

## FIRST DIVISION

**[ G.R. No. 103476, November 18, 1999 ]**

**CODIDI MATA, CELESTINO, LUCIA, INGRACIO, PIO, MARCELO, MELETON, RICARDA, PAGAKAN, AND CARING, ALL SURNAMED MATA, AND DULY REPRESENTED BY THEIR ATTORNEY-IN-FACT ISIDRO SEMBRANO, PETITIONERS, VS. COURT OF APPEALS AND HEIRS OF CLARO L. LAURETA, RESPONDENTS.**

### DECISION

**KAPUNAN, J.:**

The instant case is the fourth case that reached this Court involving the same parties and property.

In this case, the heirs of Marcos Mata (petitioners) seek the reversal of the decision, dated 31 July 1991, of the Court of Appeals in CA-G.R. SP No. 24434, permanently enjoining the Regional Trial Court, Branch 1, Tagum, Davao City, from proceeding with Civil Case No. 2468, an action to enforce petitioners' right to repurchase the subject lot under Section 119 of the Public Land Act (Commonwealth Act No. 141, as amended).

The antecedent facts are as follows:

Sometime in 1940, spouses Marcos and Codidi Mata, members of a non-christian cultural minority in Davao and predecessors-in-interest of petitioners, were granted a homestead patent over a parcel of land situated in Tagum, Davao del Norte containing an area of 4.5777 hectares. Original Certificate of Title No. 3019 covering the subject lot was issued in their favor.

On 10 June 1945, Marcos Mata (Mata) executed a Deed of Absolute Sale conveying the ownership of the subject lot in favor of Claro L. Laureta the predecessor-in-interest of private respondents. On 10 May 1947, Mata executed another document selling the same property to Fermin Caram, Jr. (Caram), who caused the cancellation of OCT No. 3019. In lieu thereof, Transfer Certificate of Title No. 140 was issued in Caram's name.

On 25 June 1956, Laureta filed before the Court of First Instance of Tagum (now RTC) an action, docketed as Civil Case No. 3083, to declare the first sale of the subject lot in his favor valid and the second sale thereof to Caram void.

On 29 February 1964, the CFI of Tagum rendered judgment as follows:

"WHEREFORE, judgment is hereby rendered:

1. Declaring that the deed of sale, Exhibit A, executed by

Marcos Mata in favor of Claro L. Laureta stands and prevails over the deed of sale, Exhibit F, in favor of Fermin Caram, Jr.;

2. Declaring as null and void the deed of sale, Exhibit F, in favor of Fermin Caram, Jr.;

3. Directing Marcos Mata to acknowledge the deed of sale, Exhibit A, in favor of Claro L. Laureta;

4. Directing Claro L. Laureta to secure the approval of the Secretary of Agriculture and Natural Resources on the deed, Exhibit A, after Marcos Mata shall have acknowledge the same before a notary public;

5. Directing Claro L. Laureta to surrender to the Register of Deeds for the City and Province of Davao the Owner's Duplicate of Original Certificate of Title No. 3019 and the latter to cancel the same;

6. Ordering the Register of Deeds for the City and Province of Davao to cancel Transfer Certificate of Title No. T-140 in the name of Fermin Caram, Jr.;

7. Directing the Register of Deeds for the City and Province of Davao to issue a title in favor of Claro L. Laureta, Filipino, resident of Quezon City, upon presentation of the deed executed by Marcos Mata in his favor, Exhibit A, duly acknowledge by him and approved by the Secretary of Agriculture and Natural Resources; and

8. Dismissing the counterclaim and crossclaim of Marcos Mata and Codidi Mata, the counterclaim of Caram, Jr., the answer in intervention, counterclaim and crossclaim of the Mansacas."<sup>[1]</sup>

On appeal by the spouses Mata and Caram, the CA affirmed the aforesaid decision of the CFI. Two (2) separate petitions for review were then filed by the Matas and Caram with this Court. The petition filed by the spouses Mata, docketed as G.R. No. L-29147, was dismissed by the Court for lack of merit on 20 June 1968. Said decision became final and executory on 26 July 1968. Upon the other hand, the petition filed by Caram, docketed as G.R. No. L-28740, was dismissed by the Court on 24 February 1981.<sup>[2]</sup> Said decision became final and executory on 12 February 1982.

