

FIRST DIVISION

[G.R. No. 155405, March 18, 2015]

THE HEIRS OF EUGENIO LOPEZ, SR. NAMELY, OSCAR M. LOPEZ, MANUEL M. LOPEZ AND PRESENTACION L. PSINAKIS, PETITIONERS, VS. THE HONORABLE FRANCISCO QUERUBIN, IN HIS CAPACITY AS PRESIDING JUDGE OF THE REGIONAL TRIAL COURT OF ANTIPOLO, BRANCH 74, THE HEIRS OF ALFONSO SANDOVAL AND HIS WIFE ROSA RUIZ, REPRESENTED BY THEIR ATTORNEY-IN-FACT, MRS. IMELDA RIVERA, RESPONDENTS.

[G.R. No. 164092]

HEIRS OF EUGENIO LOPEZ, PETITIONERS, VS. ALFONSO SANDOVAL AND ROMAN OZAETA, JR., RESPONDENTS.

D E C I S I O N

LEONARDO-DE CASTRO, J.:

The two consolidated cases before this Court involve a protracted dispute over the registration of two parcels of land that was initiated decades ago by the forbears of the parties herein.

G.R. No. 155405 is a Petition for Review on *Certiorari*^[1] under Rule 45 of the Rules of Court, which was filed by the heirs of Eugenio Lopez^[2] (Lopez heirs) to challenge the Decision^[3] dated January 22, 2002 and the Resolution^[4] dated September 24, 2002 of the Court of Appeals in **CA-G.R. SP No. 58162**. The Decision of the appellate court dismissed the Petition for *Certiorari*^[5] filed by the Lopez heirs, which prayed for the setting aside of the Order^[6] dated March 24, 2000 of the Regional Trial Court (RTC) of Antipolo City, Branch 74, in **LRC No. 98-2225**; while the Resolution of the appellate court denied the Motion for Reconsideration of the Lopez heirs on the Court of Appeals Decision.

G.R. No. 164092 is likewise a Petition for Review on *Certiorari*^[7] filed by the Lopez heirs,^[8] which seeks the reversal of the Decision^[9] dated September 9, 2003 and the Resolution^[10] dated June 18, 2004 of the Court of Appeals in **CA-G.R. CV No. 67515**. The Decision of the appellate court denied the appeal of the Lopez heirs from the three Orders of the RTC of Pasig City, Branch 152, sitting as a land registration court, in **LRC No. N-2858, LRC Rec. No. N-18887**. Two of the RTC Orders were dated June 24, 1999,^[11] while the other one was dated March 3, 2000.^[12] The Resolution of the appellate court, on the other hand, denied the Motion for Reconsideration^[13] and the Supplement to Motion for Reconsideration^[14] filed by the Lopez heirs on the Court of Appeals Decision.

From the records of the above cases, the following facts emerge:

Application for Registration of Title
(LRC No. N-2858, LRC Rec. No. N-18887)

On April 6, 1960, Alfonso Sandoval and Roman Ozaeta, Jr. (applicants Sandoval and Ozaeta) filed an Application for Registration of Title^[15] for two parcels of land designated as Lots 1 and 2 of plan Psu-177091, which were situated in Barrio Mambugan, Municipality of Antipolo, Province of Rizal (**subject properties**). The application was docketed as **LRC No. N-2858, LRC Rec. No. N-18887** in the Court of First Instance (CFI) of Rizal, Branch II. The Director of Lands filed an Opposition^[16] to the application, but this was eventually withdrawn.^[17]

On May 31, 1966, the CFI of Rizal rendered a **Decision**,^[18] the dispositive portion of which provides:

WHEREFORE, the Court hereby declares the applicant ALFONSO SANDOVAL and his wife, ROSA RUIZ; applicant ROMAN OZAETA, JR. and his wife, MA. SALOME LAO, all of legal age, Filipinos, and residents of Rizal Province, the true and absolute owners in equal pro-indiviso shares of Lots 1 and 2 of plan Psu-177091 (Exhibit D), and orders the registration thereof in their names.

x x x x

Once this decision becomes final, let an order for the issuance of decree issue.^[19]

On September 23, 1970, prior to the issuance of the decrees of registration, the spouses Sandoval and spouses Ozaeta sold the subject properties to Eugenio Lopez. In the **Deed of Absolute Sale**^[20] executed by the spouses, they warranted that they would file the corresponding motion or manifestation in LRC No. N-2858, LRC Rec. No. N-18887 in order that the original certificates of title over the subject properties will be issued in the name of Eugenio Lopez, his heirs, administrators, or assigns. Eugenio Lopez then entered into possession of the subject properties.

