

THIRD DIVISION

[G.R. No. 168848, June 30, 2009]

HEIRS OF THE LATE JOSE DE LUZURIAGA,^[1] REPRESENTED BY JOSE DE LUZURIAGA, JR., HEIRS OF MANUEL R. DE LUZURIAGA, HEIRS OF THE LATE REMEDIOS DE LUZURIAGA-VALERO, AND THE LATE NORMA DE LUZURIAGA DIANON, PETITIONERS, VS. REPUBLIC OF THE PHILIPPINES THRU THE OFFICE OF THE SOLICITOR GENERAL, RESPONDENT.

[G.R. NO. 169019]

HEIRS OF THE LATE JOSE DE LUZURIAGA, REPRESENTED BY JOSE DE LUZURIAGA, JR., AND HEIRS OF THE LATE REMEDIOS DE LUZURIAGA-VALERO AND THE LATE NORMA DE LUZURIAGA-DIANON, PETITIONERS, VS. REPUBLIC OF THE PHILIPPINES THRU THE OFFICE OF THE SOLICITOR GENERAL, RESPONDENT.

D E C I S I O N

VELASCO JR., J.:

Before us are two petitions under Rule 45 interposed by the heirs of the late Jose De Luzuriaga, assailing the November 26, 2004 Decision^[2] and May 25, 2005 Resolution^[3] of the Court of Appeals (CA) in CA-G.R. SP No. 75321. The first is a Verified Petition for Review on Certiorari under **G.R. No. 169019**, while the second is styled Supplemental Petition and docketed as **G.R. No. 168848**.

The assailed CA decision and resolution reversed and set aside the Orders dated August 31, 2001^[4] and October 24, 2002^[5] in Cadastral Case No. 97-583 of the Regional Trial Court (RTC), Branch 51 in Bacolod City.

The Facts

Subject of the instant controversy is Lot No. 1524 of the Bacolod Cadastre, particularly described as follows:

A parcel of land (Lot No. 1524 of the Cadastral Survey of Bacolod), with the improvements thereon, situated in the Municipality of Bacolod. Bounded on the N. and NE., by the Lupit or Magsungay Pequeño River; on the SE., by Calle Araneta and Lots Nos. 440, 442 and 441; on the SW., by the Sapa Mamlot; and on the W. by Creeks x x x; containing an area of [TWO HUNDRED SIXTY EIGHT THOUSAND SEVEN HUNDRED AND SEVENTY TWO (268,772) square meters], more or less.^[6]

On May 16, 1997, petitioners filed an *Application for the Registration of Title*, docketed as Cad. Case No. 97-583 before the RTC. In it, the subject lot was

specifically identified as Lot No. 1524, AP-06-005774, Cad. 39, Bacolod Cadastre, situated in the City of Bacolod, Island of Negros. The survey plan, conducted by Geodetic Engineer Eluminado E. Nessia, Jr. and duly approved on May 17, 1997 by the Department of Environment and Natural Resources (DENR) Regional Office, Iloilo City; and the technical description of the subject lot, prepared by the Office of the Regional Technical Director, Land Management Services, DENR, Region VI, Iloilo City, were submitted to the RTC.

On May 12, 1998, the application was amended to state, thus: "x x x that the parcel of land in question be ordered registered and that an original Certificate of Title be issued in the name of the late Jose R. [De] Luzuriaga, Sr. pursuant to Decree No. 22752 covering Lot No. 1524 of Bacolod Cadastre."^[7]

Subsequently, the RTC issued an Order of general default except as against respondent Republic of the Philippines, which entered its due appearance through the Office of the Solicitor General (OSG) which, in turn, designated Bacolod Assistant City Prosecutor Abraham Bayona to represent the OSG at the trial.

Among the evidence petitioners adduced during the hearings was a copy of Decree No. 22752^[8] dated October 7, 1916, issued by the General Land Registration Office (GLRO) pursuant to the decision in the cadastral case confirming and granting unto the late Jose R. De Luzuriaga full ownership of Lot No. 1524.

RTC Decision Granting Application for Registration of Lot 1524

By Decision^[9] dated May 24, 1999, the trial court ratified its order of general default and judicially confirmed the incomplete title of the late De Luzuriaga, Sr. over Lot No. 1524 pursuant to Decree No. 22752. The *fallo* reads:

WHEREFORE, premises considered, the order of general default previously entered is ratified and JUDGMENT is hereby rendered confirming the title of the late Jose R. De Luzuriaga, Sr. over Lot No. 1524 of Bacolod Cadastre under Decree No. 22752 dated October 7, 1916 (Exh. "K" & "L") identified in the approved Survey Plan (Exh. "M") and technically described in the Technical Description (Exh. "N").

