

SECOND DIVISION

[G.R. No. 109645, January 21, 2015]

**ORTIGAS & COMPANY LIMITED PARTNERSHIP, PETITIONER, VS.
JUDGE TIRSO VELASCO AND DOLORES V. MOLINA,
RESPONDENTS.**

[G.R. No. 112564]

**DOLORES V. MOLINA, PETITIONER, VS. HON. PRESIDING JUDGE
OF RTC, QUEZON CITY, BR. 105 AND MANILA BANKING
CORPORATION, RESPONDENTS.**

[G.R. No. 128422]

**DOLORES V. MOLINA, PETITIONER, VS. THE HONORABLE COURT
OF APPEALS AND EPIMACO ORETA, RESPONDENTS.**

[G.R. No. 128911]

**THE MANILA BANKING CORPORATION AND ALBERTO V. REYES,
PETITIONERS, VS. DOLORES V. MOLINA AND HON. MARCIANO
BACALLA, IN HIS CAPACITY AS PRESIDING JUDGE OF THE
REGIONAL TRIAL COURT OF QUEZON CITY, BRANCH 216,
RESPONDENTS.**

DECISION

LEONEN, J.:

These consolidated cases involve matters that have long been settled by this court. However, petitioner in G.R. Nos. 112564 and 128422, Dolores V. Molina, remained incessant in filing suits that led to the unnecessary clogging not only of this court's but the lower courts' dockets as well.

G.R. Nos. 109645 and 112564 were decided by this court on July 25, 1994.^[1] A Motion for Reconsideration was filed by Dolores V. Molina (Molina) on August 10, 1994. She later filed two supplements to the Motion for Reconsideration.^[2] Her Motion for Reconsideration was denied with finality in the Resolution dated January 23, 1995. Despite the denial of Molina's Motion for Reconsideration, she filed a "Motion for Leave to File the Herein Incorporated Second Motion for Reconsideration and to Allow x x x Dolores V. Molina a Day in Court Relative to Her Petition for Reconstitution."^[3] In the Resolution dated March 1, 1995, this court denied with finality Molina's Motion for Reconsideration.^[4]

In the Resolution dated March 4, 1996, this court found Molina guilty of contempt of

court and imposed a fine of P1,000.00.^[5]

On August 15, 1997, this court decided the administrative case against Judge Tirso Velasco (Judge Velasco).^[6]

In order to fully comprehend the facts of G.R. Nos. 128422 and 128911, we summarize this court's decision in G.R. Nos. 109645 and 112564.

I

G.R. No. 109645^[7]

On November 14, 1991, Molina filed a Petition for Reconstitution of Transfer Certificate of Title (TCT) No. 124088.^[8] She alleged that the original copy of TCT No. 124088 was lost when the Quezon City Register of Deeds was gutted by fire on June 11, 1988 and that she has an "owner's duplicate copy of the title . . . and that the title is not subject of any document or contract creating a lien or encumbrance on the land therein described."^[9]

Several days later, Molina moved to withdraw her Petition, explaining that she had to go to the United States. Judge Velasco granted her Motion to Withdraw and dismissed the case.^[10]

On April 3, 1992, Molina "filed an ex-parte motion for review of LRC Case No. Q-5404."^[11] The Motion was granted on the same date.^[12]

The Office of the Solicitor General objected to the Ex-parte Motion on the ground that the owners of the adjacent properties were not notified.^[13] In the Order dated July 3, 1992, Judge Velasco acknowledged that his court had yet to acquire jurisdiction over the owners of the adjacent properties.^[14]

On July 13, 1992, Molina filed an Ex-parte Motion praying for Notices of Hearing to be served on the:

(a) "subject owners" of specified lots in the corresponding "Technical Description of the subject land;" (b) the "President of the Corinthian Neighborhood Association or Corinthian Homeowners Association thru the Barangay Chairman of Barangay Corinthian because the adjoining property designated as Vicente Madrigal is now part of this Barangay Corinthian;" (c) the "Director, Bureau of Land, Plaza Cervantes Manila as adjoining owner designated as Public Land;" and (d) the "City Engineer of Quezon City for the adjoining boundaries designated as Roads or Road Lot."^[15]

