



SUPREME COURT OF THE PHILIPPINES  
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REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **02 October 2019** which reads as follows:*

**"G.R. No. 196148 – Andrea Rabe-Valeros, et al. v. Heirs of Feliza\*  
Marinas, represented by Gina Lou Marinas**

X-----X

**The Case**

This Petition for Review on Certiorari<sup>1</sup> seeks to reverse and set aside the following dispositions of the Court of Appeals in CA-G.R. SP No. 99538:

- (1) Decision<sup>2</sup> dated February 4, 2010 which reversed the Regional Trial Court's (RTC) Decision dated May 2, 2007 for lack of jurisdiction due to the untimely filing of the appeal from the Municipal Trial Court (MTC); and
- (2) Resolution<sup>3</sup> dated February 8, 2011 which denied petitioners' motion for reconsideration.

**The Facts**

Respondents Heirs of Feliza Mariñas filed before the MTC of Bangued, Abra three (3) separate complaints against Andrea Rabe-Valeros,<sup>4</sup> Heirs of Alejandro Rabe,<sup>5</sup> and the Heirs of Ernesto Bilgera, et al.,<sup>6</sup> for Ownership, Reconveyance and Damages.

Respondents essentially claimed: They are the exclusive surviving heirs and owners of a 506 square meter parcel of land located in Bangued, Abra, declared under Tax Declaration No. 15473 in the name of their late maternal grandmother, Juanita Rabe. Upon Juanita's demise, their mother Feliza Rabe Mariñas succeeded as owner of the property. Without proper

\* Sometimes spelled as "Felisa" in some parts of the Rollo.

<sup>1</sup> Rollo, pp. 3-40.

<sup>2</sup> Id. at 57-68.

<sup>3</sup> Id. at 69-70.

<sup>4</sup> Docketed as Civil Case No. 1426.

<sup>5</sup> Docketed as Civil Case No. 1427.

<sup>6</sup> Docketed as Civil Case No. 1428.

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authorization, Juanita's name was erased from the tax declaration and the name "Angela" was handwritten above it, thus, reflecting Angela as the land owner. Consequently, petitioners were able to acquire dominion over portions of the land and have the same tax declared<sup>7</sup> under their names. Petitioners unlawfully, willfully and maliciously occupied the property without paying rentals thereon.

For their part, petitioners claimed: The parties are all successors-in-interest of spouses Fermin and Angela Rabe. Angela brought the subject property into the marriage. The couple had five (5) children, namely: Juanita, Asuncion, Alejandro, Andre, and Rodrigo. Respondents were the grandchildren of Juanita. The records of all properties in Bangued, Abra got destroyed during World War II. Juanita was placed as the owner of subject property as she was the first one to arrive from the evacuation site and who supplied the information about the property. Angela and Juanita's siblings went to the Assessor's Office to correct the mistake and had Juanita's name cancelled. Angela's name was, thus, superimposed over Juanita's crossed out name. Since 1973, all the tax declarations were in Angela's name until she executed an Affidavit of Transfer of Partition (inter vivos) apportioning the property into six (6) parts, one (1) share for her and one (1) each for her five (5) children.<sup>8</sup> Juanita, who had been in possession of the property since 1948 was only holding it in trust for her other co-heirs. They had been occupying their respective portions in the property for more than thirty (30) years, yet respondents had not instituted any action against them since 1948. Hence, respondents were already barred by prescription and laches.<sup>9</sup>

### **Proceedings before and Ruling of the Municipal Trial Court**

In its Decision<sup>10</sup> dated August 18, 2006, the MTC ruled in favor of respondents. It upheld the validity of the uncorrected Tax Declaration No. 15473 of Juanita Rabe and declared respondents as the true and lawful owner of the lots occupied by petitioners, covered by Tax Declaration No. 15473. It ordered the unauthorized super-imposition of the name "Angela" above the type-written name of "Juanita" to be stricken off or discarded; Angela's affidavit, nullified; and petitioners' tax declarations, cancelled. It further ordered petitioners to reconvey possession and ownership of the property to respondents and pay the latter actual, moral and exemplary damages, attorney's fees and costs of suit.<sup>11</sup> Petitioners received a copy of this decision on September 1, 2006.