Meanwhile, on 23 February 1979, spouses Mata filed with the Court of First Instance (now RTC), Branch 1 of Tagum, Davao del Norte, Civil Case No. 1071 against the Lauretas for recovery of ownership and possession of the subject lot. The spouses Mata alleged that the deed of sale executed between Mata and Laureta involving the subject lot is null and void and/or unenforceable because the same had not been approved by the Secretary of Agriculture and Natural Resources as required by law and as directed by the CFI of Davao in its decision of 29 February 1964 in Civil Case No. 3083, and that said decision could no longer be executed as the same had

already prescribed.

On 12 February 1983, an alias writ of execution was issued by the CFI enforcing its decision in Civil Case No. 3083. By then, Mata was already dead while his heirs (petitioners) refused to acknowledge the deed of sale in accordance with the said decision. In lieu of the requisite acknowledgement, the officer-in-charge of the court (now RTC, Branch VIII, Davao City) certified and affirmed the due execution of the deed of sale executed between Mata and Laureta. Thereafter, on 21 February 1984, the deed of absolute sale in favor of Laureta was duly approved by the Minister of Natural Resources. Finally, on 9 May 1985, TCT No. T-46346 covering the subject lot was issued in the name of Laureta.

On 20 April 1983, the RTC rendered judgment in Civil Case No. 1071 declaring, among others, that the decision in Civil Case No. 3083 in favor of private respondents had "become stale and unenforceable due to prescription." It ordered the return of the ownership of the subject lot to petitioners.

On appeal by private respondents, the CA affirmed *in toto* the CFI decision in Civil Case No. 1071. The case was then elevated to the Supreme Court which reversed and set aside the decision of the CA. Speaking through Justice Regalado, the Court, in its decision<sup>[3]</sup> in G.R. No. 72194 promulgated on 5 April 1990, ruled that the execution of the judgment in Civil Case No. 3083 was not time-barred because the ten-year period for the execution of the judgment in Civil Case No. 3083 commenced to run only on 12 February 1982 when the decision denying Caram's petition became final and executory .

Upon the belief that they could still exercise their right to repurchase the subject lot under the Public Land Act, on 22 November 1990, petitioners filed with the RTC, Branch 1 of Tagum, Davao City, an action against private respondents for legal redemption, reconveyance and consignment, docketed as Civil Case No. 2468.

Maintaining that Civil Case No. 2468 would render nugatory and ineffectual the decision of the court in G.R. No. 72194, private respondents instituted with this Court a petition for injunction and prohibition seeking, among others, to restrain the trial court from proceeding with said case. On 11 March 1991, this Court referred the same to the CA for resolution.

The CA ruled in favor of private respondents and permanently enjoined the RTC from further proceeding with Civil Case No. 2468. The CA categorically declared that petitioners' right to repurchase the subject lot under the Public Land Act had already prescribed.<sup>[4]</sup> Petitioners filed a motion for reconsideration but it was denied by the CA in its resolution, dated 12 November 1991.

Aggrieved, the petitioners filed the instant Petition for review alleging in the main that respondent CA erred in holding that petitioners' right to repurchase the subject property under Section 119 of the Public Land Act had already prescribed.

After the parties have submitted their respective pleadings, this Court issued a resolution, dated 5 September 1994, denying the petition for review for failure of the petitioners to sufficiently show that respondent court committed any reversible error in rendering the assailed decision.

Upon petitioners' motion for reconsideration, dated 27 September 1994, however, this Court, in its resolution, dated 24 October 1994, reinstated the instant petition, gave due course to the same and directed the parties to file their respective memoranda.

In their petition, the fundamental issue raised by petitioners is whether or not they could still exercise their right to repurchase the subject lot under the Public Land Act. In their motion for reconsideration and memorandum, however, petitioners question the validity of the sale of the subject lot to Laureta. They contend that said sale was void because the document evidencing the same was written in English, a language not understood by the vendor, and that it was not approved by the Office for the Southern Cultural Communities (OSCC) in violation of Section 4(n), Republic Act No. 1888, as amended, in relation to Section 120 of the Public Land Act.

Subsequently, the various pleadings separately filed by petitioners themselves, on one hand, and Atty. Rodolfo U. Jimenez, their counsel, and Isidro Sembrano, their purported attorney-in-fact, on the other hand, have left this Court baffled as to petitioners' real stand on the matter. Thus:

1. In a Manifestation with Motion, dated 23 November 1995, filed by petitioners themselves without the assistance of their counsel, the informed the Court that they have agreed to an amicable settlement of the case with private respondents. In view thereof, they prayed that they be allowed to withdraw their petition. Attached to the said Manifestation with Motion were petitioners' letters, dated 23 November 1995, addressed to their attorney-in-fact (Isidro Sembrano) and to their counsel-on-record (Attys. Winston F. Garcia and Rodolfo U. Jimenez), informing them of the termination of their services. The amicable settlement, of even date, purportedly signed by all the petitioners and private respondents' attorney-in-fact, was also attached to the said Manifestation with Motion.

