

94 Phil. 395

[G.R. No. L-4844. February 25, 1954]

THE DIRECTOR OF LANDS, PETITIONER, VS. ANASTACIO ABADILLA, ET AL., CLAIMANTS; CONSOLACION RAMOS, ET AL., PETITIONERS AND APPELLANTS; CELESTINO LAGROSA, ET AL., OPPOSITORS AND APPELLEES.

D E C I S I O N

PARAS, C.J.:

In cadastral case No. 3, G.L.R.O. record No. 213 of the Court of First Instance of Quezon, Pedro R. Loyola and Antonino Ramos (the latter in representation of his minor children Consolacion, Ramon, Socorro and Cirila Ramos) filed conflicting claims over lots Nos. 67-B, 217A and 240. On December 13, 1924, the Supreme Court rendered a decision defining the rights of said litigants and remanding the case to the court *a quo* for the execution of the judgment. The court of first instance in due time appointed as commissioner of partition Pedro R. Almonte, acting district land officer. The latter submitted one project of partition on January 22, 1925 and another on September 9, 1926. The court approved the second project of partition. Claiming that this partition was unequal and unjust, Antonino Ramos appealed to the Supreme Court which, on March 18, 1929, overruled his appeal.

On December 30, 1948, Consolacion, Ramon, Socorro and Cirila Ramos filed a petition in the Court of First Instance of Quezon, alleging in substance that there was no full and final partition of the lots hereinabove mentioned, because partition commissioner Pedro R. Almonte had acted fraudulently and in gross violation of the decision of the Supreme Court of December 13, 1924, and praying that a complete and final partition be made in accordance with said decision, that another commissioner be appointed, and that a writ of possession be issued in

favor of the petitioners over the portions corresponding to them. This petition was opposed by Celestino Lagrosa and Teodoro Arquiza. On December 18, 1950, the court denied the petition for lack of merit and on the ground of *res adjudicata*. The present appeal was taken by the petitioners.

There is clearly no merit in appellants' basic contention that the partition of the three lots as specified in the project submitted by commissioner Almonte is not in accordance with the decision of this Court of December 13, 1924. The correctness and propriety of said partition had already been passed upon, first, when Antonino Ramos appealed from the order of the court of first instance approving the second project of partition submitted by commissioner Almonte, and this Court affirmed the decision of the lower court; and, secondly, when a petition for certiorari was filed in this Court, assailing the denial by the court of first instance of the petition for correction, and this Court dismissed said petition for certiorari on the ground already of *res adjudicata*. That the same subject-matter is now being litigated for the third time, is too obvious to escape observation. There must be a deadline for finality of judgments.

Wherefore, the order appealed from is affirmed with double costs against the appellants. So ordered.

Pablo, Bengzon, Padilla, Montemayor, Reyes, Jugo, Bautista Angelo, and Labrador, JJ., concur.