue of whether the NLRC can order the cancellation of a title, the LRA relied on this Court's ruling in *Tanongon v. Samson*,[45] recognizing that the NLRC possessed sufficient authority and power to execute final judgments and awards, and that third-party claims of ownership on a levied property does not necessarily prevent execution. It further found it militating against DMCI that its third-party claim of ownership over the subject lot was denied and was declared final and executory in a CA Decision dated July 31, 2009. In support of its registrability, the LRA likewise noted that the January 4, 2011 Order has been rendered final and executory, pursuant to the Entry of Judgment issued by the NLRC.

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[40] *Id.* at 454.

[41] Order dated October 22, 2012; *id.* at 572-576.

[42] *Id.* at 576.

[43] *Id.* at 497-499.

[44] *Id.* at 99-103.

[45] 431 Phil. 729 (2002).

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Anent the second issue of whether the January 4, 2011 Order of the LA covers the whole subject lot or only a portion thereof, the LRA cited the principle observed in *Armed Forces and Police Mutual Benefit Association, Inc. v. Santiago*[46] that "as a rule, the functions of the Register of Deeds are generally regarded as ministerial and said officer has no power to pass upon the legality of an order issued by a court of justice." Given that the whole property was subject of the levy and was eventually sold at public auction in favor of Bernadas, *et al.*, it cannot be denied that the January 4, 2011 Order pertains to the entire property.

Aggrieved, DMCI filed a Motion for Reconsideration[47] with the LRA on May 6, 2013, which the LRA subsequently denied in an Order[48] dated September 26, 2013, in view of the May 16, 2012 Entry of Judgment.

DMCI elevated the matter to the CA *via* a Petition for Review[49] under Rule 43 of the Rules of Court, maintaining that the LRA gravely erred in ruling that the January 4, 2011 Order of the LA is registrable and emphasizing that the Entry of Judgment dated July 19, 2011 was recalled. It contended that, given such recall and the absence of a writ of execution, the basis for registration ceased to exist. Moreover, while the Entry of Judgment was later reinstated on May 16, 2012, there was nothing in the ruling that would suggest that such entry had been reinstated.

In a Decision[50] dated June 5, 2015, the CA denied the petition, disposing in this wise:

> **WHEREFORE,** in view of the foregoing, the Petition for Review is **DENIED**. The Resolution dated April 3, 2013 and Order dated September 26, 2013, rendered by the Land Registration Authority (LRA) in Consulta No. 5208, are **AFFIRMED**.
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> **SO ORDERED.**[51]

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[46] 578 Phil. 609, 620 (2008).

[47] *Rollo*, Vol. I, pp. 500-516.

[48] *Id.* at 105-107.

[49] *Id.* at 63-91.

[50] *Id.* at 51-59.

[51] *Id.* at 58-59. (Citations omitted).

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In denying the petition, the CA reasoned that the NLRC's second Entry of Judgment issued on May 16, 2012 was a supervening event that rendered the issue before it moot and academic. It explained that while the LRA did not mention the reinstatement of the July 19, 2011 Entry of Judgment, the fact that the same was subsequently issued by the NLRC leaves nothing more for the appellate court to resolve. In the first place, the instant petition should already be struck down in light of the doctrine of immutability of judgments, under which decisions that have already acquired finality cannot be modified or altered in any respect.[52] Lastly, assuming *arguendo* that the LRA erred in its consulta, it was afforded the opportunity to correct its mistake when it denied DMCI's motion for reconsideration on the basis of the May 16, 2012 Entry of Judgment.[53]

DMCI moved for reconsideration,[54] which the CA denied in a Resolution[55] dated December 15, 2015.

Hence, this present petition.

Issue

> The primordial issue for this Court's resolution is whether the CA gravely erred in sustaining the Resolution dated April 3, 2013 and the Order dated September 26, 2013 of the LRA.

Petitioner insists that the January 4, 2011 Order of the LA should not be implemented or even registered in view of the absence of a writ of execution. Notwithstanding the Entry of Judgment subsequently issued by the NLRC on May 16, 2012, the same cannot dispense with the requirement that a final order requires a concomitant writ of execution.

Petitioner further points out that the CA completely disregarded a significant development in the original case, "*Nelia Bernadas, et al. v. Liberty Transport Corp. and/or Mr. and Mrs. Honorato*

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[52] *Id.* at 58.