<sup>7</sup> Tax Declaration No. 31947 issued in the name of Andrea Rabe-Valeros over a 53.50 square meter portion; Tax Declaration No. 31948 issued in the name of Alejandro Rabe over a 70 square meter portion; and Tax Declaration No. 31946 issued in the name of the Heirs of Spouses Rosalina and Domingo Mailed over a 70 square meter portion.

<sup>8</sup> *Rollo*, p. 50.

<sup>9</sup> *Id.* at 59-61.

<sup>10</sup> *Id.* at 42-46. Civil Case No. 1426.

<sup>11</sup> *Id.* at 61-64, 45.

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On September 18, 2006, petitioners filed a Motion for Extension of Time to File Motion for Reconsideration,<sup>12</sup> which MTC granted under Order<sup>13</sup> dated September 18, 2006. It gave petitioners a five (5)-day extension.

On September 22, 2006, petitioners filed their motion for reconsideration<sup>14</sup> by registered mail.<sup>15</sup> Three days later on September 25, 2006, they filed a Second Motion for Extension of time to file Motion for Reconsideration.<sup>16</sup>

On October 11, 2006, respondents filed a Motion for Writ of Execution, alleging that the cases have become final and executory. Petitioners opposed.<sup>17</sup>

By Order<sup>18</sup> dated October 19, 2006, the MTC denied petitioners' motion for reconsideration and respondents' motion for execution.

Petitioners then filed their Notice of Appeal<sup>19</sup> on November 2, 2006.

Petitioners filed their respective appeals which were consolidated with the RTC-Branch 1, Bangued, Abra.

### **The Regional Trial Court's Ruling**

By Decision<sup>20</sup> dated May 2, 2007, the trial court reversed the MTC decision and declared petitioners as the rightful owners of the lots covered by their respective tax declarations.

The trial court ruled that respondents' right of action had already prescribed. Respondents slept on their rights to institute the proper action from the time they claimed that the alleged unauthorized alteration of the tax declaration was done in 1948 and when they tolerated petitioners' peaceful possession for a long period without asserting and exercising their exclusive right of ownership over the land. They failed to substantiate with concrete evidence their belated claim of ownership. The land being unregistered, petitioners may rightfully acquire it, as they in fact did, through extraordinary acquisitive prescription within thirty (30) years not just from

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<sup>12</sup> *Id.* at 71-72.

<sup>13</sup> *Id.* at 73.

<sup>14</sup> *Id.* at 74-90.

<sup>15</sup> *Id.* at 27.

<sup>16</sup> *Id.* at 66.

<sup>17</sup> *Id.* at 151.

<sup>18</sup> *Id.* at 92.

<sup>19</sup> *Id.* at 93.

<sup>20</sup> *Id.* at 47-52.

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the subdivision of Angela's property in 1971 but as early as 1948 when Angela first laid her claim on it.

Respondents, thus, filed a petition for review on certiorari before the Court of Appeals (CA). The CA initially dismissed<sup>21</sup> the petition for non-payment of docket fee and non-attachment of pertinent documents and pleadings. Upon respondents' motion, the CA reconsidered and gave due course<sup>22</sup> to the petition.

