

FIRST DIVISION

[G.R. No. 184589, June 13, 2013]

**DEOGENES O. RODRIGUEZ, PETITIONER, VS. HON. COURT OF
APPEALS AND PHILIPPINE CHINESE CHARITABLE
ASSOCIATION, INC., RESPONDENTS.**

D E C I S I O N

LEONARDO-DE CASTRO, J.:

This Petition for *Certiorari* under Rule 65 of the Rules of Court assails the Decision^[1] dated May 26, 2008 and Resolution^[2] dated September 17, 2008 of the Court of Appeals in CA-G.R. SP No. 101789 for having been rendered with grave abuse of discretion amounting to lack of jurisdiction. Said Decision and Resolution reversed and set aside the Orders dated April 10, 2007^[3] and November 22, 2007^[4] of the Regional Trial Court (RTC), Branch 75, San Mateo, Rizal, in Land Registration (Reg.) Case No. N-5098 (LRC Rec. No. N-27619).

The facts are as follows.

On January 29, 1965, Purita Landicho (Landicho) filed before the Court of First Instance (CFI) of Rizal an Application for Registration of a piece of land, measuring 125 hectares, located in Barrio Patiis, San Mateo, Rizal (subject property), which was docketed as Land Reg. Case No. N-5098.^[5] On November 16, 1965, the CFI rendered a Decision^[6] evaluating the evidence presented by the parties as follows:

It has been established by the evidence adduced by [Landicho] that the parcel of land under consideration was formerly several smaller parcels owned and possessed by the spouses Felix San Pascual and Juanita Vertudes, Ignacio Santos and Socorro Santos, Cacontó Cayetano and Verneta Bartolome, Gavino Espiritu and Asuncion Cruz, and Lucio Manuel and Justina Ramos, all of whom in January 1960, executed instruments of conditional sale of their respective parcels of land in favor of [Landicho], x x x, and on July 20, 1965 all of them executed jointly a final deed of absolute sale x x x which superseded the conditional sale. Gavino Espiritu, one of the vendors, fifty-five years old, farmer, resident of Barrio Geronimo, Montalban, Rizal, testified that he and his co-vendors have been in possession of the parcel of land since 1930 and that the possession of [Landicho], together with her predecessors in interest, has been open, peaceful, continuous and adverse against the whole world in the concept of an owner. It has also been established that the parcel of land is within the Alienable or Disposable Block-I of I.C. Project No. 26 of San Mateo, Rizal, x x x; that the parcel of land is classified as "montañoso" with an assessed value of P12,560.00 under Tax Dec. No. 7081, x x x, taxes due to which for the current year had been paid, x x x; and that the same is not mortgaged or affected by any encumbrance.

The oppositor did not present testimonial evidence but presented the report of investigation of Land Investigator Pedro R. Feliciano dated August 23, 1965, x x x which stated substantially that during the investigation and ocular inspection it has been ascertained that no public land application is involved and that no reservation is affected thereby, and therefore, he believed that the opposition already filed can be withdrawn; x x x, 1st Indorsement dated August 24, 1965 of the District Land Officer, District No. 7, Bureau of Lands, to the Director of Lands, recommending that, in view of said report of investigation, the opposition be withdrawn; and x x x, office memorandum of the Chief, Records Division, Bureau of Land, addressed to the Chief, Legal Division, dated September 23, 1965, to the effect that according to the records, plan Psu-201023 is not covered by any kind of public land application or patent.

It is therefore clear from the evidence on record that the applicant is entitled to the benefits provided by Section 48, of C.A. No. 141, as amended.^[7]

In the end, the CFI decreed:

WHEREFORE, the Court hereby confirms the title of the applicant, Purita Landicho, of legal age, married to Teodorico Landicho, Filipino, resident of 74-A South 19th St., Quezon City, to the parcel of land under consideration and orders the registration thereof in her name and personal circumstances aforementioned.

The opposition of the Director of Lands is hereby dismissed.

Once this decision becomes final and executory, let the order for the issuance of the decree issue.^[8]

Upon finality of its Decision dated November 16, 1965, the CFI issued an Order^[9] on December 22, 1965 directing the Commissioner of the Land Registration Commission (LRC) "to comply with Section 21 of Act No. 2347"^[10] on the issuance of a decree and original certificate of title (OCT).

