

## SECOND DIVISION

[ G.R. No. 205805, September 25, 2019 ]

**SIMEONA, GLORIA AND RODOLFO (ALL SURNAMED PRESCILLA),  
ARMENTINA PRESCILLA-PERDES, HERMINIA PRESCILLA-  
CARANDANG, ZENAIDA PRESCILLA-MANUEL AND YOLANDA  
PRESCILLA-MARCIANO, PETITIONERS, VS. CONRADO O.  
LASQUITE AND JUANITO L. ANDRADE, RESPONDENTS.**

### DECISION

**CAGUIOA, J:**

Before the Court is an appeal *via* a Petition for Review on *Certiorari*<sup>[1]</sup> (Petition) under Rule 45 of the Rules of Court filed by petitioners Simeona Prescilla, Gloria Prescilla, *et al.* (petitioners Prescilla, *et al.*) assailing the Decision<sup>[2]</sup> dated August 31, 2012 (assailed Decision) and Resolution<sup>[3]</sup> dated February 11, 2013 (assailed Resolution) of the Court of Appeals (CA), Seventh Division in CA-G.R. SP No. 122109.

#### **The Facts and Antecedent Proceedings**

The instant case stems from a Complaint for Reconveyance and Damages<sup>[4]</sup> filed on March 8, 1989 by petitioners Prescilla, *et al.* against respondents Conrado Lasquite (respondent Lasquite) and Juanito Andrade (respondent Andrade) before the Regional Trial Court of San Mateo, Rizal, Branch 77 (RTC). The case was docketed as Civil Case No. 548.

In the aforesaid Complaint, petitioners Prescilla, *et al.* claimed to be the tillers of parcels of land designated as Lot No. 3050 (subject property) and Lot No. 3052 located at Barrio Ampid, San Mateo.

According to petitioners Prescilla, *et al.*, they have been in possession in *concepto de dueno* of the subject property since 1940, planting and cultivating crops thereon. However, it was alleged that the respondents Lasquite and Andrade were able to fraudulently obtain original certificate of titles covering the subject properties. Respondent Lasquite was able to obtain Original Certificate of Title (OCT) No. NP-198, while respondent Andrade was able to obtain OCT No. NP-197, both covering the subject property.

A second Complaint in Intervention for Annulment and Cancellation of Title, Reconveyance and Damages was filed by Roberto and Raquel Manahan, Maria Gracia M. Natividad, the heirs of Leocadio Manahan and the heirs of Joaquin Manahan (the Manahans) against respondents Lasquite and Andrade on June 23, 1993. On their part, the Manahans asserted title over the subject property as successors of one Jose S. Manahan. The case was consolidated with Civil Case No. 548.

In the course of the trial, **Victory Hills, Inc.** (Victory Hills) intervened, claiming to be the owner of the subject property.

*The Decision of the RTC in Civil Case No. 548*

**On July 2, 2002, the RTC rendered its Decision<sup>[5]</sup> which, while upholding petitioners Prescilla, et al.'s right of ownership over Lot No. 3052, upheld the respondents Lasquite and Andrade's rights of ownership over the subject property.**

The dispositive portion of the RTC's Decision reads:

Accordingly, the title of defendants Conrado Lasquite and Jose Andrade, involving the subject parcel of land under OCT No. NP-198 and OCT No. NP-197 registered on June 18, 1981, are sustained. Likewise the title issued to plaintiffs Prescilla, under OCT No. ON-333 involving Lot 3052 is sustained.

**WHEREFORE**, premises considered, judgment is hereby rendered dismissing these cases.

No Costs.

SO ORDERED.<sup>[6]</sup>

Petitioners Prescilla, et al., the Manahans and Victory Hills interposed their respective appeals before the CA, Eighth Division. The appeals were docketed as CA G.R. CV No. 77599.