[53] *Id.*

[54] *Id.* at 612-628.

[55] *Id.* at 61-62.

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Lacsina." There, respondents filed a motion seeking to implement the January 4, 2011 Order through the issuance of a writ of execution directing the Register of Deeds of Taguig City to cancel TCT No. 12619 under the name of petitioner. In resolving the motion, the LA issued an Order dated June 19, 2015 denying the said motion for execution. Manifestly, such wanton disregard of a crucial fact constitutes grave abuse of discretion on the part of the CA.

Finally, petitioner opines that the CA overlooked the existence and relevance of the complaint for quieting of title over the subject lot filed with the RTC by petitioner against respondents, including the injunction issued pursuant thereto, which may have significant implications to petitioner's claim of ownership over the same.

On the other hand, respondents propound in their Comment[56] dated July 12, 2016 that the Resolution of the LRA, as well as the Decision of the CA, are in full accord with law and jurisprudence; thus, there is no error therein which may be the basis for its reversal. Respondents stressed that, aside from settling the issue on ownership of the property as belonging to respondents, the CA likewise denied petitioner's third-party claim on the subject lot in a separate action.

The Court's Ruling

In the main, petitioner argues that the January 4, 2011 Order cannot be registered or even implemented in the absence of a writ of execution. It thus impugns error on Consulta No. 5208 issued by the LRA, which was later on affirmed by the CA in the assailed Decision dated June 5, 2015 and the Resolution dated December 15, 2015.

This Court is not persuaded.

In determining the significance of a writ of execution in enforcing orders of the NLRC, the NLRC Manual shall govern any question regarding the execution of a judgment of that body. It is well settled that regular courts have no jurisdiction to hear and

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[56] *Rollo*, Vol. II, pp. 640-644.

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decide questions arising from and are incidental to the enforcement of decisions, orders, or awards rendered in labor cases by officers and tribunals of the Department of Labor and Employment.[57] The Rules of Court shall then only apply by analogy or in a suppletory character.[58] As emphasized in *Balais v. Velasco*,[59] "to hold otherwise would be to sanction split jurisdiction which is obnoxious to the orderly administration of justice."

Section 4(b), Rule 1 of the NLRC Manual defines a writ of execution as "an order directing the sheriff to enforce, implement, or satisfy the final decisions, orders, or awards of the National Labor Relations Commission or any of its Labor Arbiters. The writ of execution is valid only for a period of 180 days from receipt thereof by the sheriff or the duly designated officer."

Furthermore, Section 4, Rule III instructs that such writs of execution shall only be issued upon an order, resolution, or decision that finally disposes of the actions or proceedings and after the counsel and the parties have been duly furnished with the copies of the same in accordance with the NLRC Rules of Procedure. The NLRC, or the LA, is clothed with the power to *motu proprio*, or upon motion of any interested party, issue a writ of execution on a judgment only within five (5) years from the date it becomes final and executory. Notably, no motion for execution shall be entertained nor a writ be issued unless the NLRC or the LA is in possession of the records of the case which shall include an entry of judgment where the case has been appealed, except in certain cases.[60]

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[57] *Ando v. Campo*, 658 Phil. 636, 641-642 (2011).

[58] Section 3, Rule I of the 2011 NLRC Rules of Procedure, as amended, reads:

> Section 3. *Suppletory Application of the Rules of Court*. — In the absence of any applicable provision in these Rules, and in order to effectuate the objectives of the Labor Code, as amended, the pertinent provisions of the Rules of Court of the Philippines, as amended, may, in the interest of expeditious dispensation of labor, justice and whenever practicable and convenient, be applied by analogy or in a suppletory character and effect.

[59] 322 Phil. 790, 807 (1996).

[60] The NLRC Manual on Execution of Judgment (as amended by Resolution No. 02-02, Series of 2002), Sec. 4(a).