Eventually, on July 11, 1966, Jose D. Santos (Santos), Register of Deeds (ROD) for the Province of Rizal, issued Transfer Certificate of Title (TCT) No. 167681^[11] in Landicho's name covering the subject property. Notably, ROD Santos issued to Landicho a TCT rather than an OCT for the subject property; and although TCT No. 167681 stated that it was issued pursuant to Decree No. 1480, no other detail regarding the decree and the original registration of the subject property was filled out.

The subject property was thereafter sold several times, and as the old TCTs of the vendors were cancelled, new TCTs were accordingly issued to the buyers. The sale of the subject property could be traced from Landicho to Blue Chips Projects, Inc. (BCPI), which acquired TCT No. 344936 in its own name on November 10, 1971; then to Winmar Poultry Farm, Inc. (WPFI), TCT No. 425582, November 5, 1973; and finally, to herein respondent Philippine Chinese Charitable Association, Inc. (PCCAI),

TCT No. 482970, July 15, 1975.^[12]

Meanwhile, A. Doronila Resources Dev., Inc. (ARDI)^[13] instituted Civil Case No. 12044, entitled *A. Doronila Resources Dev., Inc. v. Court of Appeals*, which was still pending before the RTC, Branch 167, of Pasig City as of 2008. ARDI asserted ownership over the subject property, which was a portion of a bigger tract of land measuring around 513 hectares, covered by TCT No. 42999, dated February 20, 1956, in the name of said corporation. This bigger tract of land was originally registered in the name of Meerkamp Co. under OCT No. 301, pursuant to Decree No. 1480, GLRO Record No. 2429, issued on November 22, 1906. ARDI caused the annotation of a notice of lis pendens (as regards Civil Case No. 12044) on TCT No. 344936 of BCPI. Subsequently, based on the ruling of this *Court in A. Doronila Resources Dev., Inc. v. Court of Appeals*,^[14] ARDI was also able to have its notice of adverse claim over the subject property annotated on TCT Nos. 344936 and 425582 of BCPI and WPI, respectively. ARDI subsequently transferred the subject property to Amado Araneta (Araneta) to whom TCT No. 70589 was issued on March 25, 1983.

On November 14, 1996, Landicho executed a Deed of Absolute Sales (sic) over the subject property in favor of herein petitioner Deogenes O. Rodriguez (Rodriguez). Two years later, on June 1, 1998, Landicho died.

Seven years hence, or on May 18, 2005, Rodriguez filed an Omnibus Motion before the RTC, Branch 75, of San Mateo, Rizal, in Land Reg. Case No. N-5098. Rodriguez alleged therein that the Decision dated November 16, 1965 and Order dated December 22, 1965 of the CFI in Land Reg. Case No. N-5098 which confirmed Landicho's title over the subject property has not been executed. Rodriguez specifically stated that no decree of registration had been issued by the LRC Commissioner (now the Administrator of the Land Registration Authority [LRA]) and that no OCT had been ever issued by the ROD in Landicho's name. As Landicho's successor-in-interest to the subject property, Rodriguez prayed that:

- a. Upon the filing of the instant motion, the Clerk of Court of the Regional Trial Court of Pasig City be commanded to transmit to the Honorable Court the complete records and expediente of LRC No. x x x N-5098 (LRC Rec. No. N-27619);
- b. After hearing, the Honorable Court give due course to the instant motions and issue an Order as follows:
 - i. Directing the Administrator of the Land Registration [Authority] to issue the Decree of Registration, in accordance with the tenor of the Decision dated November 16, 1965 x x x and the Order dated December 22, 1965 x x x, in the name of the petitioner [Rodriguez];
 - ii. Thereafter, ordering the Register of Deeds for Marikina City, through the Administrator of the Land Registration Administration as having direct supervisory authority there-over, to issue the Original Certificate of Title containing the Technical Description as duly confirmed in the said Decision and Order x x x in the name of the herein petitioner

[Rodriguez].

PETITIONER further prays for such other measures of relief as may be deemed just and equitable in the premises.^[15]

In the course of the proceedings concerning the aforementioned Omnibus Motion, Rodriguez himself submitted as his Exhibit "GG" TCT No. 482970 of PCCAI but alleged that said certificate of title was fictitious. Thus, the RTC issued on November 3, 2006 a subpoena commanding PCCAI to appear at the hearing of Land Reg. Case No. N-5098 set on November 8, 2006 at 9:00 a.m.; to bring its TCT No. 482970 and Tax Declaration No. SM-02-0229; and to testify in connection therewith.