As soon as this decision becomes final, let an Original Certificate of Title be issued in the name of the late Jose R. De Luzuriaga, Sr., pursuant to Decree No. 22752 covering Lot No. 1524 of Bacolod Cadastre in accordance with law.

SO ORDERED.

The OSG, for the Republic, received a copy of the Decision on June 22, 1999, but opted not to file an appeal.

Pursuant to the above decision the Bacolod Registry issued Original Certificate of Title (OCT) No. RO-58 in the name of De Luzuriaga, Sr.

DAALCO Sues for Quieting of Title

Meanwhile, in September 1999, Dr. Antonio A. Lizares, Co., Inc. (DAALCO) filed a

Complaint^[10] against petitioners before the RTC for *Quieting of Title, Annulment and Cancellation of [OCT] No. RO-58* with prayer for injunctive relief and damages, docketed as Civil Case No. 99-10924 and entitled *Dr. Antonio A. Lizares Co., Inc., (DAALCO) v. Jose R. De Luzuriaga, III, et al.*^[11] In gist, DAALCO claimed that its predecessor-in-interest, Antonio Lizares, was the registered, lawful, and absolute owner of Lot No. 1524 as evidenced by a Transfer Certificate of Title (TCT) No. 190-R (T-247 [T-19890]) issued by the Register of Deeds (RD) of Bacolod City on February 8, 1939. Said TCT served to replace OCT No. 2765 in the name of Lizares and was issued pursuant to Decree No. 22752, GLRO Cad. Rec. No. 55 as early as November 14, 1916 and registered in the registration book of the Office of the RD of Negros Occidental, at Vol. 10, p. 283.

To buttress its case, DAALCO pointed to the fact that the RD, after the finality of the May 24, 1999 RTC Decision, did not issue an OCT in the name of De Luzuriaga, Sr., as prayed for in the application of petitioners and as ordered by the cadastral court. What the RD instead issued--owing to the issuance in 1916 of OCT No. 2765 in the name of Lizares--was a reconstituted title, i.e., OCT No. RO-58. Finally, DAALCO maintained having been in actual, open, and continuous possession as registered owner of the subject lot.

The Petition for Relief from Judgment by the Republic

On November 24, 1999, or six months after the RTC rendered its Decision, the Republic through the OSG, however, sought the annulment thereof via an unverified Petition for Relief from Judgment^[12] filed before the same RTC which rendered the above decision in Cad. Case No. 97-583.

To support its prayer for annulment, the Republic alleged, *first*, that petitioners failed to indicate in their application all the heirs of the late De Luzuriaga, Sr. and their corresponding authorization for the application in their behalf.

Second, the Republic asserted that petitioners cannot use Decree No. 22752 as basis for the application of land registration as said decree effectively barred said application. It invited attention to Section 39 of Presidential Decree No. (PD) 1529, which requires the simultaneous issuance of the decree of registration and the corresponding certificate of title. As argued, the policy of simultaneous issuance prescribed in the decree has not been followed in the instant case.

Third, the Republic, relying on *Metropolitan Waterworks and Sewerage System v. Court of Appeals*,^[13] contended that no new title over the subject lot can be issued in favor of the applicant, the same lot being already covered by a title, specifically OCT No. 2765 in the name of Lizares.

Fourth, again citing jurisprudence,^[14] the Republic maintained that the applicant, even if entitled to registration by force of Decree No. 22752, is already barred by laches, the same registration decree having been issued 83 long years ago.

In the meantime, Judge Anita G. Chua replaced retired Judge Ramon B. Posadas as presiding judge of the RTC, Branch 51 in Bacolod City.

The Ruling of the RTC

By Order dated August 31, 2001, Judge Chua, on the finding that the "petition for relief from judgment is not sufficient in form and substance and having been filed out of time,"^[15] denied the petition. Specifically, the RTC found the Republic's petition to be unverified and filed beyond the 60th day from receipt on June 22, 1999 of a copy of the May 24, 1999 RTC Decision.

Subsequently, the Republic moved for reconsideration^[16] of the above denial order arguing that its procedural lapses are not fatal to its case. It cited *Uy v. Land Bank of the Philippines*,^[17] in which the Court held that the merits of the substantive aspects of the case are deemed a special circumstance or compelling reason for the reinstatement of its petition and prayed for the relaxation of the Rules. Moreover, the OSG alleged that the RTC did not acquire jurisdiction over Cadastral Case No. 97-583 inasmuch as the corresponding amended application for registration dated May 5, 1998 was not published and a copy of which the Republic was not served.

Finally, the Republic raised anew the argument on the unavailability of Decree No. 22752 as basis for the application of land registration in view of the implementation of Sec. 39 of PD 1529.