2. On 15 January 1996, Celestino Mata and Andres Basaca filed with the Court their respective affidavits, dated 30 December 1995. Celestino Mata, one of petitioners, claimed that he is the same person referred to as Lucino Mata who was made to sign the Manifestation with Motion, the letters terminating the services of the attorney-in-fact and the lawyers, and the amicable settlement, all dated 23 November 1995. Celestino Mata averred that he did not understand the contents of these documents and that his signatures thereon were obtained by fraud.

3. For his part, Alfredo Basaca assailed the authority of Arcadio Mata Pasindo to sign the amicable settlement on behalf of the heirs of Marcos and Codidi Mata. While Alfredo Basaca asserted that he is one of the heirs of the spouses Mata, however, the records show that he is not named as one of the petitioners in this case.

4. The Court, in its Resolution, dated 26 February 1996, directed the petitioners and Atty. Jimenez to comment on and/or confirm the

Manifestation with Motion of 23 November 1995. In compliance therewith, Atty. Jimenez filed his Comment, dated 29 March 1996, informing the Court that he was not consulted by petitioners when they filed said Manifestation with Motion. He urged the Court to decide the case on the merits.

5. Upon the other hand, most of the petitioners, namely Calrita Mata Pasindo, Julieta Mata Abundo, Engracio Mata, Dagakan Mata vda. de Cuanas, Marcelo Mata, Severino Antolihao, Arcadio Mata Pasindo, Lucia Mata Antolihao and Meliton Mata, filed their Manifestation with Motion (to Comment and/or Confirm), dated 27 March 1996. They affirmed their respective signatures on the Manifestation with Motion of 23 November 1995 and the attachments thereto and averred that they understood the contents thereof as these were fully explained to them in the presence of the Provincial Officer of the OSCC in Tagum, Davao. They reiterated their prayer that they be allowed to withdraw their petition.

6. On 5 September 1996, Isidro Sembrano submitted to this Court a Joint Affidavit of petitioners Ceelstino Mata and Ricarda Mata, dated 21 February 1996, claiming, among others, that they were deceived into signing the amicable settlement. On 10 January 1997, Isidro Sembrano submitted a Joint Affidavit of Rosendo Mata-Pasindo, Carmelita Mata-Pasindo, Wilfredo Mata and Julieta Mata-Abundio, dated 9 January 1997, again claiming that they were deceived into signing the amicable settlement. Curiously, however, except for Julieta Mata-Abundio, the three (3) other affiants, namely, Rosendo Mata-Pasindo, Carmelita Mata-Pasindo and Wilfredo Mata, were not signatories to the amicable settlement.

7. On 23 June 1997, petitioners filed with the Court their Joint Affidavit, dated 26 May 1997, reiterating their Manifestation with Motion of 23 November 1995. They manifested in the Joint Affidavit that they voluntarily signed the amicable settlement and reiterated their prayer that they be allowed to withdraw their petition. In support of said Joint Affidavit, petitioners attached thereto the report of Mr. Romero A. Maing, the Provincial Officer of the OSCC in Tagum, Davao, dated 10 February, regarding an investigation he conducted on 3 February 1997 attended by petitioners. Mr. Maing attested that petitioners categorically denied having been coerced, forced or intimidated into signing the amicable settlement. Upon Mr. Maing's query, petitioners expressed their desire to proceed with the amicable settlement of the case.

8. Thereafter, Atty. Jimenez filed a motion, dated 25 August 1997, urging this Court to resolve the petition. He also filed a Motion to Require Personal Appearance of Petitioners before the OSCC to Verify their Final Stand on the Petition, dated 29 September 1997. In said motion, Atty. Jimenez admitted that he had only been in contact with the attorney-in-fact of petitioners and never with petitioners themselves.

9. Private respondents then filed a Motion to Dismiss Petition, dated 10 September 1997. Petitioners likewise filed an Opposition to Motion to Resolve Petition Filed by attorney Rodolfo U. Jimenez as Counsel for