On November 17, 2006, PCCAI filed before the RTC a Verified Motion for Leave to Intervene in Land Reg. Case No. N-5098. PCCAI justified its intervention by arguing that it was an indispensable party in the case, having substantial legal interest therein as the registered owner of the subject property under TCT No. 482970. PCCAI likewise pointed out that Rodriguez himself submitted a copy of TCT No. 482970, only alleging that said certificate was fictitious. PCCAI averred that Rodriguez maliciously failed to allege in his Omnibus Motion that TCT No. 482970 remains valid and subsisting, there being no direct action or final court decree for its cancellation. Rodriguez's Omnibus Motion constituted a collateral attack on the title of PCCAI, which is not sanctioned by law and jurisprudence. Consequently, PCCAI asked the RTC to allow its intervention in Land Reg. Case No. N-5098 so it could protect its vested rights and interests over the subject property; to note and admit its Answer-in-Intervention; and to deny Rodriguez's Omnibus Motion for utter lack of merit.

The RTC favorably acted on Rodriguez's Omnibus Motion in an Order dated April 10, 2007, reasoning as follows:

Initially, the issue of jurisdiction arose particularly as to whether this Court may take cognizance of the instant case previously assigned to the CFI Pasig and, subsequently, rule upon the Omnibus Motion of [Rodriguez] despite the lapse of more than forty (40) years after the finality of the Decision of November 16, 1965.

Clearly, this Court has jurisdiction because, as earlier stated, the proceedings in this Court is merely a continuation of the land registration proceedings commenced in the CFI Pasig. More importantly, with the creation of this Court under the provisions of the Judiciary Reorganization Law, all cases involving properties within its territorial jurisdiction, specifically in San Mateo, Rizal, were transferred to this Court (Sec. 44, Batas Pambansa Blg. 129).

Consequently, there is no legal impediment for this Court to reiterate the Decision dated November 16, 1965 and the Order dated December 22, 1966 because the Rules on execution of Judgment pertaining to civil cases are not applicable to this kind of proceedings. A final and executory judgment in a land registration case, being merely declaratory in nature, does not prescribe. (*Sta. Ana vs. Menla*, 1 SCRA 1294; *Heirs of Cristobal Marcos vs. de Banuvar*, 25 SCRA 316; *vda. De Barroga vs. Albano*, 157 SCRA 131; *Cacho v. Court of Appeals*, 269 SCRA 159)

Secondly, a more important issue was put to fore—whether this Court may issue a writ of execution directing the Land Registration Authority (LRA) to issue a decree of registration over the subject property and the Register of Deeds of the Province of Rizal to issue an original certificate of title in the name of [Rodriguez].

Consistency dictates and being a mere continuation of the CFI Pasig proceedings, this Court can only reiterate the directives in the Order dated December 22, 196^[5]. It cannot, however, issue, as prayed for, a writ of execution directing the issuance of a decree of registration and an original certificate of title in the name of [Rodriguez].

Finally, during the proceedings in this case, this Court was made aware of the existence of claimants to the subject property. However, this Court cannot, at this time and in this proceedings, rule on the legality or illegality of these claims of ownership. It is best that these claims be ventilated in appropriate proceedings specifically sought to for this purpose.^[16] (Underscoring deleted.)

The RTC decreed thus:

WHEREFORE, premises considered, the Order dated December 22, 1966 of the Court of First Instance of Pasig, Branch 6, is hereby REITERATED. The Land Registration Authority is directed to issue a decree of registration while the Register of Deeds of the Province of Rizal is likewise directed to issue an original certificate of title of the subject property, both in favor and in the name of applicant Purita Landicho, of legal age, married to Teodorico Landicho, Filipino and a resident of 74-A South 19th St., Quezon City, after compliance with issuance requirements and procedures.^[17]

PCCAI filed a Motion for Reconsideration of the aforequoted Order of the RTC. The RTC resolved both the Motion for Leave to Intervene with the attached Answer-in-Intervention and Motion for Reconsideration of PCCAI in another Order dated November 22, 2007. The trial court held:

This Court after receiving evidence that a Decision was rendered in favor of the applicants spouses Landicho as owner in fee simple of the subject parcels of land, and that no title was issued pursuant to the said Decision which has become final and executory even after an Order to that effect was issued, merely reiterated the said Order for the implementation of the Decision dated November 16, 1966, signed by the Hon. Andres Reyes as Judge. In other words, Intervention would not be allowed after the Decision has become final and executory. The issue in the instant Petition is the issuance of a decree of registration and nothing more is being tried.

WHEREFORE, premises considered, the Motion For Leave To Intervene and the Motion for Reconsideration filed by the PCCAI are both ***DENIED***.^[18]