

FIRST DIVISION

[G.R. No. 210592, November 22, 2017]

REGINO DELA CRUZ, SUBSTITUTED BY HIS HEIRS, NAMELY: MARIA, DANILO, REGINO, JUANITO, CECILIA, ROSALINA AND CEFERINO ALL SURNAMED DELA CRUZ, REPRESENTED BY CEFERINO DELA CRUZ, PETITIONERS, VS. IRENEO DOMINGO, MARO, QUEZON, NUEVA ECIJA, AND REGISTER OF DEEDS NORTH, TALAVERA, NUEVA ECIJA, RESPONDENTS.

D E C I S I O N

DEL CASTILLO, J.:

Assailed in this Petition for Review on *Certiorari*^[1] are the April 11, 2013 Decision^[2] and December 2, 2013 Resolution^[3] of the Court of Appeals (CA) dismissing the Petition for Review in CA-G.R. SP No. 114223 on the ground of forum shopping.

Factual Antecedents

Respondent Ireneo Domingo (Domingo) is the registered owner of a parcel of land totaling 13,165 square meters located in San Miguel (Mambarao), Quezon, Nueva Ecija, covered by Transfer Certificates of Title Nos. EP-82013 (TCT EP-82013) and EP-82015 (TCT EP-82015) both issued on May 24, 1989.^[4]

Petitioner Regino Dela Cruz (Dela Cruz), on the other hand, was a farmer-beneficiary of three (3) parcels of land, to wit:

<u>Lot Number</u>	<u>Area</u>	<u>Certificate of Land Transfer No.</u>	<u>Emancipation Patent No.</u>
03822	1.01 hectares	0401813	EP-41868
03825	1.625 hectares	0401814	EP-82009
03794	1.228 hectares	0401815	no EP was issued ^[5]

DARAB Case Nos. 298, 299, and 300

On January 30, 2006, Domingo filed a case for recovery of possession with the Department of Agrarian Reform Adjudication Board (DARAB) Nueva Ecija against Dela Cruz, docketed as DARAB Case No. 298. In his Petition.^[6] Domingo claimed that Dela Cruz was in possession by mere tolerance of his land covered by TCT EP-82013, and the latter refused to vacate the same even after demand and mediation before the Barangay Agrarian Reform Committee. Thus, Domingo prayed that as owner of the land occupied by Dela Cruz, he be placed in possession thereof.

Domingo immediately thereafter filed two more cases for recovery of possession

against Dela Cruz before the DARAB, docketed as DARAB Case Nos. 299 and 300, relative to his land covered by TCT EP-82013 and TCT EP-82015.

Dela Cruz failed to timely file an answer to the three petitions, for which reason a consolidated Decision dated April 25, 2006 was rendered by DARAB Provincial Adjudicator Marvin Bernal ordering Dela Cruz to vacate Domingo's lands.^[7]

Dela Cruz filed a motion for reconsideration with motion to admit his answer.

DARAB Case No. 372

Without awaiting the resolution of his motions for reconsideration and to admit answer in DARAB Case Nos. 298-300, Dela Cruz filed DARAB Case No. 372 (or 372'NNE'06) for annulment of TCT EP-82013 and TCT EP-82015. He claimed in his Petition^[8] **that Domingo sold his lands (subsequently covered by TCT EP-82013 and TCT EP-82015) to one Jovita Vda. de Fernando** (Fernando); **that Fernando sold the same to him** (Dela Cruz), and to prove the sale, he attached Fernando's Sinumpaang Salaysay^[9] and also the *Sinumpaang Salaysay*^[10] of two disinterested persons attesting to the fact that Domingo sold the lands, totaling 12,500 square meters, to Fernando; that he (Dela Cruz) took possession of the said lands; **that in 1978, he was issued Certificate of Land Transfer No. 0401815 (CLT 0401815) covering 12,280 square meters of the said 12,500-square meter land**;^[11] that he has fully paid the cost of the said lands; that he later found out that his land covered by CLT 0401815 was subsequently awarded to Domingo and registered under TCT EP-82013 and TCT EP-82015; that said registration was made through fraud, deceit and false machinations; and that Domingo could not have been a valid beneficiary of the said lands, since he was physically disabled ("*lumpo*") since birth. Dela Cruz prayed that Domingo's titles be annulled and cancelled; that he be declared owner of the lands covered thereby; that new titles be issued in his name; and that he be awarded attorney's fees and litigation expenses.

Domingo filed his Answer with Motion to Dismiss,^[12] arguing that Dela Cruz's CLT 0401815 covers a parcel of land different from his lands; that he (Domingo) is in actual possession of the lands covered by TCT EP-82013 and TCT EP-82015; that Dela Cruz is guilty of forum shopping for filing the case in spite of the fact that a consolidated Decision has been issued in DARAB Case Nos. 298-300 against him; and for these reasons, the case should be dismissed.

