

SECOND DIVISION

[G.R. No. 123698, August 05, 1998]

**ETERNAL GARDENS MEMORIAL PARK CORPORATION,
PETITIONER, VS. COURT OF APPEALS AND SPS. LILIA SEVILLA
AND JOSE SEELIN, RESPONDENTS.**

D E C I S I O N

MARTINEZ, A.M., J.:

This is the second time petitioner Eternal Gardens Memorial Park Corporation has come to this Court assailing the execution of the judgment dated August 24, 1989, rendered by the Regional Trial Court of Caloocan City in Civil Case No. C-9297. Apparently, hope springs eternal for petitioner, considering that the issues raised in this second petition for review are but mere reiterations of previously settled issues which have already attained finality. We now write finis to this controversy which has dragged on for seventeen (17) years, for as we ruled in Gomez vs. Presiding Judge, RTC, Br. 15, Ozamis City:^[1]

"x x x litigations must end and terminate sometime and somewhere, it being essential to the effective administration of justice that once a judgment has become final, the winning party be not, through a mere subterfuge, deprived of the fruits of the verdict. Hence, courts must guard themselves against any scheme to bring about that result, for constituted as they are to put an end to controversies, they should frown upon any attempt to prolong it. Public policy and sound practice demand that at the risk of occasional errors, judgments of courts should become final and irrevocable at some definite date fixed by law. Interes rei publicae ut finis sit litium."

The facts:

The case started on May 18, 1981 when private respondent-spouses Jose Seelin and Lilia Sevilla Seelin filed a complaint against Central Dyeing & Finishing Corporation (Central Dyeing for brevity) for quieting of title and for declaration of nullity of Transfer Certificate of Title (TCT No. 205942) issued in the name of said corporation, docketed as Civil Case No. C-9297, before the Regional Trial Court of Caloocan City.

On August 24, 1989, the trial court rendered judgment,^[2] the dispositive portion of which reads:

"WHEREFORE, judgment is hereby rendered:

Declaring the defendant's Certificate of Title No. 205942 null and void.

Dismissing counterclaim of defendant without pronouncement as to costs."

The aforesaid decision was affirmed^[3] by respondent Court of Appeals in CA-G.R. CV No. 25989 on June 25, 1991 and eventually upheld by this Court in G.R. No. L-101819 on November 25, 1991. Said dismissal became final on March 5, 1992.^[4]

The RTC decision, having become final and executory, private respondents moved for execution which was granted by the lower court. Accordingly, a writ of execution of the decision was issued.

Subsequently, private respondents filed an Urgent Manifestation and Motion for an Immediate Writ of Possession/Break Open Order. The motion was opposed by herein petitioner Eternal Gardens Memorial Park Corporation contending that it is not submitting to the jurisdiction of the trial court; that it is completely unaware of the suit between private respondents and Central Dyeing; that it is the true and registered owner of the lot having bought the same from Central Dyeing; and that it was a buyer in good faith.

On July 1, 1992, the trial court granted private respondents' motion. Another Order was issued on August 18, 1992 by the trial court holding that the judgment was binding on petitioner, being the successor-in-interest of defendant Central Dyeing pursuant to Rule 39, Section 48(b) of the Revised Rules of Court.

Petitioner went to the Court of Appeals in a petition for certiorari. On September 30, 1992 the Court of Appeals rendered judgment dismissing the petition, excerpts of which read:

"We reviewed carefully the assailed orders and find no compelling reason to disturb the same.

Indeed, since petitioner admits that it bought the property from Central Dyeing and Finishing Corporation, defendant in Civil Case No. C-9297, petitioner is bound by the decision rendered therein by respondent Judge.

Under Section 20, Rule 3, Revised Rules of Court, a transferee pendente lite does not have to be included or impleaded by name in order to be bound by the judgment because the action or suit may be continued for or against the original party or the transferor and still be binding on the transferee"^[5]

The motion for reconsideration was also denied by the Court of Appeals on February 18, 1993.^[6]

On further appeal to this Court, petitioner's petition for review on certiorari, docketed as G. R. No. 109076, was denied in a resolution dated August 2, 1993.^[7] Upon finality of said resolution, this Court issued Entry of Judgment dated October 21, 1993.^[8]

Thereafter, private respondents filed another motion for the issuance of a second writ of execution before the trial court which was granted in the Order of July 20, 1994.

Not willing to give up, petitioner sought a reconsideration. Petitioner's motion was initially granted^[9] on August 29, 1994 by the trial court thru Judge Arturo Romero. However, upon motion of private respondents, the said order was reconsidered on December 19, 1994^[10] by Judge Emilio L. Leachon, Jr., who succeeded Judge Romero. Forthwith, alias writs of execution were issued.

