

IGNACIO SANTIAGO, PLAINTIFF AND APPELLANT VS. EULOGIA NIZA, FRANCISCA TABLADA AND ERIBERTO UNSON, THE LATTER IN HIS CAPACITY AS CITY AND PROVINCIAL SHERIFF OF DAVAO, DEFENDANTS ...

G. R. No. L-17322. June 30, 1962

Ponente: PAREDES, J.

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PAREDES, J.:

This is a case certified to Us by the Court of Appeals on the ground that the appeal involves purely legal questions.

The antecedent facts may be summarized as follows—

Sometime in 1949, the defendants-appellees Eulogio Ceniza and Francisca Tablada instituted two civil actions against plaintiff-appellant Ignacio Santiago, one for unlawful detainer and collection of rentals and another for collection of rentals only (Civil Cases No. 245 and 428, respectively, CFI Davao). After a joint trial, the lower court, in February, 1951, handed down a decision, the dispositive portion of which reads—

"Wherefore, judgment is hereby rendered dismissing the complaint and declaring the two story house as belonging in common between plaintiffs and defendant, the former occupying the second floor and the latter the first or ground floor; ordering the defendant to pay P25.00 in the concept of monthly rental for the land where the two story house in question is constructed from September 1, 1946 to April 30, 1948, and from May, 1948 henceforth to pay the plaintiffs P50.00 as monthly land rentals for his share for land rental in the two story house and for the camarin which the defendant has constructed on the land in question; ordering the defendant to pay the plaintiffs the sum of P100.00 as rentals due on the small house (House N. II) and ordering the plaintiffs to pay the costs."

On July 30, 1955, the Court of Appeals (CA-G.R. Nos. 8102 and 8103-R), affirmed the above judgment, stating—

"* * * Wherefore, the errors committed by the court below having been found to be harmless, and considering that the conclusion of the court a quo is correct, the decision appealed from is affirmed, with costs."

The said judgment having become final and executory, was returned to the Court of origin for execution.

Alleging that the affirmed decision, in so far as it required him (Ignacio Santiago) to pay to Eulogio Ceniza a "certain amount in the concept of monthly rental for the land" is contrary to law, "particularly the provisions of the Public Land Act", Santiago on January 8, 1959, filed the present action for annulment of judgment with injunction, with the Davao GFI, directed against Ceniza and the Sheriff of Davao. The Sheriff was joined as defendant, for the purpose of enjoining him from executing the decision in Civil Cases Nos. 245 and 428 (CA-G. R. Nos. 8102 and 8103-R).

On January 28, 1957, the lower court, upon motion presented by defendants, dismissed the action for annulment declaring—

"The present complaint seeks to annul a final and executory judgment on matters which this Court had jurisdiction to try. The decision might be erroneous, but this point does not justify for the annulment of a final decision, because, under such circumstances, the remedy of the injured party should have been to appeal and not to annul the decision. The Court of First Instance and the Court of Appeals having jurisdiction over the case, their decision could not be annulled now. Consequently, no writ of preliminary injunction could be issued against the defendants.

IN VIEW OF THE FOREGOING, the complaint filed by Ignacio Santiago on January 8, 1957, is hereby dismissed without special pronouncement as to costs."

In his appeal from the above judgment, Santiago assigns four (4) errors, supposedly committed by the lower court, all of which revolve on the propriety of the Order of Dismissal. Principally, appellant anchors his case on the argument that the instant proceeding is not for a correction of the decision but an annulment thereof, which is sanctioned by both law and jurisprudence, citing *Reyes vs. Barreto*, 94 Phil., 446; in support thereof. There is no question that a final judgment may be annulled. There are, however, certain requisites which must be established before a judgment can be the subject of an action for annulment. "Under the present procedure, aside from the reliefs provided in these two sections (Secs. 1 & 2, Rule 38), there is no other means whereby the defeated party may procure final and executory judgment to be set aside with a view to the renewal of the litigation, unless (a) the judgment is void for want of jurisdiction or for lack of due process of law, or (b) it has been obtained by fraud." (I Moran's Rules of Court 1950 Ed. p. 697, citing *Anuran vs. Aquino*, 38 Phil., 29; *Banco Espanol-Filipino vs. Palanca*, 37 Phil. 921). Reason of public policy which favors the stability of judicial decisions are mute in the presence of fraud which the law abhors (*Garchitorena vs. Sotelo*, 74 Phil., 25). There is no allegation in the present complaint to the effect that judgment in the former cases was secured thru fraud. The only statement impugning the decision is that the same is contrary to law, particularly the Public Land Act, because the plaintiff-appellant was required to pay to the herein defendants-appellees certain monthly rentals for the land. This particular aspect of the cases was, however, passed upon definitively by the trial court and the Court of Appeals. Annulment of said judgment is not, therefore, justified, under the circumstances obtaining and on the ground alleged in the present complaint. Plaintiff should not be allowed to drag the matters which have already been set at rest by the final and executory decision in Civil cases Nos. 245 and 428 (CA-G.R. Nos. 8102-8103-R).

Conformably with all the foregoing, the order appealed from is hereby affirmed, with costs against plaintiff-appellant Ignacio Santiago.

Bengzon, C. J., Bautista Angelo, Labrador, Concepcion, Barrera, Dizon, Regala, and Makalintal, JJ., concur.

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