However, the Clerk of Court gave the Notices of Hearing only to the President of the Corinthian Neighborhood Association, the Director of the Bureau of Lands, and the City Engineer of Quezon City. Thus, the owners of the adjacent lots were not served copies of the Notices of Hearing.^[16]

At this point, Ortigas & Company Limited (Ortigas) found out about Molina's Petition

and filed an Opposition.^[17] Ortigas subsequently filed a supplemental pleading and alleged the following:

- (1) The "proliferation of syndicates taking advantage of the destruction by fire of land titles kept by the Quezon City Register of Deeds."^[18]
- (2) Molina is 'a well-known land speculator' as shown by the petitions she has previously filed. Further, the bases for her claims are contradictory. In Land Registration Case No. Q-336 (WIDORA case), Molina claimed ownership by acquisition through prescription, having been in open and adverse possession of the property for more than thirty (30) years while in Civil Case No. 90-4749, she claimed that she purchased the property from a certain Eusebia Molina.^[19]
- (3) The Land Registration Authority's report which states that:
[T]he plan [being] relied upon by Molina, Psd-16740 "appears to be derived from two different surveys, numbered Psu-1148 & Psu-20191, neither of which appear(s) to have been the subject of original registration; thus it is presumed that no original title had been issued from which TCT-124088 could have emanated;" that said plan "is a portion of (LRC) SWO-15352 which is being applied for registration of title in Land Reg. Case No. Q-336, LRC Rec. No. N-50589," etc.^[20]

Ortigas' counsel informed the Manila Mission of Jesus Christ of Latter Day Saints, Inc. (Mormons) of Molina's pending Petition. Thus, the Mormons filed an Opposition.^[21]

During the hearing, Molina did not mention that she acquired the land through prescription. Instead, she testified as follows:

[S]he and her late husband had acquired the two (2) parcels of land in question from the latter's relatives in 1939; that she had in truth seen the deed of sale and the titles in her husband's possession; that her husband was killed by the Japanese in 1944; that it was only in the 1960's that she attempted to obtain titles to the property in her name, and sought the help of President Marcos, who "became her boyfriend;" that Marcos had, in turn, referred her for legal assistance to former Judge Echeverri; that she had subsequently left for the United States where she stayed until her return during the martial law regime at which time, however, she could no longer get in touch with either Judge Echeverri or President Marcos; that sometime in 1990 she met Gen. Fabian Ver in Singapore, and she was then told that Marcos had given instructions for the delivery to her of the title to the disputed lands, to be accomplished back in Manila; that the title (TCT 124088) was actually delivered to her by Col. Balbino Diego in November, 1990 at her house in Philam Life Homes Subdivision in Quezon City; that she learned that the title had been entrusted to Col. Diego in 1986, when Gen. Ver and President Marcos fled the country, but Diego had been unable to give her the title earlier because he was placed under house arrest shortly after Marcos' deposal and remained under such restraint until May 11, 1988.^[22]

On September 23, 1992, Judge Velasco granted Molina's Petition and directed the Quezon City Register of Deeds to reconstitute TCT No. 124088 in Molina's name.^[23]

Ortigas and the Office of the Solicitor General filed their respective Notices of Appeal, while the Mormons filed a Motion for Reconsideration.^[24]

Meanwhile, Molina "filed a motion to strike the notice of appeal or in the alternative, to allow execution of the decision pending appeal."^[25]

Judge Velasco dismissed Ortigas' Notice of Appeal, denied the Mormons' Motion for Reconsideration, and granted Molina's Motion for Execution pending appeal.^[26] Consequently, Molina was issued TCT No. RT-58287.^[27]

The Solicitor General's Notice of Appeal was dismissed in a separate Order on the ground that:

the Solicitor General has not filed any formal opposition to the petition and neither has it introduced and/or formally offered any evidence to warrant its dismissal, it appearing on the contrary, that the Land Management Bureau, the DENR, the Register of Deeds and the City Engineer's Office of Quezon City, which are the government agencies directly involved in this kind of proceeding has not registered any opposition to the petition, the notice of appeal filed by him^[28] was sham aside from being ten (10) days late.^[29]

