

CECILIA BOCAYA CENTENO, VICTORIA BOCAYA JOCSON, HEIRS OF CRISPIN BO, NAMELY: URSULA BO, CESAR BO, ORO BO, BRENDA BO, EDNA BO, CRISPIN BO, JR. II, CRISTIAN BO AND CRISPIN BO, JR....

Ponente: GARCIA-FERNANDEZ, J.

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GARCIA-FERNANDEZ, J.:

This is an appeal by defendants-appellants Domingo Buban and Felicidad Alcantara from the Order[1] dated January 4, 2011 of the Regional Trial Court of Tabaco City, Albay, Branch 15 (RTC), which granted plaintiffs-appellees' Motion for Issuance of an Order Correcting the Area Appearing in OCT No. R-O-5031 (325-19) for Lot No 1656, Tabaco Cadastre[2]. The RTC also ordered the Regional Technical Director of the Land Management Services, DENR, Region 5, Legaspi City to approve the subdivision plan (Psd-05-042780) pending with said office and to correct the actual area of Lot No. 1656 of the Tabaco Cadastre from 30,818 square meters to 31,583 square meters.

The facts of the case as culled from the records are as follows:

Plaintiffs-appellees filed a Motion for Issuance of an Order Correcting the Area Appearing in OCT No. RO-5031 (325-19) for Lot No. 1656, Tabaco Cadastre.[3] The motion sought to correct the actual area in said cadastre based on the lot data computation approved by the Bureau of Lands (now Land Management Services).[4] On May 26, 2010, plaintiffs-appellees presented Engr. Marycil Dating of the Technical Services Section, Regional Survey Division, DENR, Legaspi City to support their motion.[5]

On June 9, 2010, defendants-appellants filed a Motion To Nullify And Expunge From the Records the Proceedings Had on May 26, 2010[6], which was denied by the court.

On January 4, 2011, the RTC issued an Order[7], which reads as follows:

"Accordingly, viewed from the foregoing disquisition, this court hereby orders the Regional Technical Director of the Land Management Services, DENR Region 5, Legazpi City to approve the subdivision plan (Psd-05-042780) pending in said office and to correct the actual area of Lot No. 1656 of the Tabaco Cadastre from 30,818 square meters to 31,583 square meters.

SO ORDERED."

Hence, this appeal.

Defendants-appellants alleged that:

"THE LOWER COURT GRAVELY ERRED IN APPROVING PLAINTIFFS-APPELLANTS' MOTION FOR ISSUANCE OF AN ORDER CORRECTING THE AREA APPEARING IN OCT NO. RO-5031 (32519), LOT NO. 1656, TABACO CADASTRE THAT IT MUST BE BASED ON THE LOT DATA COMPUTATION OF THE SAID CADASTRE APPROVED BY THE BUREAU OF LANDS (NOW LAND MANAGEMENT SERVICES) AND DENYING DEFENDANTS' MOTION TO NULLIFY AND EXPUNGE FROM THE RECORDS THE PROCEEDINGS HAD ON MAY 26, 2010."[8]

Defendants-appellants contend that the RTC gravely erred in approving plaintiffs-appellees' motion for issuance of an order correcting the area appearing in the subject title and in denying defendants-appellants' motion to nullify the proceedings had on May 26, 2010; that the RTC should have recommended the filing of an independent civil action for the correction of the title because a certificate of title cannot be altered, modified, or cancelled except in a direct proceeding in accordance with law; and that plaintiffs-appellees' acts are mere afterthought because it took them more than forty (40) years to cause the correction of the area declared in the subject title.

The appeal is meritorious.

It is never a small matter to maintain that litigation must end and terminate sometime and somewhere, even at the risk of occasional errors. A judgment that has acquired finality becomes immutable and unalterable, and may no longer be modified in any respect even if the modification is meant to correct erroneous conclusions of fact or law and whether it will be made by the court that rendered it or by the highest court of the land. The reason for the rule is that if, on the application of one party, the court could change its judgment to the prejudice of the other, it could thereafter, on application of the latter, again change the judgment and continue this practice indefinitely. The equity of a particular case must yield to the overmastering need of certainty and unalterability of judicial pronouncements.[9]

In *Navarro vs. Metropolitan Bank and Trust Company*[10], the Supreme Court discussed the rule on immutability of judgment and said:

