

**BENJAMIN GARCIA, ANATALIA GARCIA, FABIAN GARCIA AND  
VICENTE GARCIA, PETITIONERS, VS. HON. ELOY B. BELLO, JUDGE  
OF THE COURT OF FIRST INSTANCE OF PANGASINAN AND PEDRO DE  
GUZMAN, ...**

*G.R. No. L-21355. April 30, 1965*

Ponente: CONCEPCION, J.

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**CONCEPCION, J.:**

In their petition for certiorari and prohibition, Benjamin, Anatalia, Fabian and Vicente all surnamed Garcia, pray that respondent Hon. Eloy B. Bello, be ordered, as Judge of First Instance of Pangasinan, to desist from further proceeding in Land Registration Case No. 765, G.L.R.O. Record No. 18485, of said Court.

The record shows that, on October 18, 1918, respondent Pedro de Guzman instituted said proceeding for the registration, in his name, of a tract of land situated in the municipality of San Carlos, province of Pangasinan; that, on January 30, 1923, judgment was rendered in said proceeding as prayed for by De Guzman; that on July 18, 1923, Original Certificate of Title No. 25381 was, accordingly, issued in his favor; that on March 24, 1959, herein petitioners instituted Civil Case No. 13847-II of said court, against De Guzman, for the reconveyance of the aforementioned land in favor of herein petitioners; that on April 4, 1959, De Guzman moved to dismiss said case No. 13847-II upon the ground that the same is barred by the judgment rendered in Land Registration Case No. 765, that petitioners have no cause of action and that the alleged light of said petitioners and their action based thereon are barred by the statute of limitations; that on April 27, 1959, said motion to dismiss was granted; that, on appeal taken by herein petitioners, the case was docketed in the Supreme Court as G. R. No. L-15988; that on September 1, 1959, respondent Judge had authorized, in said land registration case, the issuance of a writ of possession in favor of De Guzman; that this writ of possession was not, however, executed, owing to the pendency of said appeal in the Supreme Court; that the latter rendered, on August 30, 1962, a decision affirming the order of dismissal appealed from; that soon thereafter, or on December 29, 1962, respondent De Guzman reiterated in the aforementioned land registration case, his motion for issuance of a writ of possession in his favor; that on January 2, 1963, petitioners herein objected to said motion of De Guzman, which was granted by

respondent judge on February 2, 1963; and that, accordingly, on June 4, 1963, petitioners herein instituted the present original action for certiorari and prohibition to restrain respondent Judge from enforcing said writ of execution and further proceeding in said case, upon the ground that the decision rendered in the land registration case is not binding upon them because they were not parties therein and because they had taken possession of the land in question after the rendition of said decision.

The petition herein is patently devoid of merit. To begin with, a land registration case is a proceeding in rem, and, accordingly, the decision therein rendered is binding upon the whole world (*Soroñgon vs. Makalintal et al.* 80 Phil. 259). Secondly, in civil case No. 13847-II of the Court of First Instance of Pangasinan, petitioners herein sought to compel De Guzman to reconvey the land in question upon the theory that the decree of registration

thereof in his name was based upon a deed of donation dated June 1, 1918 which had been fraudulently secured by De Guzman from Juan Garcia, the father of petitioners herein, who, allegedly, were in possession of said land, at that time, and remained continuously in possession thereof. Apart from the fact that petitioners' complaint in said case indicated that petitioners were in possession of said land prior to and at the time of the institution of the land registration proceedings—thus refuting their allegation in the present case to the effect that the decision in the land registration case does not bind them because their possession is subsequent to said decision—the trial court, whose decision was affirmed by this Court, held that the alleged fraud in the execution of the aforementioned deed of donation had been disapproved by the fact that, although petitioners' father Juan Garcia, did not die until 1950, or thirty-two (32) years after the execution of said deed, he neither sought to annul the same nor opposed De Guzman's petition for the registration of the land in question in his name. Lastly, it was held in said case No.13847-11 of the lower court and G.R. No. L-15988 of this Court that the decree of land registration in favor of De Guzman bars the claim of petitioners herein.

WHEREFORE, the petition herein is, accordingly, dismissed, with costs against the petitioners.

**SO ORDERED.**

Bengzon, C.J., Bautista Angelo, Reyes, J.B.L., Barrera, Paredes, Dizon, Regala, Makalintal and Bengzon, J.P., JJ., concur.

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