

Varsity Hills, Inc., et al., Petitioners, vs. Hon. Herminio C. Mariano, Judge of the Court of First Instance of Rizal, Elpidio Tiburcio, Marcelino Tiburcio, Jose Salvador, Simpl...*G.R. No. L-30546. June 30, 1988*

Ponente: YAP, C.J.

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This is an original petition for certiorari and prohibition with preliminary injunction stemming from two orders of respondent judge, the first dated November 28, 1968 and the second dated February 20, 1969 in Civil Case No. 5572 involving private respondents as plaintiffs and the petitioners (Varsity Hills, Inc. and the Tuasons) as two of the four sets of defendants (the other two being the University of the Philippines and the People's Homesite and Housing Corporation).

This is the second time that Civil Case No. 5572 is before us. The first was in G.R. No. L-24114, entitled "People's Homesite and Housing Corporation, et al. vs. Mencias, et al." [1] also an original petition for certiorari and prohibition, which involved the annulment of various orders of respondent judge in Civil Case No. 5572 which, among others, denied or held in abeyance the resolution of the petitioners' motion to dismiss said case. [2]

In Civil Case No. 5572, the plaintiffs (private respondents herein) asked for the annulment of Original Certificate of Title Nos. 730 and 735 in the names of the Tuasons, and of Transfer Certificate of Title Nos. 16263, 9462 and 1356 in the names of Varsity Hills, Inc., the University of the Philippines and the People's Homesite and Housing Corporation, respectively, on the ground that these titles are fictitious and were issued in violation of Act. No. 496.

The PHHC, on October 2, 1959, filed a motion to dismiss the complaint on the grounds that (1) the cause of action is barred by prior judgment; (2) there is another action pending between the same parties and/or parties representing the same interests, for the same cause of action; (3) the cause of action has prescribed and/or is barred by laches; (4) the amended complaint does not state a sufficient cause of action; (5) there is a misjoinder of defendants; and (6) the court has no jurisdiction to try the cases. The U.P. also filed a motion to dismiss, based substantially on grounds (1) to (6) aforesaid, and on the additional ground (7) that venue is improperly laid. The Tuasons and the Varsity Hills, Inc. also, on November 2, 1959, filed motions to the same effect, based on grounds (1), (3), (4), (6) and (7) aforesaid. The respondent judge then, Hon. Eulogio Mencias, in an order issued on June 1, 1961, denied all motions to dismiss with respect to venue and jurisdiction, and held in abeyance the resolution of the other grounds. This order, along with other orders issued by respondent Judge Mencias in Civil Case No. 2572, was challenged before this Court, as heretofore stated, in a petition for certiorari and prohibition (G.R. No. L-24114).

Subsequent to the filing of said motions to dismiss in Civil Case No. 2572, the decision of this Court in G.R. No. L-13479 entitled "Marcelino Tiburcio, et al. vs. People's Homesite and Housing Corporation, et al." supra, was

promulgated on October 31, 1959. Said decision involved the same parcel of land subject matter of Civil Case No. 5572, the same party or parties representing the same interest and the same cause of action. In G.R. No. L-13479, the Court held:

"It appears, however, that the land in question has been placed under the operation of the Torrens system since 1914 when it has been originally registered in the name of defendant's predecessor-in-interest. It further appears that sometime in 1955 defendant People's Homesite and Housing Corporation acquired from the original owner a parcel of land embracing practically all of plaintiffs' property for which Transfer Certificate of Title No. 1356 was issued in its favor, while defendant University of the Philippines likewise acquired from the same owner another portion of land which embraces the remainder of the property for which Transfer Certificate of Title No. 9462 was issued in its favor. It is, therefore, clear that the land in question has been registered in the name of defendant's predecessor-in-interest since 1914 under the Torrens system and that notwithstanding what they now claim that the original title lacked the essential requirements prescribed by law for their validity, they have never taken any step to nullify said title until 1957 when they instituted the present action. In other words, they allowed a period of 43 years before they woke up to invoke what they now claim to be erroneous when the court decreed in 1914 the registration of the land in the name of defendants' predecessor-in-interest. Evidently, this cannot be done for under our law and jurisprudence, a decree of registration can only be set aside within one year after entry on the ground of fraud provided no innocent purchaser for value has acquired the property (Section 38, Act No. 496; *Apurado v. Apurado*, 26 Phil. 581; *Salmon v. Bacando*, 40 Off. Gaz., 13[th] supp. 1607; *Rivera v. Moran*, 48 Phil. 836).