### The Court of Appeals' Ruling

In its Decision<sup>23</sup> dated February 4, 2010, the CA reversed the RTC. It ruled that the RTC had no jurisdiction to act on petitioners' appeal as it was filed out of time, *viz*:

Petitioners assert that defendants' (respondents herein) counsel received copies of the August 18, 2006 (Decision) of the Municipal Trial Court in Civil Cases Nos. 1426, 1427 and 1428 on September 1, 2006. Defendants' fifteen (15)-day period to perfect their appeal, thus, ended on September 16, 2006. Instead of filing an appeal on said date, they filed a Motion for Extension of Time to file a Motion for Reconsideration. Defendants were granted a five (5) day extension which expired on September 21, 2006. On September 25, 2006, defendants' counsel filed a 2nd Motion for Extension to File Motion for Reconsideration. (Petitioners') counsel received a copy of defendants' Motion for Reconsideration on October 4, 2006.

Clearly, based on the facts aforesaid, the appeal was filed out of time. Said appeal should have been dismissed outright.

x x x

x x x

x x x

There is thus, no necessity to delve on the other issues raised in the petition.

WHEREFORE, instant petition for review is hereby GRANTED. The decision of Branch I, Regional Trial Court, Bangued, Abra assailed herein is hereby REVERSED and SET ASIDE.

SO ORDERED.<sup>24</sup>

Petitioners filed a motion for reconsideration which the Court of Appeals denied through Resolution<sup>25</sup> dated February 8, 2011.

<sup>21</sup> *Id.* at 53. Resolution dated August 23, 2007.

<sup>22</sup> *Id.* at 54-55. Resolution dated March 12, 2008.

<sup>23</sup> *Id.* at 57-68.

<sup>24</sup> *Id.* at 66-68.

<sup>25</sup> *Id.* at 69-70.

### The Present Petition

Petitioners now seek affirmative relief from the Court and pray for the reversal of the RTC decision. They essentially argue:

*First.* The CA erred in ruling that the notice of appeal was filed out of time. They received a copy of the MTC Decision dated August 18, 2006 on September 1, 2006. Since the fifteenth (15th) day within which to file their motion for reconsideration fell on a Saturday (September 16, 2006), the 15th day shall be on the next working day, September 18, 2006. Thus, when they filed their motion for extension to file motion for reconsideration on September 18, 2006, they did so within the prescribed period. The five (5)-day extension granted by the MTC should be reckoned not from September 16, 2006 but from September 18, 2006, the same date when they received the MTC's Order granting their motion for extension. Hence, they have until September 23, 2006 to file their motion for reconsideration. Their motion for reconsideration was, therefore, timely filed before the MTC on September 22, 2006.<sup>26</sup>

*Second.* Respondents' action is already barred by prescription and laches, hence, should have been dismissed at the outset in the MTC. Respondents had slept on their rights to file action to recover the property from Angela and petitioners for more than five (5) decades.<sup>27</sup>

*Third.* They have already acquired the property through prescription since they and their predecessors-in-interest have been paying realty tax and in actual possession, in the concept of owner, of the lots covered by their respective tax declarations for an uninterrupted period of more than five (5) decades.<sup>28</sup>

*Fourth.* Respondents failed to perfect their appeal as the copy of their petition for review before the CA was not served to them (petitioners) within fifteen (15) days from respondents' receipt of the RTC decision.<sup>29</sup>

In their Comment<sup>30</sup> dated May 24, 2013, respondents posits: The CA correctly ruled that the RTC had no jurisdiction over the case as the appeal from the MTC was filed out of time, hence, should have been dismissed outright. The MTC decision declaring them as the true and lawful owners of the subject properties is thus, already final and executory.

The Court resolves to dismiss the petition.

<sup>26</sup> *Id.* at 23-29.

<sup>27</sup> *Id.* at 29-31.

<sup>28</sup> *Id.* at 32-33.

<sup>29</sup> *Id.* at 33-38.

<sup>30</sup> *Id.* at 118-127.

We agree with the CA that the trial court lacked jurisdiction to take cognizance of the case due to the untimely filing of appeal from the MTC.

