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Moral damages are imposed in rape cases involving young girls between 13 and 19 years of age, taking into account the immeasurable havoc wrought on their youthful feminine psyche. It may be awarded without need of showing that the victim suffered mental anguish, fright, serious anxiety and the like.[25]

WHEREFORE, the assailed judgment of the Regional Trial Court of the City of Malaybalay, Branch 8, finding JONNIE TAGAYLO *y* CORTES guilty of rape in Criminal Case No. 8744-97 is hereby *AFFIRMED* with the modification that he is further ordered to pay the victim AILEEN CAJIGAS the sum of ₱50,000 as moral damages in addition to the indemnity of ₱50,000 awarded by the trial court.

No pronouncements as to costs.

SO ORDERED.

Puno, Kapunan, Pardo, and *Ynares-Santiago, JJ.*, concur.

FIRST DIVISION

[G.R. No. 141975. November 20, 2000]

REPUBLIC OF THE PHILIPPINES, *petitioner, vs.* **ATLAS FARMS, INCORPORATED, HON. ALICIA P. MARIÑO-CO, Presiding Judge of Regional Trial Court, Branch 161, Pasig City,** *respondents.*

SYNOPSIS

The cadastral court in LRC Case No. N-10477 rendered judgment granting the registration of a parcel of land in the

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[25] *People v. De Guzman,* G.R. No. 24368, 8 June 2000.

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name of private respondent. Private respondent, however, moved to withdraw its application when petitioner moved for its reconsideration. The same was granted by the trial court on October 21, 1982. The order became final and executory. Seventeen years later, private respondent filed with the trial court a manifestation and motion to set aside the order granting the withdrawal of its application and to revive the decision granting registration. Acting favorably on the manifestation, the trial court set aside its order dismissing the application and reinstated its decision. Petitioner assailed the validity of the trial court's order reinstating its decision, but the same was denied, hence, the present recourse.

The court loses jurisdiction upon the finality of the order, resolution or decision except to order its execution within its lifetime. The order reinstating the decision having attained finality, the trial court no longer has jurisdiction to set aside, alter or modify said final order, and it is void and non-existent.

SYLLABUS

1. **REMEDIAL LAW; EVIDENCE; PRESUMPTIONS; COUNSEL IS AUTHORIZED TO REPRESENT ANY CAUSE IN WHICH HE APPEARS.** — Respondent Atlas also admitted that sometime in 1997, "respondent was informed that the case has been ordered withdrawn after its retained counsel has filed the motion to withdraw application." Yet, respondent did nothing until August 16, 1999, two years later, when it filed a manifestation and motion to set aside the order, claiming that its counsel was not authorized to act for the corporation but remained silent when it learned of the order. Again, this pretense can not be true. The standing presumption is that counsel is authorized to represent any cause in which he appears.

2. **ID; ACTIONS; JURISDICTION; COURT LOSES JURISDICTION UPON FINALITY OF ORDER.** — When respondent Atlas Farms, Incorporated filed on August 16, 1999 with the trial court a manifestation and motion to set aside the order dated October 21, 1982, declaring the application withdrawn, the trial court no longer had jurisdiction over the case. Close to seventeen (17) years had lapsed after finality of the order. Consequently, the order declaring the application for registration of title

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withdrawn could no longer be revoked and the decision reinstated. In fact, the decision has become stale and any action to enforce or revive it has prescribed. A stale decision can not be the source of the issuance of a decree of registration. Thus, the orders dated August 20 and 26, 1999, reinstating the decision are void and considered non-existent.

3. ID.; ID.; VOID ORDERS CANNOT GIVE LIFE TO A DECISION THAT HAS LOST ITS EFFICACY. — A void order cannot give life to a decision that has lost its efficacy. It cannot affect, impair or create rights. A void order may be assailed or impugned at any time either directly or collaterally, by means of a petition filed in the same case or by means of a separate action, or by resisting such order in any action or proceeding where it is invoked. The rule is basic that the court loses jurisdiction upon the finality of the decision, except to order its execution within its lifetime. A decision becomes final upon the expiration of the period to appeal, which is uniformly fixed at fifteen (15) days from notice to the parties, and no appeal is taken therefrom.