The Court, in said decision, upheld the order of the Court of First Instance of Rizal (Quezon City) dismissing the complaint filed by Marcelino Tiburcio, et al. against the People's Homesite and Housing Corporation, et al.

The orders of the Court of First Instance of Rizal in Civil Case No. 5572, as mentioned above, wherein the court a quo refused to dismiss the complaint, were challenged by the PHHC and the U.P. in G.R. No. L-24114. It was in said case where this Court again held:

"This is not the first time that the validity of Transfer Certificates of Title 9462 and 1356 in the names of the U.P. and the PHHC has been judicially challenged, nor is this the first time that the Tiburcios have come forward to make such a challenge. For, as a matter of fact, the validity, efficacy and indefeasibility of these two TCTs have in no uncertain terms, been twice before affirmed by this Court.

In *Tiburcio, et al. vs. PHHC and U.P.*, 106 Phil. 477, involving the same party or parties representing the same interests, the same subject matter, and the same cause of action, this Court held that since the land involved herein has been registered in the name of the predecessor-in-interest of the U.P. and the PHHC since 1914 under the Torrens system, the claim of the Tiburcios that the original titles lacked the essential requirements prescribed by law for their validity cannot now be countenanced for, by law, a decree of registration can only be set aside within one year after the entry on the ground of fraud, provided that no innocent purchaser for value has acquired the property; that upon the expiration of the period of one year within which a review of the decree may be had, the decree as well as the title issued pursuant thereto become incontrovertible; and that the action of the Tiburcios is barred by laches . . .

x x x x x x x x

More than four years later, in *Maximo Galvez and Elpidio Tiburcio vs. Mariano Severo Tuason y de la Paz, et al.*, U.P. and PHHC, L-15644, February 29, 1964, involving one of the parties herein (Elpidio Tiburcio), the same subject-matter, and the same cause of action, this Court emphatically declared that the question of ownership of the lands covered by TCTs 9462 and 11356 is a matter 'settled definitely and conclusively by the courts, and must be deemed well beyond the reach of renew.'

x x x x x x x x

Our rulings in the two previous cases now constitute the law of the case in so far as the Tiburcios and the U.P. and the PHHC are concerned. By 'law of the case' is meant that 'whatever is once irrevocably established as the controlling legal rule or decision between the same parties in the same case continue to be the law of the case' so long as the 'facts on which such decision was predicated continues to be the facts of the case before the court' (21 C.J.S. 330). And once the decision becomes final, it is binding on all inferior courts and hence beyond their power and authority to alter or modify (Kabigting vs. Acting Director of Prisons, G.R. L-15548, October 30, 1962).

In view of all the foregoing, we hold that the respondent court did abuse its discretion in not dismissing the complaint in CC 5572 in so far as the U.P. and the PHHC are concerned, in the face of the obvious conclusion that the cause of action is barred by prior judgment, laches, and prescription. Such abuse was compounded when the respondent judge persisted in maintaining his order of June 1, 1961 by issuing the subsequent orders of July 20, 1965 and September 28, 1965, after he was apprised of the decision of this court in the Galvez case which unmistakably upheld the U.P. and the PHHC as the owners of the land covered by TCTs 9462 and 1356."

It appears that after the promulgation of the abovesited decision in G.R. No. L-24114, the private respondents (plaintiffs below) filed a motion to set Civil Case No. 5572 for hearing stating that "the instant case was only dismissed as against the defendant UP and the defendant PHHC" and "said decision did not preclude plaintiffs from recovering the damages claimed in their complaint in this case and recovery of the portion of their property described in their complaint from the defendant Varsity Hills, Inc."

