

SECOND DIVISION

[G.R. Nos. 229164 & 229186, September 02, 2019]

MERCEDES TOLENTINO SOLIMAN, HEIRS OF ANGELES TOLENTINO-ANGELES, NAMELY: GRACIA S. PANES, EDGAR T. SALVOSA, BENJAMIN T. SALVOSA AND SONIA I. MENDOZA, HEIRS OF RAFAEL TOLENTINO, NAMELY: LEAH T. BAENA, RENE ANGEL TOLENTINO AND ROBERT TOLENTINO, PETITIONERS, VS. HEIRS OF RAMON TOLENTINO, NAMELY: MARILOU T. LOIUE, ANTONIO I. TOLENTINO, ELSA T. CALAUSTRO, DOLORES T. TOLENTINO, JOCELYN T. DURAN, TERESITA T. THOMAS, SUSAN T. CLASIO AND REMIGIO MANCHUS, RESPONDENTS.

DECISION

REYES, J. JR., J.:

The application of the doctrine of judicial stability is put forth as an issue in this Petition for Review on *Certiorari*^[1] anent the Decision^[2] dated April 29, 2016 and Resolution^[3] dated November 23, 2016 of the Court of Appeals (CA) in CA-G.R. CV No. 102933.

The Relevant Antecedents

Stripped off the non-essential, the facts of the case are as follows:

Spouses Doroteo Tolentino and Engracia Dela Cruz (spouses Tolentino) were the registered owners of a parcel of land with an area of 200,944 square meters situated in San Vicente, Pili, Camarines Sur, covered by Original Certificate of Title (OCT) No. RO 529 (263). Their children are Ramon Tolentino (Ramon), Angeles Tolentino (Angeles), Rafael Tolentino (Rafael), Carmen T. Imperial (Carmen) and Mercedes T. Soliman (Mercedes).^[4]

On the ground of OCT No. RO 529 (263)'s loss and destruction, Ramon filed a petition for its reconstitution before the Court of First Instance of Pili, Camarines Sur, Branch VI (CFI) on August 25, 1977. Among others, Ramon prayed that the reconstituted title be issued in his name.^[5]

In an Order^[6] dated January 20, 1978 (CFI Order), the CFI granted the petition and correspondingly ordered the issuance of a new title in the name of Ramon, to wit:

AS PRAYED FOR, the petition is granted. The original and owner's duplicate copy of Original Certificate of Title No. 263 in the name of the late spouses Doroteo Tolentino and Engracia de la Cruz are hereby declared lost and of no further legal force and effect; the Register of Deeds is hereby ordered to reconstitute said title based on the decree of

registration (Decree No. 128031) in Land Registration Case No. 124 (G.L.R.O Record No. 21387) (Exh. "E") and thereafter, cancel the same and issue, in lieu thereof, a new title in the name of the herein petitioner, Dr. Ramon Tolentino, of legal age, Filipino, married to Dolores Imperial and residing at Pili, Camarines Sur, subject to such incumbrance as may be found subsisting.

SO ORDERED.^[7]

On April 4, 1978, Transfer Certificate of Title (TCT) No. 3153 was issued in the name of Ramon.^[8]

Thirty four years after or on August 29, 2012, Mercedes, the heirs of Angeles, and the heirs of Rafael (collectively referred to as petitioners) questioned the issuance of TCT No. 3153 and accordingly filed a petition for its annulment, enforcement of agreement of partition, reconveyance with damages, with prayer for the issuance of a temporary restraining order and preliminary mandatory injunction against the heirs of Ramon.^[9]

Petitioners contended that the land covered by TCT No. 3153 is co-owned by them as heirs of spouses Tolentino and that said co-ownership was terminated by the execution of an Agreement of Partition. The latter sprung from a confrontation which happened among the siblings when TCT No. 3153 was issued in the name of Ramon alone. As Ramon assured them that their shares in the property shall be fully protected despite the issuance of the title in his name, said Agreement, which gave each sibling a particular portion of the property, was executed.^[10]

However, as the land was solely in the name of Ramon, the Department of Agrarian Reform (DAR) placed a portion of the same under the Operation Land Transfer pursuant to Presidential Decree No. 27 and distributed the same to farmer-beneficiaries. Only Ramon received just compensation corresponding to the value of the expropriated land. Even then, petitioners' possession of their respective portions was never disturbed.^[11]

Not soon thereafter, one of Ramon's heir, began claiming the land as exclusively belonging to his father and refused to acknowledge the Agreement among the siblings.^[12]

Only Remigio Manchus (Remigio) and Antonio Tolentino (Antonio) filed their Answer.^[13]

In their Answer with Special and Affirmative Defenses, Remigio and Antonio, as heirs of Ramon, insisted in their right as Ramon's lawful heirs. They asserted that Ramon has the exclusive ownership and possession of the property upon the demise of the spouses Tolentino because his other siblings were given their respective properties elsewhere.^[14]

In an Order^[15] dated February 22, 2013, the Regional Trial Court of Pili, Camarines Sur, Branch 33 (RTC) resolved the defenses laid down by the heirs of Ramon. It explicitly ruled on the invalidity of the CFI Order insofar as the issuance of a title in

favor of Ramon is concerned for want of jurisdiction.

The Motion for Reconsideration filed by Remigio and Antonio was denied in an Order^[16] dated April 15, 2013.

These Orders of the RTC were assailed in a Petition for *Certiorari*, docketed as CA-G.R. SP No. 130055, before the CA.^[17]

On June 10, 2013, petitioners filed a Motion for Summary Judgment, praying that a judgment be rendered on the validity of the Order dated January 20, 1978, relative to the reconstitution and cancellation of OCT No. RO 259 (263) and the issuance of TCT No. 3153.^[18]

In an Order^[19] dated May 9, 2014 (RTC Order), the RTC declared the January 20, 1978 Order as valid only insofar as the reconstitution of the title is concerned. Accordingly, the issuance of TCT No. 3154 was declared void, thus:

WHEREFORE, foregoing premises considered, judgment is hereby rendered declaring that (a) the Order of January 20, 1978 relative to the reconstitution and cancellation of OCT No. RO-529(263) in the name of Sps. Doroteo Tolentino and Engracia [Dela] Cruz is VALID and (b) the issuance of a Transfer Certificate of Title No. 3153 in the name of Ramon Tolentino, in lieu of OCT No. RO-259(263) is VOID, for having been issued for want of jurisdiction.

SO ORDERED.^[20]

Antonio and Remigio filed an appeal, docketed as CA-G.R. CV No. 102933, assailing the authority of the RTC to annul, amend or modify the Order dated January 20, 1978 issued by the CFI.^[21]

The CA consolidated the appeal and the Petition for *Certiorari* filed by Antonio and Remigio and rendered a Decision^[22] dated April 29, 2016. Applying the doctrine of non-interference, the CA held that the RTC erred in declaring void the CFI Order, issued by a co-equal court. The *fallo* thereof reads:

WHEREFORE, the Orders dated February 22, 2013 and April 15, 2013, subject of **CA-G.R. SP No. 130055**, are **ANNULLED** and **SET ASIDE**. The Order dated May 29, 2014, subject of **CA-G.R. CV No. 102933**, is **REVERSED** and **SET ASIDE**. The complaint for annulment of Certificate of Title No. 3153 is **DISMISSED**.

SO ORDERED.^[23]

Aggrieved, petitioners filed a Motion for Reconsideration, which was, however, denied in a Resolution^[24] dated November 23, 2016.

Hence, this petition.

The Issue