Subsequently, the decrees of registration remained unissued.

Years later, on May 12, 1993, a certain Atty. Juanito R. Dimaano filed in LRC No. N-2858, LRC Rec. No. N-18887 an Entry of Appearance with Motion for Issuance of Certificate of Finality^[21] for and on behalf of the applicants Sandoval and Ozaeta. The land registration case was then pending at the RTC of Pasig City, Branch 152. Atty. Dimaano averred that the trial court's Decision dated May 31, 1966 had since become final, as no appeal was filed thereon, and he prayed for the issuance of a Certificate of Finality of the aforesaid Decision. On July 14, 1993, Atty. Dimaano filed a Motion for Issuance of a Decree^[22] in the said case.

In an **Order**^[23] **dated August 24, 1993**, the RTC of Pasig City granted the motion for the issuance of the decrees of registration. On even date, the RTC of Pasig City ordered^[24] the Land Registration Authority (LRA) to comply with the provisions of

Section 39 of Presidential Decree No. 1529,^[25] as the Decision dated May 31, 1966 had already attained finality. Apparently, the LRA was unable to immediately act in accordance with the Order of the trial court, citing discrepancies in the technical description and area of the subject properties.^[26] Subsequently, after the discrepancies were clarified, the RTC of Pasig City issued an **Order^[27] dated October 20, 1994**, instructing the LRA to proceed with the issuance of the decrees of registration over the subject properties.

In January 1997, the Lopez heirs were notified of the filing of a case docketed as LRC No. 96-1907 before the RTC of Antipolo City, Branch 74. The case was a petition for cancellation of Transfer Certificates of Title (TCT) Nos. 288133 and 288134 of the Registry of Deeds of Marikina City, which was filed by Evelyn T. Sandoval in her capacity as administratrix of the estate of applicant Alfonso Sandoval. Registered in the name of Lopez, Inc., TCT Nos. 288133 and 288134 covered the same properties subject of the instant petitions. According to the Lopez heirs, Eugenio Lopez already purchased the subject properties from Hacienda Benito, Inc. even before the execution of the Deed of Absolute Sale between Eugenio Lopez and the spouses Sandoval and the spouses Ozaeta.^[28]

On July 16, 1997, the Lopez heirs^[29] filed a **Motion dated April 28, 1997^[30]** where they manifested to the trial court that Eugenio Lopez passed away on July 6, 1975. Pursuant to Section 22 of Presidential Decree No. 1529,^[31] they moved for the RTC to consider the Deed of Absolute Sale executed in favor of Eugenio Lopez in relation to the application for registration of title. They also prayed that the decrees of registration over the subject properties be issued in their names as the successors-in-interest of Eugenio Lopez. Attached to the motion were the Deed of Absolute Sale and the receipts^[32] evidencing the full payment of the purchase price for the subject properties.

In a **Motion dated July 21, 1998,^[33]** the Lopez heirs entreated the trial court to issue an order holding in abeyance the issuance of the decrees of registration until the final disposition of their Motion dated April 28, 1997.

Thereafter, on December 4, 1998, the Lopez heirs filed a **Motion dated November 25, 1998.^[34]** They manifested therein that while their Motion dated April 28, 1997 was still being heard by the trial court, Decree Nos. N-217643 and N-217644 covering the subject properties were issued in the name of the spouses Sandoval and spouses Ozaeta. As stated in Original Certificates of Title (OCT) Nos. O-1603^[35] and O-1604^[36] of the Registry of Deeds for the Province of Rizal, the relevant entries in the decrees read:

This Decree is issued pursuant to the Decision dated **31st day of May, 1966** of the Hon. Pedro C. Navarro, Judge of [Court of First Instance of Rizal, Branch II, Pasig, Rizal], and the Honorable Briccio C. Ygafta, this **3rd day of July, 1998**.

Issued at the National Land Titles and Deeds Registration Administration, Quezon City, this **20th** day of **October**, in the year of Our Lord nineteen hundred and **ninety-seven** at **8:02 a.m.**

(Signed) ALFREDO R. ENRIQUEZ
ADMINISTRATOR
NATIONAL LAND TITLES AND DEEDS
REGISTRATION ADMINISTRATION

Entered in the "Registration Book"
for the Marikina, pursuant to the provisions
of section 39 of P.D. No. 1529, on the **18th**
day of **August** nineteen hundred and **ninety-**
eight, at 1:16 p.m.