*The Decision of the CA, Eighth Division in CA G.R. CV No. 77599*

In its Decision<sup>[7]</sup> dated November 8, 2006, **the CA, Eighth Division annulled and set aside the RTC's Decision and declared Victory Hills the owner of the subject property.**

The dispositive portion of the aforesaid Decision reads:

**WHEREFORE**, the Decision dated July 2, 2002 rendered by the Regional Trial Court of San Mateo, Rizal, Branch 77 is **ANNULED** and **SET ASIDE** and a new one entered **DECLARING** VICTORY HILLS, INC. the absolute owner of the parcel of land designated as Lot 3050 subject of the instant case and **ORDERING** the Register of Deeds of Rizal to cancel OCT No. NP-198 and OCT No. NP-197 in the names of defendants-appellees Conrado Lasquite and Juanito Andrade.

SO ORDERED.<sup>[8]</sup>

Feeling aggrieved, **petitioners Prescilla, et al. filed a Motion for Reconsideration<sup>[9]</sup> dated November 27, 2006.**

On the other hand, instead of filing a motion for reconsideration, **respondents**

**Lasquite and Andrade resorted to a different remedy and decided to directly file a Petition for Review on Certiorari before the Court.**<sup>[10]</sup> The appeal, entitled *Conrado O. Lasquite and Teodora I. Andrade v. Victory Hills, Inc.*,<sup>[11]</sup> was docketed as G.R. No. 175375.

Upon knowledge of the respondents Lasquite and Andrade's appeal before the Court, **the CA, Eighth Division issued a Resolution dated December 22, 2006, which *suspended* the proceedings and the resolution of petitioners Prescilla, et al.'s Motion for Reconsideration until respondents Lasquite and Andrade's appeal has been resolved by the Court.**

The said Resolution reads:

"In view of defendants-appellees' (Conrado Lasquite and Juanito Andrade) Petition for Review on Certiorari filed with the Supreme Court, proceedings in this court are deemed suspended until such time the said Petition for Review on Certiorari has been resolved by the Supreme Court."<sup>[12]</sup>

*The Court's Decision in G.R. No. 175375*

In its Decision<sup>[13]</sup> dated June 23, 2009, the Court, through Justice Leonardo A. Quisimbing, reversed the CA, Eighth Division's Decision dated November 8, 2006.

The Court held that Victory Hills failed to show its entitlement to a reconveyance of the land subject of the action and that the CA, Eighth Division erroneously declared Victory Hills as the absolute owner of the subject property.

The dispositive portion of the Court's Decision reads:

**WHEREFORE**, the petition is **GRANTED**. The Decision dated November 8, 2006 of the Court of Appeals in CA G.R. CV No. 77599 is hereby **REVERSED** and **SET ASIDE**. The Decision dated July 2, 2002 of the Regional Trial Court of San Mateo, Rizal, Branch 77, is **REINSTATED**. No pronouncement as to costs.

**SO ORDERED.**<sup>[14]</sup>

The Court's Decision became final and executory and was entered in the Book of Entries of Judgment on February 24, 2010, as evidenced by the Entry of Judgment<sup>[15]</sup> issued even date.

*Respondents Lasquite and Andrade's Motion for Execution*

On November 22, 2010, respondents Lasquite and Andrade filed a Motion for Execution<sup>[16]</sup> before the RTC, invoking the Court's final and executory Decision dated June 23, 2009.

In an Order<sup>[17]</sup> dated April 8, 2011, the RTC granted respondents Lasquite and Andrade's Motion and issued a Writ of Execution in the latter's favor.

Petitioners Prescilla, *et al.* filed a Motion for Reconsideration,<sup>[18]</sup> which was denied by the RTC in its Order<sup>[19]</sup> dated September 9, 2011.

Hence, petitioners Prescilla, *et al.* filed a Petition for *Certiorari*<sup>[20]</sup> under Rule 65 of the Rules of Court before the CA, Seventh Division alleging that the RTC committed grave abuse of discretion in issuing a Writ of Execution against petitioners Prescilla, *et al.* The case was docketed as CA-G.R. SP No. 122109.

*The CA, Seventh Division's assailed Decision and Resolution in CA-G.R. SP No. 122109*

In the assailed Decision, the CA, Seventh Division found that the RTC did not commit grave abuse of discretion when it granted the respondents Lasquite and Andrade's Motion for Execution in view of the finality of the Court's Decision in G.R. No. 175375. Hence, in the CA's view, its execution could not be postponed or deferred by the RTC:

In fine, this Court finds no abuse in the trial court's discretion, much less a grave one, when it granted the private respondents' motion for execution in view of the finality of the Supreme Court's decision in G.R. No. 175375, which is not disputed. Hence, its execution could not be postponed or deferred by the trial court.

