

**TUMIPUS MANGAYAO AND GUIMANDA BUBUNGAN, PETITIONERS,
VS. HONORABLE DOROTEO DE GUZMAN, SANTAY LASUD, AND
GUINTANA CIA LASUD, RESPONDENTS.***G.R. NO. L-24787. February 22, 1974*

Ponente: FERNANDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/18e1746cdd1a/>**FERNANDO, J.:**

A simple and bare recital of the undisputed facts reveals unmistakably the jurisdictional infirmity of the challenged actuation of respondent Judge of the Court of First Instance of Zamboanga del Sur.[1] Petitioners after obtaining a judgment in their favor in a previous case in a lower court and having such decision affirmed on appeal by this Court were sued in the sala of respondent Judge on the very same matter thus conclusively disposed of. What is worse, respondent Judge would restrain the execution of a judgment of this Court no less already final and executory. Petitioners had no recourse but to institute this certiorari proceeding. They were right in doing so. Their plea must be granted.

Petitioners are non-Christian Filipinos of the Subano tribe. They filed on March 21, 1960 an action for the recovery of property and declaration of nullity of contract against respondents Santay Lasud and Guintana Cia Lasud in the Court of First Instance of Zamboanga del Sur, docketed as Civil Case No. 575. They obtained a decision in their favor, affirmed on appeal by this Court on May 29, 1964.[2] The decision became final and executory on October 5, 1964. Then on April 1, 1965, petitioners were by virtue thereof placed in possession of the property in question, private respondents being reimbursed likewise in accordance therewith, in the sum of five thousand pesos. There was in the meanwhile an action by private respondents for the annulment of such judgment, notwithstanding its having been affirmed by this Court and becoming final and executory. Respondent Judge surprisingly issued an order restraining petitioners Tumipus Mangayao, and Guimanda Bubungan to desist from executing or causing the execution of the decision in Civil Case No. 575.[3]

It is already apparent why on such a showing this Court immediately issued a resolution requiring respondents to answer and granting the writ of preliminary injunction prayed for. The answers were duly forthcoming, both from respondent Judge and private respondents. As was to be expected, no valid issue could be raised as to the legal question involved on the above facts. The situation presented is that of a judgment final and executory, from this Court no less, being sought to be thwarted by private respondents. What was indeed surprising was the receptivity of respondent Judge to such an unwarranted move. To give a semblance of deceptive plausibility, private respondents could only surmise in their answer that the case before respondent Judge "was very much open for presentation of proof with respect to the other issues, among which were the question of indefeasibility of title, unenforceability of contract under the Statute of Frauds; the issue of whether the transaction was a sale or mortgage; prescription of action; intervention of the rights of an innocent purchaser for value, * * *".[4]

It is much too clear then, that there is a fatal flaw in this-attempt, without the least color of support in law, to reopen a matter conclusively and finally determined by this Tribunal itself. To repeat, we find for petitioners

1. The well-settled doctrine of the law of the case ought to have cautioned respondent Judge against the step he took. The latest case in point as of the time the order complained of was issued is *Kabigting vs. Acting Director of Prisons*,^[5] a 1962 decision. As emphasized by the ponente, the then Justice now Chief Justice, Makalintal: "It need not be stated that the Supreme Court, being the court of last resort, is the final arbiter of all legal questions properly brought before it and that its decision in any given case constitutes the law of that particular case. Once its judgment becomes final it is binding on all inferior courts, and hence beyond their power and authority to alter or modify. If petitioner had any ground to believe that the decision of this Court in Special Proceeding No. 12276 should further be reviewed his remedy was to ask for a reconsideration thereof. In fact he did file two motions for that purpose, both of which were denied. A new-petition before an inferior court on the same grounds was unjustified. As much, indeed, was clearly indicated by this Court in its resolution of April 3, 1959, hereinabove reproduced in its entirety. The import of the resolution is too plain to be misunderstood."^[6] So it has been from 1919, when in *Compagnie Franco-Indochinoise vs. Deutsche-Australische Dampschiffs Gesellschaft*,^[7] this Court, through Justice Street, categorically declared that a decision that has become the law of the case "is not subject to review or reversal in any court."^[8] What is more, in 1967, there is a reaffirmation of the doctrine by this Tribunal in *People vs. Olarte*,^[9] where it was stressed by Justice J.B.L. Reyes that a ruling constituting the law of the case, "even if erroneous, * * * may no longer be disturbed or modified since it has become final * * *."^[10] Then, in *Sanchez vs. Court of Industrial Relations*,^[11] promulgated in 1969, there is the pronouncement that the law of the case "does not apply solely to what is embodied in [this Court's] decision but likewise to its implementation carried out in fealty to what has been * * * decreed."^[12] What was done by respondent Judge appears to be both clearly inexplicable and unjustifiable.