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Verily, there can be no argument that a writ of execution is indispensable in the enforcement of final decisions or awards of the NLRC or the LA. In this case, however, the writ of execution has yet to be issued, considering that the action had just been disposed of with finality, given the Entry of Judgment dated May 16, 2012. Contrary to petitioner's presumptuous postulations, the LRA, in Consulta No. 5208, did not mention dispensing with the requirement of the writ. In other words, the consulta was not positioned to do away with the writ of execution. To be precise, it merely declared that the January 4, 2011 Order, together with the July 19, 2011 Entry of Judgment, was registrable. Stated differently, the consulta merely pronounced the state of the property as registrable; it by no means actually enabled the Order, or more appropriately, the subject lot, to be registered in favor of the respondents. Such distinction was well-identified by the CA in its Resolution[61] dated December 15, 2015, thus:

> In this regard, petitioner needs to be reminded that **"registrability" and actual registration of real estate are very distinct concepts**. A declaration that a property is registrable refers to the fact that a party may register the same in his or her name while registration refers to the act itself. **In the instant case, the LRA merely declared the property to be registrable and did not refer to the actual cancellation of petitioner's title thereto, as directed in the Labor Arbiter's order affirmed by the NLRC**. Thus, this Court cannot give merit to petitioner's contention that a writ of execution is required before the property can be declared registrable as the directive which requires such writ is one of cancellation of petitioner's title and not the mere declaration of registrability.[62]

To be sure, it is the Register of Deeds, and not the LRA, who causes the actual registration of an instrument. The LRA, as an agency of the government, functions to assist different agencies in the implementation of the land reform program of the government, as well as to the courts in ordinary and cadastral land registration proceedings.[63] It likewise acts as the central repository of records

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[61] *Rollo*, Vol. I, pp. 61-62.

[62] *Id.* at 62. (Emphasis ours)

[63] P.D. No. 1529, Sec. 6(2).

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relative to original registration of lands under the Torrens system, including subdivision and consolidation plans of titled lands.[64]

On the other hand, it is the statutory duty of the Register of Deeds, pursuant to Section 10 of Presidential Decree No. 1529 *(P.D. No. 1529)* also known as "*Property Registration Decree*," to immediately register an instrument presented for registration dealing with real or personal property which complies with all the requisites for registration. Additionally, the Register of Deeds shall ensure that the instrument bears the proper documentary and science stamps and that the same are properly cancelled. In *Office of the Ombudsman v. Manalastas*,[65] the Court held that such duty is ministerial and must be performed in any case, to wit:

> **Registration is a mere ministerial act by which a deed, contract, or instrument is sought to be inscribed in the records of the Office of the Register of Deeds and annotated at the back of the certificate of title covering the land subject of the deed, contract, or instrument. Being a ministerial act, it must be performed in any case. The public officer having this ministerial duty has no choice but to perform the specific action which is the particular duty imposed by law**. The purpose of registration is to give notice to all persons. It operates as a notice of the deed, contract, or instrument to others, but neither adds to its validity nor converts an invalid instrument into a valid one between the parties.[66]

Indeed, a Register of Deeds is precluded from exercising personal judgment and discretion when confronted with the problem of whether to register a deed or instrument. On doubts regarding the proper action to be taken or memorandum to be made in pursuance of any deed, mortgage, or other instrument presented for registration, the proper step to be taken shall be to submit and certify the question to the Commissioner of the LRA *via* a consulta according to Section 117[67] of P.D. No. 1529.

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[64] *Id.*

[65] 791 Phil. 557 (2016). (Emphasis ours; citations omitted)

[66] *Id.* at 565-566. (Emphasis ours)

[67] Section 117. *Procedure*. — When the Register of Deeds is in doubt with regard to the proper step to be taken or memorandum to be made in pursuance

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The LRA shall, after notice and hearing, enter an order prescribing the step to be taken on the doubtful question.

To this end, this Court all the more cannot subscribe to petitioner's assumption that the consulta caused the registration of the January 4, 2011 Order. Petitioner only has itself to blame as the Register of Deeds was only bound by the consulta to register the January 4, 2011 Order, which lapsed into finality by virtue of the Entry of Judgment.

It must be stressed that the resolution or ruling in consultas by the LRA Commissioner shall not be binding upon the Register of Deeds, *provided* that the aggrieved party appeals the same to the CA within the reglementary period provided for by law. Specifically, P.D. No. 1529 refers to the period and manner laid down in R.A. No. 5434,[68] Section 2 of which instructs that such appeals be filed

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of any deed, mortgage or other instrument presented to him for registration, or where any party in interest does not agree with the action taken by the Register of Deeds with reference to any such instrument, the question shall be submitted to the Commissioner of Land Registration by the Register of Deeds, or by the party in interest thru the Register of Deeds.