The Republic later filed a Supplement (To Motion for Reconsideration) reiterating the merits of its case.

The RTC denied the Republic's motion for reconsideration through an Order of October 24, 2002. In the same order, the trial court observed that the Republic is actually asking the present presiding judge to review the decision of her predecessor, Judge Posadas, and to annul the same decision. Pursuing the point, the RTC, citing *Miranda v. Court of Appeals*^[18] and *Nery v. Leyson*,^[19] ratiocinated that a judge who succeeds another has no reviewing and appellate authority and jurisdiction over his predecessor's final judgment on the merits of a case, such authority residing, as it does, in the ordinary course of things, with the appellate court.

Aggrieved, the Republic elevated the case before the CA through a Petition for Certiorari under Rule 65. Docketed as CA-G.R. SP No. 75321, the petition raised the sole issue of whether the RTC gravely abused its discretion in denying its petition for relief from judgment.

The Ruling of the CA

On November 26, 2004, the appellate court rendered the assailed decision granting certiorari and ordered the remand of the instant case to the trial court for reception of evidence to determine whether the RTC's Decision confirming the title of the late Luzuriaga, Sr. over Lot 1524 will result in a double titling of the subject lot. The *fallo* of the CA's decision reads:

WHEREFORE, premises considered, the instant petition for certiorari is GRANTED. Accordingly, the case is remanded to the court a quo for reception of evidence in order to resolve the issue of whether or not the Decision dated May 24, 1999 confirming the title of the late Jose R. De Luzuriaga, Sr. over Lot No. 1524 of Bacolod Cadastre really resulted to

"double titling" and thereafter, to rule on the merits of the petition for relief from judgment.

SO ORDERED.^[20]

The CA predicated its ruling on the following factors: (1) the merits of the petition for relief from judgment far outweigh the procedural technicalities that obstruct it, i.e., not verified and filed out of time; and (2) the Republic was able to make out a *prima facie* case of "double titling," supported by a Letter/Report^[21] issued by the Bacolod City RD on December 7, 2001 showing that Lot No. 1524 was already registered under, and an OCT already issued in, another man's name.

Through the equally assailed May 25, 2005 Resolution, the CA denied petitioners' motion for reconsideration.

Hence, we have these petitions, with the supplemental petition filed on July 28, 2005; while the main petition for review on certiorari was filed on August 11, 2005, which explains the lower docket number of the former.

The Issues

Petitioners raise as ground for review in **G.R. No. 169019** the following issues and assignment of errors:

A. WITH ALL DUE RESPECT, THE HONORABLE [CA] SERIOUSLY ERRED IN GRANTING THE PETITION FOR CERTIORARI OF THE SOLICITOR GENERAL'S OFFICE, WITHOUT MAKING A DEFINITE FINDING OF ACTUAL PRESENCE OF GRAVE ABUSE OF DISCRETION, COMMITTED BY THE LOWER COURT, VIOLATING THE WELL-KNOWN PRINCIPLE THAT CERTIORARI IS NOT PROPER WHERE THERE IS NO GRAVE ABUSE OF DISCRETION, AND WHEN THERE ARE UNSETTLED FACTUAL CONTROVERSIES IN THE CASE;

B. WITH ALL DUE RESPECT, THE HONORABLE [CA] IN ITS HEREIN CONTESTED DECISION x x x DIRECTLY VIOLATED THE LONG-HELD PRINCIPLE OF "JUDICIAL STABILITY" THAT HOLDS THAT NO REVIEW CAN BE HAD BY ONE COURT OF A DECISION OF ANOTHER COURT OF CONCURRENT JURISDICTION, AND THE RULE THAT NO SUCCEEDING JUDGE CAN REVIEW A DECISION OF THE PREVIOUS PRESIDING JUDGE, AS HELD BY THE SUPREME COURT IN *HACBANG V. LEYTE AUTOBUS CO., INC.* 62 O.G. 31, Aug. 1, 1966, *MIRANDA VS. COURT OF APPEALS*, 71 SCRA 295, AND *NERY VS. LEYSON*, 339 SCRA 23;

C. WITH ALL DUE RESPECT, THE SUBJECT DECISION OF THE HONORABLE [CA] VIOLATED THE PRINCIPLE OF RES JUDICATA OR FINALITY OF JUDGMENT;

D. WITH ALL DUE RESPECT, THE HONORABLE [CA] GRIEVOUSLY ERRED IN GRANTING THE OSG'S PETITION FOR CERTIORARI UNDER RULE 65, WHICH WAS CLEARLY RESORTED TO FOR THE FAILURE OF THE SOLICITOR GENERAL TO SEASONABLY FILE A MOTION FOR RECONSIDERATION, NOTICE OF APPEAL, OR PETITION FOR RELIEF