On September 26, 2007, a Decision^[13] was rendered by Talavera, Nueva Ecija DARAB Provincial Adjudicator Marvin Bernal, who also rendered the consolidated Decision in DARAB Case Nos. 298-300. It was held that Dela Cruz failed to prove that the subject parcels of land were sold to him; that the pieces of documentary evidence he submitted do not sufficiently prove a sale in his favor; that the lands belong to Domingo as the awardee thereof; that Domingo's disability does not disqualify him from becoming a farmer-beneficiary under the agrarian laws; that Dela Cruz's allegations of fraud, deceit and false machinations have not been substantially proved; and that Dela Cruz merely holds a certificate of land transfer covering the subject lands, which does not grant ownership, as opposed to Domingo's transfer certificate of title. Thus, it was decreed that -

WHEREFORE, in view of all the foregoing, judgment is hereby rendered by DISMISSING the instant petition, as it is hereby DISMISSED for lack of merit.

All claims and other counterclaims the parties may have against each other [are] likewise dismissed for want of evidence.

SO ORDERED.^[14]

Ruling of the DARAB

Dela Cruz took the matter before the DARAB via appeal docketed as DARAB Case No. 15566. On December 3, 2009, the DARAB issued its Decision^[15] declaring as follows:

[Dela Cruz] claimed that he is the farmer-beneficiary of the involved landholding. Further, he alleged that the issuance of the said EPs to [Domingo] was tainted with fraud, false machination and deceit, if not mistalce x x x. This allegation, however, was denied by the latter x x x. The Board finds no merit on [Dela Cruz's] allegation as this was only supported by certification/affidavits, receipts, and statements of accounts, which are not considered substantial.

Besides[,], the landholding referred to by [Dela Cruz] is located at San Manuel (Quezon, Nueva Ecija), and not San Miguel (where the landholding involved herein is located), thereby corroborating [Domingo's] claim that [Dela Cruz] is claiming a different landholding not subject hereof x x x.

[Dela Cruz] failed to overcome the presumption of regularity in the issuance of the Emancipation Patents (EPs) sought to be cancelled herein.

WHEREFORE, premises considered, the appeal is hereby DISMISSED and the decision appealed from is AFFIRMED *in toto*.

SO ORDERED.^[16] (Citations omitted)

Dela Cruz moved to reconsider,^[17] but in an April 5, 2010 Resolution,^[18] the DARAB held its ground.

Ruling of the Court of Appeals

Petitioners thus filed a Petition for Review, docketed as CA-G.R. SP No. 114223, questioning the DARAB's pronouncements.

On April 11, 2013, the CA issued the assailed Decision dismissing the Petition on the ground of forum shopping. It held that Dela Cruz should have raised his claim of ownership and possession as a counterclaim in DARAB Case Nos. 298-300; that since Domingo's cases for recovery of possession or reconveyance involved an assertion of his ownership over the subject parcels of land, Dela Cruz should have interposed his own claim in these cases and sought annulment and cancellation of

titles therein; and that since the parties, issues, and causes of action in these cases are identical, a decision in one will constitute *res judicata* in the others.

Petitioners moved to reconsider,^[19] but the CA stood firm. Hence, the present Petition.

Issues

Petitioners submit the following issues for resolution:

WHETHER FORUM SHOPPING AND *LITIS PENDENTIA* ARE VIOLATED IN THE CASE AT BAR.

WHETHER THE CASE OF CANCELLATION OF EMANCIPATION PATENTS AND CERTIFICATES OF TITLES CAN BE MADE AS COMPULSORY COUNTERCLAIM WITHOUT VIOLATING THE RULE THAT CERTIFICATE[S] OF TITLE CANNOT BE COLLATERALLY ATTACKED.^[20]

Petitioners' Arguments

Praying that the assailed CA pronouncements be set aside, and that Domingo's titles be annulled and in their stead new titles be issued in their name, petitioners maintain in their Petition and Reply^[21] that there is no forum shopping in Dela Cruz's filing of DARAB Case No. 372 during the pendency of DARAB Case Nos. 298-300; that the latter cases involve merely the issue of recovery of possession and not ownership, which is the issue in DARAB Case No. 372; that Dela Cruz could not have raised the issue of ownership in DARAB Case Nos. 298-300, as this is tantamount to a collateral attack upon Domingo's titles, which is why he (Dela Cruz) filed a separate case for annulment and cancellation of said titles; that while Dela Cruz was the farmer-beneficiary of three parcels of land, he was "mysteriously" issued only two Emancipation Patents (EP), and no EP was issued with respect to his 1.228-hectare parcel of land, which is now covered by Domingo's titles TCT EP-82013 and TCT EP-82015, despite the fact that he (Dela Cruz) has fully paid for the same; that Domingo is incapable of personally cultivating the lands awarded to him because he is suffering from physical disability, and thus he is not a qualified farmer-beneficiary in contemplation of agrarian laws; and that contrary to what the DARAB pronounced, Dela Cruz was able to prove his case by substantial evidence, which thus entitles him to the remedies he seeks.

Domingo's Arguments

In his Comment^[22] seeking affirmance of the questioned CA dispositions, Domingo counters that the CA is correct in finding that Dela Cruz is guilty of forum shopping; that there is a pending appeal by Dela Cruz of the consolidated Decision in DARAB Case Nos. 298-300, and a decision in said appeal would constitute *res judicata* in the instant case; and that Dela Cruz should have interposed his claim of ownership by way of counterclaim in DARAB Case Nos. 298-300.

Our Ruling

The Court denies the Petition.