Where the instrument is denied registration, the Register of Deeds shall notify the interested party in writing, setting forth the defects of the instrument or legal grounds relied upon, and advising him that if he is not agreeable to such ruling, he may, without withdrawing the documents from the Registry, elevate the matter by consulta within five days from receipt of notice of the denial of registration to the Commissioner of Land Registration.

The Register of Deeds shall stake a memorandum of the pending consulta on the certificate of title which shall be canceled motu proprio by the Register of Deeds after final resolution or decision thereof, or before resolution, if withdrawn by petitioner.

The Commissioner of Land Registration, considering the consulta and the records certified to him after notice to the parties and hearing, shall enter an order prescribing the step to be taken or memorandum to be made. His resolution or ruling in consultas shall be conclusive and binding upon all Registers of Deeds, provided, that the party in interest who disagrees with the final resolution, ruling or order of the Commissioner relative to consultas may appeal to the Court of Appeals within the period and in manner provided in Republic Act No. 5434.

[68] *"An Act to Provide a Uniform Procedure for Appeals from the Court of Agrarian Relations, the Secretary of Labor under Section 7 of Republic Act*

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within 15 days from notice of the ruling or judgment, or in case a motion for reconsideration is filed within the 15-day period, then within 10 days from notice of the resolution denying the motion:

> Section 2. *Appeals to Court of Appeals*. — Appeals to the Court of Appeals shall be filed within fifteen (15) days from notice of the ruling, award, order, decision of judgment or from the date of its last publication, if publication is required by law for its effectivity; or in case a motion for reconsideration is filed within that period of fifteen (15) days, then within ten (10) days from notice or publication, when required by law, of the resolution denying the motion for reconsideration. No more than one motion for reconsideration shall be allowed any party. If no appeal is filed within the periods here fixed, the ruling, award, order, decision or judgment shall become final and may be executed as provided by existing law.

Subsequently, *Batas Pambansa Bilang 129*[69] *(B.P. Blg. 129)* was passed into law, which vests the CA with exclusive appellate jurisdiction over all final judgments, decisions, resolutions, orders, or awards of the LRA in the exercise of its *quasi*-judicial functions.[70] This is reflected in Rule 43 of the Rules of Court,

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Numbered Six Hundred Two, also Known as 'The Minimum Wage Law,' the Department of Labor under Section 23 of Republic Act Numbered Eight Hundred Seventy-Five, also Known as 'The Industrial Peace Act,' the Land Registration Commission, the Securities and Exchange Commission, the Social Security Commission, the Civil Aeronautics Board, the Patent Office, and the Agricultural Inventions Board, and for Other Purposes."

[69] Otherwise known as the "*Judiciary Reorganization Act of 1980*."

[70] Section 9(3) of B.P. Blg. 129 reads:
Section 9. *Jurisdiction*. — The Court of Appeals shall exercise:
x x x x
3. Exclusive appellate jurisdiction over all final judgements, resolutions, orders or awards of Regional Trial Courts and quasi-judicial agencies, instrumentalities, boards or commissions, including the Securities and Exchange Commission, the Social Security Commission, the Employees Compensation Commission and the Civil Service Commission, except those falling within the appellate jurisdiction of the Supreme Court in accordance with the Constitution, the Labor Code of the Philippines under Presidential Decree No. 442, as amended, the provisions of this Act, and of subparagraph (1) of the third paragraph and subparagraph 4 of the fourth paragraph of Section 17 of the Judiciary Act of 1948.

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which directs the party appealing to file a verified petition for review within 15 days from notice of award, judgment, final order, or resolution, or from the denial of petitioner's motion for new trial or reconsideration, to wit:

> Section 1. *Scope*. — This Rule shall apply to appeals from judgments or final orders of the Court of Tax Appeals and from awards, judgments, final orders or resolutions of or authorized by any quasi-judicial agency in the exercise of its quasi-judicial functions. Among these agencies are the Civil Service Commission, Central Board of Assessment Appeals, Securities and Exchange Commission, Office of the President, **Land Registration Authority**, Social Security Commission, Civil Aeronautics Board, Bureau of Patents, Trademarks and Technology Transfer, National Electrification Administration, Energy Regulatory Board, National Telecommunications Commission, Department of Agrarian Reform under Republic Act No. 6657, Government Service Insurance System, Employees Compensation Commission, Agricultural Invention Board, Insurance Commission, Philippine Atomic Energy Commission, Board of Investments, Construction Industry Arbitration Commission, and voluntary arbitrators authorized by law. (n)
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> x x x x
>
> **Section 4.** *Period of appeal*. — **The appeal shall be taken within fifteen (15) days from notice of the award, judgment, final order or resolution, or from the date of its last publication, if publication is required by law for its effectivity, or of the denial of petitioner's motion for new trial or reconsideration duly filed in accordance with the governing law of the court or agency *a quo***. Only one (1) motion for reconsideration shall be allowed. Upon proper motion and the payment of the full amount of the docket fee before the expiration of the reglementary period, the Court of Appeals may grant an additional period of fifteen (15) days only within which to file the petition for review. No further extension shall be granted except for the most compelling reason and in no case to exceed fifteen (15) days. (n) (Emphases ours)

Prescinding therefrom, upon the lapse of the indicated period, the consulta shall be rendered conclusive and binding on the Register of Deeds, who shall either register or deny the registration of the instrument.

Upon scouring the records, it appears that the petitioner committed a procedural infraction in belatedly filing an appeal

via a petition with the CA. Petitioner manifestly admits that upon receipt of the consulta, it filed a motion for reconsideration with the LRA on May 6, 2013 and a supplement to the same on August 18, 2013. Thereafter, petitioner received a copy of the Resolution of the LRA denying its motion on October 4, 2013.[71] Thus, petitioner had 15 days from October 4, 2013, or until October 19, 2013, to seek further recourse. However, it was only on October 31, 2013, or 11 days past the prescribed reglementary period, that its petition was filed. In petitioner's case, no explanation was advanced; neither did it even provide the slightest justification for its procedural missteps.

Given the transgressions of petitioner, the Register of Deeds, pursuant to its ministerial duty, was bound by the ruling in Consulta No. 5208 of the LRA to register the January 4, 2011 Order and the Entry of Judgment dated July 19, 2011. While the previous Entry of Judgment was recalled and a second Entry was subsequently issued on May 16, 2012, the LRA rectified such error that may be attributed to it by recognizing the second Entry of Judgment in its Order dated September 26, 2013, which also denied petitioner's motion for reconsideration. After all, a scrutiny of the records will prove that no such significant difference exists between the July 19, 2011 Entry of Judgment *vis-à-vis* the May 16, 2012 Entry of Judgment, considering that no other inequitable or otherwise improvident event or condition arose that would warrant a reversal of the NLRC Decision. As aptly ruled by the CA:

> While it is true that there was no reinstatement of the July 19, 2011 issuance, the fact that a new *Entry of Judgment* was subsequently made by the NLRC leaves nothing more to be resolved by this Court since the land is considered registrable as of May 16, 2012. Even if this Court hypothetically rules that the LRA erred in upholding the July 19, 2011 *Entry of Judgment* in the assailed Resolution, the LRA was given the opportunity the correct its mistake upon petitioner's filing of its *Motion for Reconsideration* which was denied on the basis of the issuance of the May 16, 2012 *Entry of Judgment*. Considering the fact that the award in favor of respondents had already attained finality, there is no more issue for this Court to resolve. x x x[72]

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[71] *Rollo*, Vol. I, pp. 21-22.

[72] *Id.* at 58.

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On this score, it cannot be gainsaid that petitioner's failure to perfect its appeal within the reglementary period specified by law, together with its failure to avail of the additional periods for extension, renders the judgment final and executory. It may be well to recall this Court's pronouncement in *Saint Louis University, Inc. v. Cobarrubias*,[73] which dealt with the reglementary periods under Rule 43, where it warned that non-compliance with the procedural requirements shall be a sufficient ground for the petition's dismissal. Also, in *Apex Mining Co., Inc. v. Commissioner of Internal Revenue*,[74] this Court stressed that procedural rules setting the period of perfecting an appeal are generally inviolable, considering that appeals are not a natural right or a component of due process, but a mere statutory privilege:

> To stress, the right to appeal is merely statutory and one who seeks to avail of it must comply with the statute or rules. The requirements for perfecting an appeal within the reglementary period specified in the law must be strictly followed as they are considered indispensable interdictions against needless delays. Moreover, the perfection of an appeal in the manner and within the period set by law is not only mandatory but jurisdictional as well, hence failure to perfect the same renders the judgment final and executory. And, just as a losing party has the privilege to file an appeal within the prescribed period, so also does the prevailing party has the correlative right to enjoy the finality of a decision in his favor.[75]

In effect, the CA should have actually dismissed the petition outright. While the appellate court enjoys a certain latitude of discretion to grant additional periods for extension pursuant to Section 4, Rule 43 of the Rules of Court, petitioner utterly failed to prove its adherence to the Rules by filing the proper motion praying for an extension of time. Regrettably, neither did petitioner even bother to mention such procedural error in its petition.

