

EUGENIA SALAMAT VDA. DE MEDINA, PETITIONER, VS. HONORABLE FERNANDO A. CRUZ, AS PRESIDING JUDGE OF BRANCH XII, COURT OF FIRST INSTANCE OF RIZAL, AND REMEDIOS MAGBANUA, RESPONDENTS.

G.R. No. L-39272. May 04, 1988

Ponente: PARAS, J.

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PARAS, J.:

This is a petition for review on certiorari and injunction with prayer for restraining order, seeking to annul and to set aside the writ of demolition issued by order of the respondent judge of the Court of First Instance of Rizal, Branch XII, Caloocan City, in Civil Case No. C-120 entitled "Benedicta Mangahas, et al. vs. The Philippine Realty Corporation, et al.", dated April 4, 1974, with prayer for a restraining order "enjoining the enforcement of said writ of demolition". The aforementioned order reads:

"Acting on the 'Motion for Demolition/Removal of Improvements', filed by defendant on March 11, 1974, to which plaintiff filed no opposition, the Court finds that the same should be as it is hereby granted, and plaintiff Mangahas is hereby given twenty (20) days from receipt of this order within which to remove the improvements introduced by her on the Lot in question and thereafter surrender possession of the premises to the defendant.

"Should the plaintiff fail to do so, let the corresponding writ of demolition be issued.

"SO ORDERED."

The antecedent facts of the case are as follows:

This case stemmed from Civil Case No. C-120 of the court below. The questioned Lot 6, Grace Park Subdivision in Caloocan City had been brought since the year 1916 under the operation of the Land Registration Act No. 496, covered by Original Certificate of Title No. 868, G.L.R. Record No. 11267 which had been issued pursuant to Decree No. 20302 in the name of predecessor-in-interest of the Philippine Realty Corporation. In 1949 Benedicta Mangahas and Francisco Ramos occupied the said lot and built their houses without the consent of the Philippine Realty Corporation, the then registered owner of the lot. On April 27, 1959, the owner, Philippine Realty Corporation executed a Contract to Sell of said lot in favor of Remedios Magbanua for P19,500.00 on installment. On February 3, 1964, Mangahas and Ramos instituted Civil Case No. C-120 of the court below against the Philippine Realty Corporation and Remedios Magbanua for annulment of the sale and for execution of another in their favor. On July 18, 1969, Civil Case No. C-120 was decided by the court below in favor of defendants Philippine Realty Corporation and Remedios Magbanua, dismissing the complaint and ordering Mangahas and Ramos "to vacate the lot and surrender possession thereof to Remedios Magbanua."

On August 6, 1969, aforesaid decision was appealed by the plaintiffs to the Court of Appeals and docketed as G.R. CA No. 44769, which was later dismissed on March 2, 1973. On March 24, 1973, the case was elevated to

this Court by petition for review on certiorari and was docketed as SC-G.R. No. L-36542. The aforesaid petition was denied on April 26, 1973. Three motions for reconsideration filed by Mangahas and Ramos were all denied by this Court; the last motion for leave to file fourth motion for reconsideration was EXPUNGED from the records of the case by resolution of this Court dated August 2, 1973. Final judgment was entered on May 28, 1973 and on August 22, 1973, the records of the case were remanded to the court below for execution. Thus, on November 9, 1973 after all the installments had been fully paid, the Philippine Realty Corporation executed the Deed of Sale of Lot 6 in favor of Remedios Magbanua and TCT No. 52262 (Caloocan City) was issued in the name of the latter (Memo for Respondent, pp. 5-9; Rollo, pp. 309-313).

On October 16, 1973, petitioner, Eugenia Salamat vda. de Medina purchased from the Heirs of Don Mariano San Pedro y Esteban, the same parcel of land described as Lot 6, Block No. 116, Grace Park Subdivision, Grace Park, Caloocan City. A deed of Absolute Sale was executed in her favor by the Heirs of the Estate of Don Mariano San Pedro y Esteban represented by its Administrator and Attorney-in-fact, Prudencio G. Falcis (Rollo, p. 13).