Desperately needing a favorable judgment, petitioner, for the second time, filed a petition for certiorari^[11] with respondent Court of Appeals (docketed as CA-G.R. SP No. 36591), arguing *inter alia*: that the judgment cannot be executed against it because it was not a party to Civil Case No. C-9297; that the decision of the trial court in said case never mandated Central Dyeing to deliver possession of the property to the private respondents; that certain facts and circumstances which occurred after the finality of the judgment will render the execution highly unjust, illegal and inequitable; that the issuance of the assailed writ of execution violates the lot buyers' freedom of religion and worship; and that private respondents' title is being questioned in another case.

On September 29, 1995, the respondent court rendered judgment^[12] dismissing the petition for certiorari on the ground that the lower court's decision in Civil Case No. 9297 had long become final and executory. It ruled, thus:

"This Court needs (sic) not belabor the fact that the respondent Court's decision in Civil Case No. 9297 had long become final and executory. The respondent court's writs of execution and possession could have been implemented a long time ago if not for the series of legal maneuvers of petitioner Eternal Gardens. x x x x Petitioner Eternal Gardens cannot anymore stop the execution of a final judgment by raising issues which actually have been ruled upon by this Court in its earlier case with Us in CA-G.R. SP No. 28797. To Our mind, the instant petition is a mere continuation of petitioner's dilatory tactics so that plaintiffs, although prevailing party, will not benefit at all from a final judgment in their favor. Thus, the instant petition is obviously, frivolous and dilatory warranting the assessment of double costs of this suit against petitioner Sec. 3, Rule 142 of the Revised Rules of Court).

Moreover, as manifested by the plaintiffs, herein private respondents, the instant petition has already become moot and academic as the property in question was already turned over by the Deputy Sheriff to the plaintiffs, and the writs of execution and possession fully satisfied. Thus, hopefully, putting the legal battle of this case to rest." (Emphasis ours.)

The motion for reconsideration was likewise denied on January 30, 1996.^[13]

Petitioner once again seeks this Court's intervention reiterating in essence the same line of arguments espoused in their petition before the respondent Court of Appeals.

The petition must fail.

It is a settled rule that once a court renders a final judgment, all the issues between or among the parties before it are deemed resolved and its judicial functions with respect to any matter related to the controversy litigated come to an end.

Petitioner's argument that the trial court cannot order it and the one hundred (100) memorial lot owners to surrender and/or deliver possession of the property in dispute on the ground that they were never parties to the case between private respondents and Central Dyeing, has long been resolved by respondent Court of Appeals in CA-G.R. SP No. 28797 when it ruled:

"Indeed, since petitioner admits that it bought the property from Central Dyeing and Finishing Corporation, defendant in Civil Case No. C-9297, petitioner is bound by the decision rendered therein by respondent Judge.

"Under Section 20, Rule 3, Revised Rules of Court, a transferee pendente lite does not have to be included or impleaded by name in order to be bound by the judgment because the action or suit may be continued for or against the original party or the transferor and still be binding on the transferee."^[14]

The aforesaid decision was affirmed by this Court in G.R. No. 109076 and attained finality on October 21, 1993. There is, therefore, no need for us to belabor the same issue here.

Further, petitioner's contention that a determination of the issue of possession should first be resolved before the issuance of a writ of possession is untenable.

Placing private respondents in possession of the land in question is the necessary and logical effect or consequence of the decision in Civil Case No. C-9297 declaring them as the rightful owners of the property. As correctly argued by the private respondents, they do not have to institute another action for the purpose of taking possession of the subject realty.

Petitioner likewise asserts that certain facts and circumstances transpired after the finality of judgment in Civil Case No. C-9297 which will render the execution of the said judgment unjust and illegal. It points to the pendency of Civil Case No. C-11337 before the Regional Trial Court of Caloocan City filed by the Republic of the Philippines against private respondents for nullification of 22 titles which include the title to the subject property. Petitioner argues that the pendency of the said case provides a reasonable justification why execution of the aforesaid judgment and delivery of possession of the subject property should be permanently stayed or at least held in abeyance until after the final resolution of the case.

We do not agree.

The pendency of Civil Case No. C-11337 for annulment of titles filed by the Republic against private respondents will not justify the suspension of the execution of the judgment in Civil Case No. C-9297. This is so because the petitioner's title which originated from Central Dyeing (TCT No. 205942) was already annulled in the judgment sought to be executed, and which judgment had long been affirmed by the Court of Appeals and by this Court. Thus, even if, in the remote possibility, the trial court will nullify the said private respondents' title in Civil Case No. C-11337, as argued by petitioner, the supposed adverse decision cannot validate TCT No. 205942 and make petitioner the rightful owner of the subject land. Clearly, the present