

ALEJANDRO BABINA AND FIDEL AQUINO, PETITIONERS, VS. THE REGIONAL TRIAL COURT OF TARLAC CITY, BRANCH 63, AND EDGAR NUQUE, RESPONDENTS.

Ponente: BARZA, J.

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BARZA, J.:

This is a petition for certiorari and prohibition filed by petitioners Alejandro Babina and Fidel Aquino seeking to nullify the: (a) Order dated July 10, 2013,[1] which denied petitioners' motion to vacate the decision dated November 3, 2004; and, (b) Order dated January 28, 2014,[2] denying petitioners' motion for reconsideration, issued by Branch 63 of the Regional Trial Court, Tarlac City.

The antecedents as culled from the record are, as follows:

Private respondent Edgar Nuke (Nuke) filed before the court a quo a case for Cancellation of Title with Damages, docketed as Civil Case No. 9401, alleging therein that he is the owner of Lot Nos. 6018 and 6019, covered by TCT No. 2501 and Lot No. 2625, covered by TCT No. 10327, having acquired the same in a public auction sale. Respondent discovered that petitioner Fidel Aquino (Aquino) was able to obtain OCT No. 17563 over respondent's property, through Free Patent Application No. 03190-96-834, filed before the Department of Environment and Natural Resources (DENR). Later, Aquino sold said property to spouses Alejandro and Erlinda Babina (spouses Babina), wherein the latter were able to secure TCT No. 351681, in lieu of OCT No. 17563.

The court a quo ordered a relocation survey on the property and found out that the property purchased by Nuke at the public auction sale covered by TCT No. 10327 is the same property covered by OCT No. 17563 applied for by Aquino through free patent. The court a quo found that the DENR has no authority to issue free patent covering the subject property because this is no longer part of the public domain as the same had long been a private property. It also found spouses Babina not to be buyers in good faith. In its decision dated November 3, 2004,[3] the court a quo rendered null and void OCT No. P-17563 and TCT No. 351681, and declaring as valid TCT No. 2501 and TCT No. 10327.

Aquino and spouses Babina appealed the court a quo's decision to this Court docketed as CA-GR CV No. 84201, which on October 13, 2005, affirmed the decision of the court a quo consequently dismissing the appeal. The decision was assailed up to the Supreme Court, which issued a resolution dated July 19, 2006, dismissing the case and declared the same as "CLOSED and TERMINATED"[4]. Having become final and executory on August 8, 2007, an Entry of Judgment was issued by the Supreme Court.

On June 30, 2008, the court a quo issued a Writ of Execution. In the Sheriff's Return dated April 29, 2009, said writ was returned fully satisfied.

On June 22, 2012, Aquino and spouses Babina filed an Urgent Motion to Vacate the Decision dated November 3, 2004.[5] They alleged therein that the assailed decision is null and void because the court a quo did not acquire jurisdiction over the subject matter and the nature of the action for failure of Nuke to state the assessed value of

the properties.

The court a quo denied said motion in its assailed Order dated July 10, 2013[6] stating that the Decision dated November 3, 2004 can no longer be examined or vacated because it has long become final and executory and the judgment has already been executed and satisfied. A motion for reconsideration was filed but this was denied in the other assailed Order dated January 28, 2014.

Sans Erlinda Babina, Aquino and Alejandro Babina (petitioners) come to this Court, through this petition, assigning the lone error that:

The respondent court gravely abused its discretion amounting to lack or excess of jurisdiction in issuing the assailed Order dated July 10, 2013, which denied the petitioner's Urgent Motion to Vacate the decision dated November 3, 2004. It ignored that the Decision dated November 3, 2004 did not become final and executory and could be assailed anytime because it is void and that the decision is void because the respondent court did not have jurisdiction over the subject matter and the nature of the action, owing to the private respondent's failure to state the assessed value of the real property, title owner which was sought to be cancelled, as required under sections 19 and 33 of Batas Pambasa (B.P) Bilang 129, as amended and existing applicable jurisprudence.[7]

Petitioners insist that the court a quo did not acquire jurisdiction over the subject matter and prayed that the assailed orders be nullified and a writ of prohibition be issued perpetually restraining further proceedings in Civil Case No. 9401[8].

There is no merit in the petition.

With the amendment of Batas Pambansa 129 by Republic Act 7601, it expanded the exclusive original jurisdiction of the first level courts to include real actions involving property with an assessed value of less than Php20,000.00. The power of the RTC, under Section 19 of Batas Pambansa 129, as amended, to hear actions involving title to, or possession of, real property or any interest in it now covers only real properties with assessed value in excess of Php20,000.00. But the RTC retained the exclusive power to hear actions the subject matter of which is not capable of pecuniary estimation. Thus:

SEC. 19. Jurisdiction in Civil Cases. — Regional Trial Courts shall exercise exclusive original jurisdiction:

(1) In all civil actions in which the subject of the litigations is incapable of pecuniary estimation.