No other procedural law principle is indeed more settled than that once a judgment becomes final, it is no longer subject to change, revision, amendment or reversal, except only for correction of clerical errors, or the making of nunc pro tunc entries which cause no prejudice to any party, or where the judgment itself is void. The underlying reason for the rule is two-fold: (1) to avoid delay in the administration of justice and thus make orderly the discharge of judicial business, and (2) to put judicial controversies to an end, at the risk of occasional errors, inasmuch as controversies cannot be allowed to drag on indefinitely and the rights and obligations of every litigant must not hang in suspense for an indefinite period of time. As the High Court declared in *Yau vs. Silverio*[11],

Litigation must end and terminate sometime and somewhere, and it is essential to an effective and efficient 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. Courts must therefore guard against any scheme calculated to bring about that result. Constituted as they are to put an end to controversies, courts should frown upon any attempt to prolong them.

Indeed, just as a losing party has the right to file an appeal within the prescribed period, the winning party also has the correlative right to enjoy the finality of the resolution of his case by the execution and satisfaction of the judgment. Any attempt to thwart this rigid rule and deny the prevailing litigant his right to savor the fruit of his victory must immediately be struck down. Thus, in *Heirs of Wenceslao Samper vs. Reciproco-Noble*[12], the Supreme Court had occasion to emphasize the significance of this rule, to wit:

It is an important fundamental principle in our Judicial system that every litigation must come to an end x x x Access to the courts is guaranteed. But there must be a limit thereto. Once a litigant's rights have been adjudicated in a valid final judgment of a competent court, he should not be granted an unbridled license to come back for another try. The prevailing party should not be harassed by subsequent suits. For, if endless litigations were to be encouraged, then unscrupulous litigants will multiply in number to the detriment of the administration of justice.[13]

Exceptions to the immutability of final judgment are allowed only under the most extraordinary of

circumstances.[14] The instant case cannot be considered an exception. The decision of the trial court in Civil Case No. T-264 has become final and executory. Thus, upon its finality, the trial court lost its jurisdiction over the case except to execute the final judgment. Any amendment or alteration made which substantially affects the final and executory judgment is null and void for lack of jurisdiction, including the entire proceedings held for that purpose.[15] Consequently, any modification that the court would make in this case, such as, to order to the Regional Technical Director of the Land Management Services, DENR, Region 5, Legaspi City to approve the subdivision plan (Psd-05-042780) pending in said office and correction of the actual area of Lot No. 1656 of the Tabaco Cadastre from 30,818 square meters to 31,583 square meters, would be in excess of the authority of the court. The remedy of plaintiffs-appellees is to file an independent suit for the correction of title in order to prove their claim that the correct area of the subject land is 31,583 square meters. Further, Section 48 of Presidential Decree No. 1529[16] provides that a certificate of title shall not be subject to collateral attack. It cannot be altered, modified, or canceled except in a direct proceeding in accordance with law.

WHEREFORE, the appeal is GRANTED. The order dated January 4, 2011 of the Regional Trial Court of Tabaco City, Albay, Branch 15 is REVERSED and SET ASIDE.

SO ORDERED.

Lampas Peralta, (Chairperson), and Acosta, JJ., concur.

[1] Rollo, pp. 25-31.

[2] Records, pp. 315-317.

[3] Records, pp. 315-317.

[4] Ibid.

[5] Records, p. 339.

[6] Records, p. 340.

[7] Rollo, pp. 25-31.

[8] Rollo, p. 21.

[9] Apo Fruits Corporation and Hijo Plantation, Inc. vs. The Hon. Court of Appeals and Land Bank of the Philippines, G.R. No. 164195, December 4, 2009.

[10] G.R. Nos. 165697 and 166481, August 4, 2009.

[11] G.R. No. 158848, February 4, 2008.

[12] .G.R. No. 142594, June 26, 2007.

[13] G.R. Nos. 165697 and 166481, August 4, 2009.

[14] Tobias Selga and Ceferina Garancho Selga vs. Sony Entierro Brar, represented by her Attorney-in-Fact Marina T. Entierro, G.R. No. 175151, September 21, 2011.

[15] Marcopper Mining Corporation vs. Liwanag Paras Briones and National Labor Relations Commission, G.R. No. 77210 September 19, 1988.

[16] Amending And Codifying The Laws Relative To Registration Of Property And For Other Purposes.

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