**WHEREFORE**, the petition is hereby **DISMISSED**.

**SO ORDERED.** <sup>[21]</sup>

Petitioners Prescilla, *et al.* filed a Motion for Reconsideration,<sup>[22]</sup> which was denied by the CA, Seventh Division in its assailed Resolution.

Hence, the instant appeal.

**Issue**

The only essential and determinative issue to be resolved by the Court is whether the RTC committed grave abuse of discretion in issuing a Writ of Execution against petitioners Prescilla, *et al.*

**The Court's Ruling**

The instant Petition is impressed with merit. The CA, Seventh Division committed an error in not finding that the RTC gravely abused its discretion in issuing a Writ of Execution against petitioners Prescilla, *et al.*

It is not difficult to understand that the RTC gravely abused its discretion in the instant case. To recall, in CA G.R. CV No. 77599, when the CA, Eighth Division issued its Decision in favor of Victory Hills and against petitioners Prescilla, *et al.* and respondents Lasquite and Andrade, it is not disputed whatsoever that **petitioners Prescilla, *et al.* timely filed a Motion for Reconsideration.**

As stated earlier, upon knowledge of respondents Lasquite and Andrade's appeal

before the Court, the CA issued a Resolution dated December 22, 2006 suspending the resolution of petitioners Prescilla, et al.'s Motion for Reconsideration until the respondents Lasquite and Andrade's appeal had been resolved with finality by the Court.

It is not disputed that petitioners Prescilla, et al.'s Motion for Reconsideration is still pending before the CA, Eighth Division and has not been resolved as of date. In the assailed Decision, the CA, Seventh Division itself recognized that the resolution of petitioners Prescilla, et al.'s Motion for Reconsideration is still suspended and has not yet been resolved.<sup>[23]</sup>

In fact, the Court issued a Resolution<sup>[24]</sup> dated March 4, 2019 directing the parties to move in the premises by informing the Court as to whether the CA, Eighth Division had already resolved petitioners Prescilla, et al.'s Motion for Reconsideration. In their Compliance and Manifestation<sup>[25]</sup> dated May 14, 2019, petitioners Prescilla, et al. informed the Court that their Motion for Reconsideration before the CA, Eighth Division "remains unacted upon and unresolved."<sup>[26]</sup> On the other hand, respondents Lasquite and Andrade ignored the directive of the Court.

Section 4, Rule 52 of the Rules of Court is clear and unequivocal: the pendency of a motion for reconsideration filed on time and by the proper party shall stay the execution of the judgment or final resolution sought to be reconsidered.

*Therefore, as to petitioners Prescilla, et al., whose Motion for Reconsideration is still pending before the CA, Eighth Division, it must be stressed that the controversy has not been resolved with finality.*

Consequently, as far as petitioners Prescilla, et al. are concerned, there is no judgment that is already ripe for execution.

In believing that the RTC did not gravely abuse its discretion in issuing a Writ of Execution against petitioners Prescilla, et al, in the assailed Decision, the CA, Seventh Division hinged its theory on the bare fact that in G.R. No. 175375, i.e., *Lasquite v. Victory Hills, Inc.*, the Court ruled with finality in favor of respondents Lasquite and Andrade.

The CA, Seventh Division seriously erred in its appreciation of *Lasquite v. Victory Hills, Inc.*

The assailed Decision itself acknowledged that "the petitioners were not parties to the petition for review filed by [respondents Lasquite and Andrade] to the Supreme Court, docketed as G.R. No. 175375, when the latter appealed [the CA, Eighth Division's] decision in CA-G.R. CV No. 77599."<sup>[27]</sup>

It is elementary that a judgment of a court is conclusive and binding only upon the parties and their successors-in-interest after the commencement of the action in court. **A decision rendered on a complaint in a civil action or proceeding does not bind or prejudice a person not impleaded therein, for no person shall be adversely affected by the outcome of a civil action or proceeding in which he is not a party.** The principle that a person cannot be prejudiced by a ruling rendered in an action or proceeding in which he has not been made a party