APPEARANCES OF COUNSEL

The Siolicitor General for petitioner.
Cacho & Chua Law Offices for respondent.

D E C I S I O N

PARDO, *J.*:

The case before the Court is a petition for *certiorari* and prohibition with temporary restraining order seeking to annul the order[1] of respondent court that set aside its previous order[2] granting withdrawal of respondent's application for registration of title and reinstating the decision of registration of a parcel of land located in barrio San Jose, Antipolo, Rizal.[3]

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[1] *Rollo*, pp. 86-87.

[2] *Rollo*, p. 38.

[3] Petition, *Rollo*, pp. 2-3.

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On December 4, 1980, Atlas Farms, Incorporated filed with the Court of First Instance of Rizal, Pasig an application for registration and confirmation of title over a parcel of land located in barrio San Jose, municipality of Antipolo, Rizal, with an area of 9,339 square meters.[4]

On December 28, 1981, the trial court rendered a decision granting the application.[5]

On January 28, 1982, petitioner filed with the trial court a motion for reconsideration of the decision.[6]

Without the trial court resolving the motion for reconsideration of the petitioner, on October 18, 1982, Atlas filed with the trial court a motion to withdraw the application, copy of which motion was received by petitioner on October 21, 1982.[7]

On October 21, 1982, the trial court granted the motion to withdraw application for registration of title. Copy of the order was received by petitioner on October 29, 1982.[8]

After seventeen years, on August 16, 1999, respondent Atlas Farms, Incorporated filed with the trial court a manifestation and motion to set aside the order granting the withdrawal of the application and to revive the decision.[9] On August 20, 1999, the trial court set aside its order dismissing the application, and reinstated the decision dated December 28, 1981.[10]

On September 17, 1999, petitioner filed with the trial court an omnibus motion assailing the validity of the order reinstating the decision.[11]

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[4] Docketed as LRC Case No. N-10477, Petition, par. 2, *Rollo*, p. 4.

[5] Petition, Annex "B", *Rollo*, pp. 27-29.

[6] Petition, Annex "C", *Rollo*, pp. 30-36.

[7] Petition, Annex "D", *Rollo*, p. 37.

[8] Petition, Annex "E", *Rollo*, p. 38.

[9] Comment, Annex "6", *Rollo*, pp. 80-85.

[10] *Ibid.*, Annexes "7" & "8", *Rollo*, pp. 86-87.

[11] Petition, Annex "F", *Rollo*, pp. 39-46.

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On December 28, 1999, the trial court denied petitioner's omnibus motion for lack of merit.[12]

Hence, this petition.[13]

The issue raised is whether the trial court still has jurisdiction to reverse an order that declared the application for registration of title withdrawn which became final seventeen years ago, and revive the decision granting the application for registration of title of Atlas Farms, Incorporated.[14]

We find the petition impressed with merit. The lower court no longer had jurisdiction over the case when it issued the order of August 20, 1999, reversing its previous order dated October 21, 1982 and reviving the decision of December 28, 1981.

When respondent Atlas Farms, Incorporated filed on August 16, 1999 with the trial court a manifestation and motion to set aside the order dated October 21, 1982, declaring the application withdrawn, the trial court no longer had jurisdiction over the case. Close to seventeen (17) years had lapsed after finality of the order. Of course, respondent Atlas pretends that it never received notice of the order. This pretension can not be true. Admittedly, during the interregnum of more than seventeen years since the court granted the application, Atlas Farms must have become aware of an application for registration of title over the same parcel of land filed by Francisco B. Javier and Victoria P. Javier on or about January 6, 1993.[15] More, respondent Atlas also admitted that sometime in 1997, "respondent was informed that the case has been ordered withdrawn after its retained counsel has filed the motion to withdraw application."[16]

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[12] Petition, Annex "A", *Rollo*, pp. 22-26.