Apart from the non-perfection of petitioner's appeal, this Court cannot close its eyes to the Entry of Judgment dated May 16, 2012,

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[73] 640 Phil. 682, 689 (2010).

[74] 510 Phil. 268 (2005).

[75] *Id.* at 275. (Citations omitted)

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which renders the January 4, 2011 Order final and executory, thus, immutable and unalterable. Thus, this Court shall not belabor the point of discussing the implications of the LA's Order dated June 19, 2015, emanating from the proceedings in the original case entitled "*Nelia Bernadas, et al. v. Liberty Transport Corp. and/or Mr. and Mrs. Honorato Lacsina*." Foremost is the principle that "a decision that has attained finality becomes the law of the case regardless of any claim that it is erroneous. Any amendment or alteration which substantially affects a final and executory judgment is null and void for lack of jurisdiction, including the entire proceedings held for that purpose."[76]

In *Gadrinab v. Salamanca*,[77] citing *FGU Insurance Corporation v. RTC*,[78] this Court reiterated the shopworn doctrine of immutability of judgments:

> Under the doctrine of finality of judgment or immutability of judgment, a decision that has acquired finality becomes immutable and unalterable, and may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact and law, and whether it be made by the court that rendered it or by the Highest Court of the land. Any act which violates this principle must immediately be struck down.
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> This doctrine admits a few exceptions, usually applied to serve substantial justice:
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> 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.[79]

Woefully, none such exceptions laid down in jurisprudence were raised and thereafter proven by petitioner. While it appears on the surface that petitioner assails the execution of the January

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[76] *Vargas v. Cajucom*, 761 Phil. 43, 54 (2015).

[77] 736 Phil. 279, 292-293 (2014).

[78] 659 Phil. 117, 123 (2011).

[79] *Gadrinab v. Salamanca*, *supra* note 77, at 292-293.

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4, 2011 Order due to the absence of a writ of execution, a careful review of petitioner's arguments would reveal their true intention of appealing the merits of the case and for the ownership of the subject lot to be declared rightfully theirs. Such arguments as to these issues are appropriately proper for an appeal, a remedy that was already undertaken by petitioner. At this juncture, it is well to raise that parties cannot circumvent the doctrine of immutability of judgments by merely assailing the execution of the judgment.[80]

Nevertheless, even if this Court were to indulge petitioner, its arguments deserve scant consideration given the July 31, 2009 Decision of the CA, dismissing its claim of ownership over the subject lot, which it insists was acquired from Taguig Land. This Court notes that such Decision lapsed into finality pursuant to an Entry of Judgment[81] dated September 3, 2009. It also goes without saying that the finality of the July 31, 2009 Decision would belie yet another claim of ownership by petitioner in its pending action for quieting of title before the RTC. To iterate the principle in *Vargas v. Cajucom*,[82] petitioner may not do indirectly, by assailing the absence of a writ of execution, what they cannot do directly, which is to attack a final, immutable, and unalterable judgment.

WHEREFORE, in view of the foregoing, the instant petition is **DENIED**. The Decision dated June 5, 2015 and the Resolution dated December 15, 2015 of the Court of Appeals in CA-G.R. SP No. 132268, affirming the April 3, 2013 Resolution and the September 26, 2013 Order of the Land Registration Authority in Consulta No. 5208, are **AFFIRMED**. The National Labor Relations Commission's Order dated January 4, 2011 and the Entry of Judgment dated July 19, 2011 are registrable.

SO ORDERED.

Leonen (Chairperson), Lazaro-Javier, M. Lopez, and *Kho, Jr., JJ.*, concur.

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[80] *Mercury Drug Corporation v. Spouses Huang*, 817 Phil. 434, 437 (2017).

[81] *Rollo*, Vol. II, p. 670.

[82] *Supra* note 76, at 56.

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