(2) In all civil actions which involve the title to, or possession of, real property, or any interest therein, where the assessed value of the property involved exceeds Twenty thousand pesos (P20,000.00) or for civil actions in Metro Manila, where such value exceeds Fifty thousand pesos (P50,000.00) except actions for forcible entry into and unlawful detainer of lands or buildings, original jurisdiction over which is conferred upon the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts;

We note that in the respondent's Complaint[9] before the court a quo, he failed to state the assessed value of the properties.

Even granting for the sake of argument that the court a quo did not have jurisdiction over the case, petitioners are nevertheless estopped from repudiating the authority of the court to try and decide the case after having actively participated in the proceedings before it and invoking its jurisdiction by seeking an affirmative relief therefrom.

The Supreme Court explained quite frequently that [a] party may be barred from raising questions of jurisdiction when estoppel by laches has set in. Estoppel by laches is failure or neglect for unreasonable and unexplained length of time to do what, by exercising due diligence, ought to have been done earlier, warranting the presumption that the party entitled to assert it has either abandoned it or has acquiesced to the correctness or

fairness of its resolution. This doctrine is based on grounds of public policy which, for the peace of the society, requires the discouragement of stale claims, and, unlike the statute of limitations, is not a mere question of time but is principally an issue of inequity or unfairness in permitting a right or claim to be enforced or espoused[10].

In this case, the November 3, 2004 Decision sought to be vacated by petitioners had long been final and executory and the writ of execution was fully implemented. It is a constant rule that [A] final judgment of a trial court which has become conclusive on the parties under the doctrine of conclusiveness of judgment can no longer be reviewed or in any way modified directly or indirectly by a higher court, not even by the Supreme Court[11].

Further, petitioners actively participated in the proceedings in the court a quo, appealed said court's decision before the Court of Appeals and made a final appeal to the Supreme Court. Not even once did they question the court's jurisdiction over the suit. After relying on the jurisdiction of the court a quo, petitioners cannot be permitted to turn around and question it[12]. It was ruled that:

“While it is true that jurisdiction may be raised at any time, 'this rule presupposes that estoppel has not supervened.' In the instant case, respondent actively participated in all stages of the proceedings before the trial court and invoked its authority by asking for an affirmative relief. Clearly, respondent is estopped from challenging the trial court's jurisdiction, especially when the adverse judgment is rendered.”[13]

A judgment rendered by a trial court for alleged lack of jurisdiction cannot be considered void where the party who has the right to challenge it failed to do so at the first instance.[14] Simply put, considering petitioners' extent of participation in the case, they are, as they should be, considered estopped from raising lack of jurisdiction as a ground to vacate the decision dated November 3, 2004.

Perforce, there was no abuse of discretion committed by the court a quo when it issued the assailed orders. An act of a court or tribunal can only be considered as with grave abuse of discretion when such act is done in a "capricious or whimsical exercise of judgment as is equivalent to lack of jurisdiction." The abuse of discretion must be so patent and gross as to amount to an "evasion of a positive duty or to a virtual refusal to perform a duty enjoined by law, or to act at all in contemplation of law, as where the power is exercised in an arbitrary and despotic manner by reason of passion and hostility." Furthermore, the use of a petition for certiorari is restricted only to "truly extraordinary cases wherein the act of the lower court or quasi-judicial body is wholly void.[15]" Petitioners failed to show that the court a quo exercised its judgment capriciously, whimsically, arbitrarily or despotically by reason of passion and hostility.

Anent the prayer for the issuance of writ of prohibition, this has no basis. Petitioners asked this relief to restrain the court a quo from further proceedings in Civil Case No. 9401. A writ of prohibition is issued to afford the aggrieved party a relief against the respondent's usurpation or grave abuse of jurisdiction or power[16]. The court a quo already declared in the assailed order dated July 10, 2013, that it can no longer review or re-examine, much less vacate, the November 3, 2004 Decision. Therefore, there is nothing for this Court to prohibit.

WHEREFORE, the petition is DENIED DUE COURSE and DISMISSED.

SO ORDERED.

Carandang, R. D., Chairperson and Reyes-Carpio, A., JJ., concur.

[1] pp. 66-68, rollo.

[2] p. 77, rollo.

[3] p. 30, rollo.

[4] Annex “J”, p. 66, rollo.

[5] pp. 57-61, rollo.

[6] Annex “J”, pp. 66-68, rollo.

[7] pp. 11-12, rollo

[8] p. 16, rollo.

[9] Annex “A”, pp. 20-22, rollo.

[10] Bank of Commerce v. Sps. San Pablo Jr., G.R. No. 167848, April 27, 2007.

[11] Domingo Celendro vs. Court of Appeals, et al., G.R. No. 131099, July 20, 1999.

[12] Supra at note 10.

[13] Supra at note 10, citing Soliven v. Fastforms Philippines, Inc., G.R. No. 139031, 18 October 2004, 440 SCRA 389, 395.

[14] Durisol Philippines, Inc. vs. Court of Appeals, et al., G.R. No. 121106, February 20, 2002.

[15] Rio vs. Colegio de Sta Rosa-Makati, G.R. No. 189629, August 4, 2014.

[16] Kalipunan ng Damayang Mahihirap, Inc. vs. Robredo, G.R. No. 200903, July 22, 2014.

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