[13] Filed on March 7, 2000, *Rollo*, pp. 2-16. On June 21, 2000, we gave due course to the petition. *Rollo*, pp. 102-103.

[14] Petition, *Rollo*, p. 8; Memorandum, *Rollo*, p. 167.

[15] Comment, par. 2.8, *Rollo*, pp. 50, *et seq*.

[16] Comment, par. 2.12, *Rollo*, p. 52.

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Yet, respondent did nothing until August 16, 1999, two years later, when it filed a manifestation and motion to set aside the order, claiming that its counsel was not authorized to act for the corporation but remained silent when it learned of the order.[17] Again, this pretense can not be true. The standing presumption is that counsel is authorized to represent any cause in which he appears.[18]

Consequently, the order declaring the application for registration of title withdrawn could no longer be revoked and the decision reinstated. In fact, the decision has become stale and any action to enforce or revive it has prescribed.[19] A stale decision can not be the source of the issuance of a decree of registration.[20] Thus, the orders dated August 20 and 26, 1999, reinstating the decision are void and considered non-existent.[21] A void order cannot give life to a decision that has lost its efficacy. It cannot affect, impair or create rights.[22] A void order may be assailed or impugned at any time either directly or collaterally, by means of a petition filed in the same case or by means of a separate action, or by resisting such order in any action or proceeding where it is invoked.[23]

The rule is basic that the court loses jurisdiction upon the finality of the decision, except to order its execution within its lifetime.[24] A decision becomes final upon the expiration of the

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[17] Comment, Annex "6", *Rollo*, pp. 80-95.

[18] Rule 138, 1964 Revised Rules of Court, as amended.

[19] Article 1144, Civil Code; *Lizardo, Sr. v. Montano*, G. R. No. 138882, May 12, 2000; *Estonina v. Southern Marketing Corporation*, 167 SCRA 605, 610 [1988].

[20] *Republic v. Court of Appeals*, 309 SCRA 110, 122 [1999].

[21] *Metropolitan Waterworks and Sewerage System v. Sison,* 124 SCRA 394, 404 [1983].

[22] *Ibid.*

[23] Cf. *Ang Lam v. Rosillosa*, 86 Phil. 447, 452 [1950].

[24] Rule 39, Section 6, 1964 Revised Rules of Court, now Rule 39, Section 6, 1997 Rules of Civil Procedure; *Lizardo Sr. v. Montano, supra*, Note

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period to appeal,[25] which is uniformly fixed at fifteen (15) days from notice to the parties,[26] and no appeal is taken therefrom.[27]

What is more, the court may no longer set aside, alter or modify a final order.[28]

In this case, the trial court favorably acted on respondents motion filed in 1999, long after the court had lost its jurisdiction over the case.

WHEREFORE, the Court *GRANTS* the petition for review on *certiorari*, and *SETS ASIDE* the orders dated August 20 and 26, 1999, and February 16, 1999 of the trial court in LRC Case No. N-10477. The Court orders respondent judge Alicia P. Mariño-Co to recall any decree of registration issued as a consequence of the void decision and orders, and the Land Registration Authority and/or the Register of Deeds of Antipolo City (Rizal) to set aside and nullify all titles, original and transfer issued and arising thereon.

The trial court and the Land Registration Authority shall inform this Court, within ten (10) days from notice, of their actions taken hereon.

Costs against respondent Atlas Farms, Incorporated.

SO ORDERED.

Davide, Jr., C.J., Puno, Kapunan, and *Ynares-Santiago, JJ.*, concur.

19; *Yu v. NLRC*, 315 Phil. 108 [1995]; *Bolanos v. Intermediate Appellate Court*, 138 SCRA 99 [1985]; *Pfleider v. Victoriano*, 98 SCRA 491 [1980].

[25] *St. Dominic Corp. v. Intermediate Appellate Court*, 138 SCRA 242 [1985].

[26] B.P. No. 129, Section 39.

[27] *Bolanos vs. Intermediate Appellate Court, supra,* Note 24.

[28] *Yu v. NLRC, supra*, Note 24.