This motion was opposed by petitioners, contending that:

"3. The order of June 1, 1961, which was ordered annulled and set aside by the Supreme Court in its above-quoted decision, is the order issued by then presiding Judge Eulogio Mencias, denying the separate Motions to Dismiss plaintiffs' reamended complaint, filed by the various defendants including the herein defendant Varsity Hills, Inc. Since the Motion to dismiss filed by the defendant Varsity Hills, Inc. was denied by this court then presided by Judge Eulogio Mencias in the order dated June 1, 1961 and this very same order was ordered annulled and set aside by the Supreme Court in the above-quoted decision, it is clear that plaintiffs' reamended complaint as against defendant Varsity Hills, Inc. was also ordered dismissed. xxx"

After the parties filed their respective memoranda, respondent judge, Hon. Herminio C. Mariano, issued the questioned order of November 28, 1968 setting the case for pre-trial insofar as Varsity Hills, Inc. and the other defendants were concerned, except the UP and the PHHC. Petitioners' motion for reconsideration was denied by the respondent court in its order dated February 20, 1969. Hence, this petition.

On June 23, 1969, this Court issued a writ of preliminary injunction which enjoined respondent judge from proceeding with and acting in Civil Case No. 5572.

As earlier stated, it is the contention of petitioners that the dismissal of Civil Case No. 5572 ordered in G.R. No. L-24114 as against UP and PHHC inured to them because one of the orders annulled therein was the June 1, 1961 order of then Judge Mencias, which denied all the motions to dismiss of the defendants including that of petitioners. In other words, petitioners' claim that in view of the decisions in G.R. No. L-13479, L-15644 and L-24114, supra, Civil Case No. 5572 insofar as it affects them is barred by prior judgment, laches and prescription and should also be dismissed.

On the other hand, respondents contend that the decision in L-241H dismissing the complaint insofar as UP and PHHC are concerned does not apply to petitioners because in that case as in previous cases, L-13479 and L-15644, the petitioners were not parties.

We find respondents' contention untenable. Although not parties to the above cases involving the PHHC and the

U.P., the petitioners are the direct descendants and successors-in-interest of the Tuasons from whom PHHC and the U.P. also derived their rights. In *Manalo v. Mariano*[3] we held that the fact that parties in the civil action are not parties in the land registration case did not preclude application of res judicata as they were the children of the real party-in-interest who was a party litigant in the land registration proceeding. The petitioners herein derive their title from OCT 730. It was the same original certificate of title from which the PHHC and the UP derived their titles.

We held in *Galvez et al. v. Tuason, et al.*, supra, that the question of ownership to the property in litigation is a matter thrice settled definitely and conclusively by the courts, and must be deemed beyond the reach of review. In all their attempts to recover the property in litigation, private respondents did not succeed. They should now be enjoined from litigating the same issues for "parties are not allowed to litigate the same issue more than once." [4] In all the cases in which they were parties, respondents were declared to have been guilty of laches and the court stated that their cause of action had prescribed. In the present case private respondents instituted the action in 1959 while the original Certificate of Title of the Tuasons was issued in 1915. It took respondents more than 40 years to wake up from their deep slumber.

In view of the foregoing, we hold that respondent judge committed grave abuse of discretion in setting Civil Case No. 5572 for pre-trial and not dismissing it as prayed for by petitioners.

ACCORDINGLY, the petition is granted and the orders of respondent court dated November 28, 1968 and February 20, 1969 are annulled and set aside and the writ of preliminary injunction issued per our resolution of June 23, 1969 is made permanent. Costs against private respondents.

SO ORDERED.

Melencio-Herrera, Paras, Padilla, and Sarmiento, JJ., concur.

[1] 127 Phil. 448.

[2] *Elpidio Tiburcio, et al. vs. Mariano Severo Tuason and/or his heirs, et al., Varsity Hills, Inc., The Office of the Register of Deeds of Rizal, University of the Philippines, People's Homesite and Housing Corporation*. The complaint filed on August 29, 1959 was amended several times, the last amendment being made on June 21, 1961.

[3] 69 SCRA 80.

[4] *Arguson v. Miclat*, 135 SCRA 678.

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