On November 29, 1973, a petition for a writ of execution was filed in the court below by the defendant Remedios Magbanua (hereinafter referred to as private respondent), and the petition was granted in an Order dated December 14, 1973. The aforesaid writ of execution was issued on December 20, 1973, and was served by the sheriff on the plaintiff Mangahas and Ramos on January 14 and 15, 1979, respectively. The sheriff returned the writ to the court below upon plaintiffs' refusal to vacate the lot and to affix their signatures on the original copy of the writ (Rollo, p. 314).

Meanwhile, on January 21, 1974, petitioner purchased six (6) houses standing on the land subject matter of the aforementioned sale for P7,600.00 from Ricardo de Guzman and Eufrocinia de Guzman. A Deed of Absolute Sale was therefore issued in her behalf (Rollo, p. 15).

But on January 22, 1974, petitioner having received information that the houses purchased were involved in a litigation, docketed as Civil Case No. C-120, and entitled Benedicta Mangahas and Francisco Ramos (Plaintiffs in Civil Case No. C-120) versus the Philippine Realty Corporation and Remedios Magbanua in the Court of First Instance of Rizal, Branch XII, Caloocan City, filed an affidavit and notice of third party claim (Rollo, p. 17).

Impeded by the refusal of Mangahas and Ramos to vacate the lot, Remedios Magbanua filed a motion for demolition and removal of improvements alleging that the questioned lot is a registered property in the name of defendant Remedios Magbanua, under Transfer Certificate of Title No. 52262 (Caloocan City Registry of Deeds) which was derived from Transfer Certificate of Title No. 22104 (of same Registry of Deeds) in the name of the Philippine Realty Corporation and from Original Certificate of Title No. 0-868. At the hearing Mangahas and Ramos moved for and were granted a period of five (5) days to file their opposition. On March 25, 1974, it was Eugenia Salamat vda. de Medina, herein petitioner who filed her opposition attaching thereto: (1) copy of the alleged Deed of Sale of Lot 6 in question; (2) Tax Declaration No. 19114; (3) Tax Declaration No. 19115; and (4) alleged Deed of Assignment of Rights to the houses existing on said lot. Petitioner alleged that she is the present owner of the questioned lot and the six houses sought to be demolished.

On March 30, 1974, private respondent Remedios Magbanua filed an answer to the opposition dated March 25, 1974 (Rollo, p. 150).

On April 5, 1974, the respondent Judge issued an Order granting the writ of demolition (Rollo, p. 24).

On May 9, 1974, petitioner filed a Motion for Reconsideration of the order (Rollo, p. 25) reiterating therein that she is the owner by purchase in good faith and for value of the six (6) houses on Lot 6, Block 116. On the same date, petitioner filed a complaint for recovery of ownership entitled Eugenia Salamat Vda. de Medina vs. The

Philippine Realty Corporation and Remedios Magbanua before the Court of First Instance of Rizal, Branch XXXIII, Caloocan City docketed therein as Civil Case No. 3174 (Rollo, p. 29). The complaint alleged that by virtue of the intestacy of the late Don Mariano San Pedro y Esteban or upon his death in 1903, the abovenamed plaintiffs-heirs succeeded, inherited and became legal owners and the present possessors and actual occupants of his estate embraced in Titulo de Composicion Con El Estado Num 4136, dated April 25, 1894 which has been described as a vast tract of agricultural lands, being a gratuitous composicion title granted to Don Mariano San Pedro y Esteban by the Spanish Government in the Philippines; that sometime in June, 1972, spouses Ricardo de Guzman and Eufrocinia de Guzman acquired by purchase the houses erected on said Lot 6, Block 116 from Benedicta Mangahas and Francisco Ramos, who in turn sold it to the plaintiff Eugenia Salamat Vda. de Medina and that sometime in October 1973, plaintiff's heirs sold to plaintiff Eugenia Salamat vda. de Medina the above-mentioned Lot 6, Block 116, 8th Avenue, Grace Park, Caloocan City, evidenced by the deed of sale executed by the Heirs of the Estate of Don Mariano.