2. There is another aspect that militates as strongly against the actuation of respondent Judge. Had he taken the trouble of carefully going over our 1964 decision in *Mangayao vs. Lasud*,^[13] which is the law of this case, it could not have escaped his attention that Justice J.B.L. Reyes, as ponente, after noting the plain and explicit provisions in the Administrative Code^[14] and the Public Land Act^[15] requiring the approval of the authorities concerned to deeds of sale by illiterate non-Christians, as petitioners in this case, continued in this wise: "The plain text of both laws clearly imports that non-approved conveyances and encumbrances of realty by illiterate non-Christians (which appellees are admitted to be) are not valid, i.e., not binding or obligatory; they are ab initio void, as correctly held by the appealed decision. The approval of the executive authority is not in the nature of a ratification of a defective conveyance; such approval is an essential requisite for its validity, and without it the proposed contract is absolutely void or inexistent. To hold the contract as merely voidable, i.e., as operative and binding if not disapproved, would not only do violence to the text of the statutes that requires executive approval, and not disapproval, but would nullify the obvious intent of the statute to guard the patrimony of illiterate non-Christians from those who are inclined to prey upon their ignorance or ductility (*Porkan vs. Yatco*, 70 Phil. 161; *Porkan vs. Navarro*, 73 Phil. 698; *Madale vs. Sa Raya*, 49 Off. Gaz. 536), since it is not to be expected that the illiterate non-Christian who signs away his real property for lack of instructions and discrimination, would thereafter be sharp enough to ask the executive authority to refuse approval of his contract; nor would the literate-buyer be at all likely to do so. The net result of appellants' 'voidable conveyance' theory, therefore, would be that the illiterate non-Christian could be stripped of his immovable just as if the protective statutes heretofore quoted had not been enacted at all."^[16] Respondent Judge thus did manifest a failure to abide not only by a final decision of this Court, but by the clear policy of the law given expression in such vigorous and forthright language by Justice J.B.L. Reyes. When it is further considered that the unrest in that region of the Philippines is partly attributed to the exploitation of the poor and the oppressed perpetrated by those with means, irrespective of the faith that they profess, it becomes even more manifest why respondent Judge must be taken to task. The trend in our fundamental law set forth in general language in the 1935 Constitution by the adoption of the social justice principle,^[17] made more explicit in the present Constitution^[18] is, to repeat an aphorism of the late President

Magsaysay, that "he who has less in life should have more in law." Independently then of the applicability of the law of the case doctrine, this petition is meritorious.

WHEREFORE, the writ of certiorari is granted and the order of the lower court of April 29, 1965 for the issuance of a preliminary injunction is nullified and set aside. Respondent Judge, or whoever is acting in his place, is directed to dismiss Civil Case No. 798 of the Court of First Instance of Zamboanga del Sur entitled, "Santay Lasud and Guintana Cia Lasud vs. Mangayao, Bubungan, The Development Bank of the Philippines and the Province of Zamboanga del Sur" for annulment of judgment with preliminary injunction filed by private respondents Santay Lasud and Guintana Cia Lasud. The writ of preliminary injunction issued by this Court by virtue of its resolution of September 10, 1965 is made permanent. With costs against respondents.

Zaldivar, (Chairman), Barredo, Antonio, Fernandez, and Aquino, JJ., concur.

[1] The private respondents are Santay Lasud and Guintana Cia Lasud.

[2] Mangayao vs. Lasud, L-19252, May 29, 1964, 11 SCRA 158.

[3] Petition, pars. 2-9.

[4] Answer of Private Respondents, 1.

[5] L-15548, October 30, 1962, 6 SCRA 281.

[6] Ibid, 286.

[7] 39 Phil. 474.

[8] Ibid, 478. Cf. Gutierrez Hermanos vs. de la Riva, 46 Phil. 827 (1923); Posas vs. Toledo Transportation Co., 58 Phil. 390 (1933); Barretto vs. Tuason, 59 Phil. 845 (1934); Bachrach Motor Co., Inc. vs. Esteva & Teal Motor Co., Inc., 67 Phil. 16 (1938); Bardwill Bros. vs. Phil. Labor Union, 70 Phil. 672 (1940); Fernando vs. Crisostomo, 90 Phil. 585 (1951); Padilla vs. Paterno, 93 Phil. 884 (1953); People vs. Pinuila, 103 Phil. 992 (1958).

[9] L-22465, February 28, 1967, 19 SCRA 494.

[10] Ibid, 498.

[11] L-26932, March 28, 1969, 27 SCRA 490.

[12] Ibid, 500. Cf. Masa vs. Baes, L-29784, May 21, 1969, 28 SCRA 263; Neria vs. Vivo, L-26611, Sept. 30, 1969, 29 SCRA 701; Dy Pac Pakiao Workers Union vs. Dy Pac and Co., L-27377, March 31, 1971, 38 SCRA 263; Palad vs. Governor of Quezon Province, L-24302, August 18, 1972, 46 SCRA 354; Rodriguez vs. Director of Prisons, L-35386, September 28, 1972, 47 SCRA 153.

[13] L-19252, May 29, 1964, 11 SCRA 158.

[14] Act No. 2711, Secs. 145 and 146.

[15] Com. Act No. 141, Sec. 120.

[16] Mangayao vs. Lasud, L-19252, May 29, 1964, 11 SCRA 158, 162-163.

[17] According to Article II, Section 5 of the 1935 Constitution: "The promotion of social justice to insure the well-being and economic security of all the people should be the concern of the State."

[18] According to Article II, Section 6 of the Revised Constitution: "The State shall promote social justice to

ensure the dignity, welfare, and security of all the people. Towards this end, the State shall regulate the acquisition, ownership, use, enjoyment, and disposition of private property, and equitably diffuse property ownership and profits."

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.