(Signed)
EDGAR D.SANTOS
Register of Deeds^[37] (Emphases ours.)

In their motion, the Lopez heirs prayed for the **declaration of nullity** of Decree Nos. N-217643 and N-217644 and OCT Nos. O-1603 and O-1604. They alleged that the issuance of the decrees and the certificates of title preempted the trial court in resolving their Motion dated April 28, 1997 where they were asking for the recognition of the Deed of Absolute Sale in favor of Eugenio Lopez as authorized under Section 22 of Presidential Decree No. 1529. Also, the decrees were supposedly issued on **October 20, 1997** but their issuance was made pursuant to the Order dated **July 3, 1998** of Judge Briccio C. Ygaña. In other words, the Lopez heirs questioned the anomalous issuance of the decrees supposedly prior to the court order authorizing the same. Moreover, the Lopez heirs pointed out that the decrees were issued under the signature of LRA Administrator Alfredo R. Enriquez before he assumed office.

The Lopez heirs attached to the above motion a photocopy of the registry return receipt,^[38] which proved that the LRA received a copy of the Lopez heirs' Motion dated April 28, 1997. Subsequently, the Lopez heirs submitted to the trial court the following letter^[39] of LRA Administrator Enriquez that was addressed to the counsel of the Lopez heirs:

1 December 1998

x x x x

Sir:

This concerns your letter requesting the recall of Decree Nos. N-217643 and N-217644 issued in Land Registration Case No. N-2858, LRC Record No. N-18887, both in the names of Alfonso Sandoval and his wife, Rosa Ruiz, and Roman Ozaeta, Jr. and his wife, Ma. Salome Lao.

Records of this Authority show that aforesaid decrees of registration were prepared on October 20, 1977 [sic] pursuant to the decision of the court dated May 31, 1966 and the order for issuance of decree dated August 24, 1993. Said decrees were forwarded to the Office of the Administrator on August 8, 1998 and was [sic] released therefrom on August 13, 1998. **Consequently, said decrees were signed sometime between August 8 and 13, 1998 and definitely not on October 20, 1997 as**

what is reflected thereon because the undersigned Administrator assumed office only on July 8, 1998. Apparently, at the time the decrees were signed it was not noticed, through oversight, that they were dated October 20, 1977 [sic]. **It is therefore hereby clarified that Decree Nos. N-217643 and N-217644 were actually issued sometime between August 8 and 13, 1998 and not on October 20, 1997.**

Regarding the claim that these decrees were prematurely issued as the motion for the issuance of the decrees in favor of the [Lopez heirs], the properties involved having been sold to him by the applicants, is still pending with the court, **it is informed that no copy of said motion nor of the order directing this Office to comment thereon appears on file in the records of the case.** Hence, these matters could not have been taken into consideration in the issuance of the decrees. Had the Administration been apprised of these incidents, perhaps the issuance of the decrees could have been held in abeyance until the court has resolved the same.

As to the recall of the decrees of registration, we regret to inform you that since the certificates of title transcribed pursuant to said decrees have already been issued and released by the Registrar of Deeds concerned, it is now beyond our authority to recall them unless duly authorized by the court.

We hope that we have satisfactorily disposed of the concerns raised in your letter.

Very truly yours,
(Signed)
ALFREDO R. ENRIQUEZ
Administrator (Emphases ours.)

The Lopez heirs further submitted in court a copy of the appointment letter^[40] of LRA Administrator Enriquez dated July 3, 1998 and two certifications^[41] from the Quezon City Central Post Office both dated December 22, 1998, which stated that copies of the Lopez heirs' Motions dated April 28, 1997 and July 21, 1998 were duly received by the LRA before said office issued the decrees.

In an Order^[42] dated February 19, 1999, the RTC of Pasig City denied the Lopez heirs' Motion dated July 21, 1998 for being moot.

On **June 24, 1999**, the RTC of Pasig City denied the Lopez heirs' Motion dated April 28, 1997.^[43] Given the issuance of the decrees of registration, the trial court ruled that said motion had also been rendered moot. Thus, the Deed of Absolute Sale could no longer be considered.

On the same date, the RTC of Pasig City issued another **Order**,^[44] this time denying the Motion of the Lopez heirs dated November 25, 1998. The trial court relied on the clarification of the LRA Administrator that the decrees were issued sometime between August 8 and 13, 1998, not on October 20, 1997. The RTC also held that