A voluntary execution and/or vacation dated May 17, 1974, was executed by plaintiffs Benedicta Mangahas and Francisco Ramos (Plaintiff in Civil Case No. C-120) in favor of Eugenia Salamat vda. de Medina (Rollo, p. 165).

A manifestation and ex parte motion dated June 3, 1974, was filed by the private respondent (defendant) informing the Court that despite the Order of April 4, 1974 Mangahas and Ramos have not removed their houses and improvements and praying that a writ of demolition be issued, followed by a memorandum dated June 26, 1974 in support of the aforesaid manifestation and ex parte petition (Rollo, p. 170) and an Opposition dated July 16, 1974 to Motion for Reconsideration dated May 9, 1974 (Rollo, p. 170).

On July 17, 1974, an order was issued by respondent Judge, denying the Motion for Reconsideration dated May 9, 1974 for lack of merit (Rollo, p. 184).

On July 29, 1974, respondent Judge issued an order directing the sheriff to demolish the improvements on the lot in question (Rollo, p. 39).

The dispositive portion of the aforementioned Order reads:

“WHEREAS, the plaintiffs are given 10 days from receipt hereof to remove the improvements on the lot in question and should they fail to do so, the sheriff is hereby ordered to demolish the same.

“SO ORDERED.”

Oppositor movant, Eugenia Salamat Vda. de Medina (petitioner herein) filed a Second Motion to quash the writ of execution and order of demolition (dated April 4, 1974 and July 29, 1974), dated August 6, 1974 (Rollo, p. 150). The petitioner alleged that the court did not acquire jurisdiction over the herein petitioner, claiming that she is not a party to the Original Action, and that consequently, she cannot be considered "a person claiming under" the plaintiff Francisco Ramos and Benedicta Mangahas."

On August 12, 1974, a sheriff's return was executed by the Ex-Officio City Sheriff Emma C. Ona, declaring that the order dated July 29, 1974 was duly served, but unsatisfied (Rollo, p. 185). On the same date, respondent Remedios Magbanua filed an Ex-parte motion for the immediate issuance of the writ of demolition (Rollo, p. 40).

Thereafter, on August 28, 1974, the respondent Judge issued an order for the immediate issuance of the writ of demolition (Rollo, p. 43). Accordingly, on August 30, 1974, pursuant to the court order, the Branch Clerk of Court, Branch XII, of the Court of First Instance of Caloocan City issued a writ of demolition (Rollo, p. 44), and on August 31, 1974, a Notice of Demolition was issued, addressed to Benedicta Mangahas and Francisco Ramos and other occupants of the houses Nos. 142 and 144 Maria Clara St., Grace Park, Caloocan City and directing them to vacate the land and remove the improvements or constructions on the premises, voluntarily within seven

(7) days, otherwise they would be demolished (Rollo, pp. 43-45).

Hence, this petition.

On September 16, 1974, this Court issued a temporary restraining order (Rollo, p. 47).

Respondents filed their memorandum on October 21, 1975 (Rollo, p. 255) while petitioner filed her memorandum on November 10, 1975 (Rollo, p. 356).

On December 3, 1975, this Court resolved to consider this case submitted for decision (Rollo, p. 350).

In her memorandum petitioner raised the following issues, to wit:

MAY THE DECISION IN CIVIL CASE NO. C-120 FOR CANCELLATION OF A SALE, NOT FOR EJECTMENT, "DISMISSING THE COMPLAINT AND ORDERING THE PLAINTIFFS OR ANYBODY OCCUPYING THE LOT IN QUESTION IN PLAINTIFFS' BEHALF, TO VACATE THE SAME TO SURRENDER POSSESSION THEREOF TO THE DEFENDANT..." BE ENFORCED AGAINST THE PETITIONER WHO IS NOT A PARTY THEREIN AND WHO:

a)

PURCHASED THE IMPROVEMENTS SIX (6) HOUSES ON THE LOT IN GOOD FAITH, FOR VALUE AND WITHOUT NOTICE, FROM THE PLAINTIFFS.

b)

PURCHASED THE SAID LOT ALSO IN GOOD FAITH FOR VALUE AND WITHOUT NOTICE FROM A THIRD PERSON WHO CLAIMED OWNERSHIP OF THE LOT.