The Mormons withdrew their Appeal because Molina recognized their ownership and possession of "an area of 8,860 sq. m. and covered by TCT No. 348048[.]"^[30]

Molina subdivided the property covered by TCT No. RT-58287 into five parcels. One of the parcels of land was purchased by Gateway Enterprises Co., Inc.^[31]

Ortigas then filed a Petition for Certiorari and Mandamus with prayer for the issuance of a temporary restraining order.^[32] Ortigas prayed that this court:

(1) Invalidate Judge Velasco's Orders dated October 14, 1992 and February 10, 1993; and

(2) That the TCTs issued, based on Judge Velasco's Order dated October 14, 1992, "be declared void ab initio and that, alternatively, respondent Judge be ordered to act on the notices of appeal seasonably filed by forwarding the records of LRC Case No. Q-5404 to the Court of Appeals."^[33]

II

G.R. No. 112564^[34]

G.R. No. 112564 originated from an action for "Annulment of Transfer Certificate of Title with Damages and Prayer for Preliminary Injunction and Restraining Order"^[35] filed by The Manila Banking Corporation (TMBC) against Molina and Gateway Enterprises Company, Inc. This was docketed as Case No. Q93-15920.^[36]

TMBC alleged that it owned several parcels of land covered by TCT No. 124088. The subject properties of TMBC's claim were "formerly covered by TCT Nos. 77652 and 77653"^[37] under Ortigas' name. These properties were converted into a subdivision of several lots. Some of the lots were sold to Manila Interpublic Development Corporation and to Breeders Feeds, Inc. The lots purchased by these two corporations were mortgaged to TMBC as security for their respective loans. The mortgages were foreclosed, and titles were issued in TMBC's name "as the highest bidder at the foreclosure sales."^[38]

Molina filed a Motion to Dismiss, citing "litis pendentia, lack of jurisdiction, bar by prior judgment, plaintiffs [referring to TMBC] lack of status as a real party in interest, and failure of the complaint to state a cause of action."^[39]

Molina also alleged that a restraining order was issued with regard to TCT No. 124088 and that the trial court where Case No. Q93-15920 was pending "had no jurisdiction to annul the judgment of a coordinate court."^[40]

The trial court denied Molina's Motion to Dismiss.^[41]

Molina filed supplemental pleadings to support her Motion to Dismiss, which were denied in the Order dated November 25, 1993.^[42]

Molina filed a Petition for Certiorari before this court, praying for the annulment of the Orders denying her Motion to Dismiss. She also prayed that this court dismiss the action for annulment filed by TMBC.^[43]

Molina filed the same Petition for Certiorari before the Court of Appeals on December 9, 1993.^[44]

III

Ruling in G.R. Nos. 109645 and 112564

In the Decision dated July 25, 1994, this court granted Ortigas' Petition for Certiorari in G.R. No. 109645 and denied Molina's Petition in G.R. No. 112564. The dispositive portion of the Decision states:

WHEREFORE, the petition in G.R. No. 109645 is GRANTED; and that in G.R. No. 112564[,] DENIED for lack of merit.

In G.R. No. 109645, the Decision dated September 23, 1992 of Respondent Judge Tirso Velasco, Presiding Judge of Branch 88 of the Regional Trial Court of Quezon City, in LRC Case No. Q-5404, as well as his Orders dated April 3, 1992, October 14, 1992, and February 10, 1993, are NULLIFIED AND SET ASIDE; the titles of Dolores Molina upheld and reconstituted by said decision and orders — namely, Transfer Certificates of Title Numbered 124088 and RT-58287 — and those derived therefrom and subsequently issued — namely, Transfer Certificates of Title Numbered 83163, 83164, 83165, 83166 and 83167 — are all Declared NULL AND VOID and are hereby CANCELLED; said LRC