Under Section 1, Rule 40 of the Rules of Court, an appeal may be taken from the decision of the MTC within fifteen (15) days after notice to the appellant of the judgment or final order appealed from. The period of appeal shall be interrupted by a timely motion for new trial or reconsideration. Since petitioners received a copy of the MTC Decision dated August 18, 2006 on September 1, 2006, they have until September 16, 2006 to perfect an appeal. Instead of filing an appeal, however, petitioners opted to file a motion for reconsideration.

Under Section 1, Rule 22 of the Rules of Court,<sup>31</sup> where the last day of the period for doing any act required by law falls on a Saturday, a Sunday, or a legal holiday in the place where the court sits, the time shall not run until the next working day. The Court clarified this provision through A.M. No. 00-2-14-SC dated February 29, 2000 (Re: Computation of Time When the Last Day Falls on a Saturday, Sunday or a Legal Holiday and a Motion for Extension on Next Working Day is Granted), thus:

x x x                      x x x                      x x x

Whereas, the aforecited provision [Section 1, Rule 22 of the Rules of Court] applies in the matter of filing of pleadings in courts when the due date falls on a Saturday, Sunday or legal holiday, in which case, the filing of the said pleading on the next working day is deemed on time;

Whereas, the question has been raised if the period is extended ipso jure to the next working day immediately following where the last day of the period is a Saturday, Sunday or a legal holiday, so that when a motion for extension of time is filed, the period of extension is to be reckoned from the next working day and not from the original expiration of the period.

NOW THEREFORE, the Court Resolves, for the guidance of the Bench and the Bar, to declare that Section 1, Rule 22 speaks only of "the last day of the period" so that when a party seeks an extension and the same is granted, the due date ceases to be the last day and hence, the provision no longer applies. **Any extension of time to file the required pleading should therefore be counted from the expiration of the period regardless of the fact that said due date is a Saturday, Sunday or legal holiday.** (Emphasis supplied.)

<sup>31</sup> Section 1. How to compute time. – In computing any period of time prescribed or allowed by these Rules, or by order of the court, or by any applicable statute, the day of the act or event from which the designated period of time begins to run is to be excluded and the date of performance included. If the last day of the period, as thus computed, falls on a Saturday, a Sunday, or a legal holiday in the place where the court sits, the time shall not run until the next working day.

*12/17/17*

The Court had the occasion to expound on the matter in *Luz v. National Amnesty Commission*,<sup>32</sup> where We ruled that the extension granted by the court should be tacked to the original period and commences immediately after the expiration of such period.

Applying Section 1, Rule 22, as clarified by A.M. No. 00-2-14-SC, since the original due date for filing their motion for reconsideration fell on a Saturday (September 16, 2006), petitioners timely filed their motion for extension of time to file motion for reconsideration on the next working day, September 18, 2006.

The motion for reconsideration itself was, however, filed out of time. As clarified by the circular, when a motion for extension is granted, the due date for the extended period shall be counted from the original due date, not from the next working day on which the motion for extension was filed.<sup>33</sup> The MTC granted petitioners an additional period of five (5) days within which to file their motion for reconsideration. Reckoned from the original period, September 16, 2006, they should have filed their motion for reconsideration on September 21, 2006. Unfortunately, petitioners failed to do so.

Since the motion for reconsideration was filed out of time, the period of appeal continued to run and the MTC's Decision dated August 18, 2006 in favor of respondents became final and executory.

**ACCORDINGLY**, the petition is **DISMISSED** and the Court of Appeals' Decision dated February 4, 2010 and Resolution dated February 8, 2011 in CA-G.R. SP No. 99538, **AFFIRMED**.

**SO ORDERED.** //

Very truly yours,

  
MARIA LOURDES C. PERFECTO  
Division Clerk of Court  
08 NOV 2019

By:

TERESITA AQUINO TUAZON  
Deputy Division Clerk of Court

<sup>32</sup> 482 Phil. 310, 315 (2004).

<sup>33</sup> See *Montajes v. People of the Philippines*, 684 Phil. 1, 9 (2012).

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