The crucial issue in this case is whether or not the decision in Civil Case No. C-120 which has long become final and executory can be enforced against the petitioner who is not a party to the aforementioned case.

Petitioner alleged in her memorandum that she is not affected by the decision rendered in Civil Case No. C-120 as persons who are not parties to a suit are not bound by the judgment and that she purchased the lot in good faith from an entirely different person - the Heirs of Don Mariano San Pedro y Esteban and not from either the plaintiffs or defendants in the aforesaid case.

It is a generally accepted principle "that no man shall be affected by any proceeding to which he is a stranger" (Ed. A. Keller & Co. v. Edlerman & Buckmall Stratemship Co., 38 Phil. 514, 520; Gatchalian v. Arlegui, 75 SCRA 234 [1977], and strangers to a case are not bound by judgment rendered by the court (Bien v. Sunga, 117 SCRA 249 [1982])). In the same manner an execution case can be issued only against a party and not against one who did not have his day in court (Galang et al. v. Uytiepo, 92 Phil. 344; Castaneda v. de Leon, 55 O.G. 625; Martinez et al. v. Villacete, et al., G.R. No. L-18696, August 31, 1962). In the case of Lorenzana v. Cayetano, 78 SCRA 485 [1977]), this Court held that only real parties in interest in an action are bound by judgment therein and by writs of execution and demolition issued pursuant thereto.

It will be noted, however, as contended by respondent, that the houses existing on Lot 6 in question were formerly owned by Benedicta Mangahas and Francisco Ramos who sold the same to the spouses Ricardo de Guzman and Eufrocina de Guzman who in turn finally sold them to the herein petitioner. Under the circumstances, there is no question that the petitioner is privy to the two judgment debtors Mangahas and Ramos, and being a privy, the petitioner can be reached by the order of execution and Writ of Demolition.

Finally, Remedios Magbanua is the registered owner under the Torrens System of the questioned lot. Undeniably, a Torrens Title is generally a conclusive evidence of the ownership of the land referred to therein (Section 49, Act 496); and a strong presumption exists that Torrens Titles were regularly issued and that they are valid (Salao v. Salao, 70 SCRA 65 [1976]). A Torrens Title is incontrovertible against any "informacion posesoria" or title existing prior to the issuance thereof not annotated on the title (J.M. Tuason and Co. Inc. v. Jurillo, 76 SCRA 346 [1977]). It is a well settled rule that all persons dealing with property covered by Torrens Certificate of Title are not required to go beyond what appears on the face of the title (Centeno v. C.A., 139 SCRA 545 [1985]).

In the case at bar, petitioner further claims ownership of the lot in question because of the payment of taxes. It must be noted however, that payment of the land tax is not an evidence of ownership of a parcel of land for which payment is made (Reyes v. Sierra, 93 SCRA 472 [1979]; Director of Lands v. C.A., 133 SCRA 701 [1984]; Ferrer v. Lopez, 150 SCRA 393 [1987]) especially when the parcel of land is covered by a Torrens Title in the name of another (Masaganda v. Argamora, 109 SCRA 53 [1981]).

PREMISES CONSIDERED, the petition is DISMISSED for lack of merit, and the assailed judgment of the Court of First Instance of Rizal, Branch XII, Caloocan City is hereby AFFIRMED. This decision is immediately executory, and the restraining order previously issued is hereby LIFTED. Let the demolition be carried out immediately.

SO ORDERED.

Yap, C.J., Melencio-Herrera, and Sarmiento, JJ., concur.

Padilla, J., no part. Was formerly counsel of Philippine Realty Corporation, previous owner of the lot in question.

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