

ANTONIO V. MARTEL, JR., PETITIONER, VS. REGIONAL TRIAL COURT OF LAS PIÑAS CITY, BRANCH 198, PILAR DEVELOPMENT CORP., PHILIPPINE CONCRETE HOMES, INC. AND APEX HOME DEVELOPERS, IN...

Ponente: DIMAAMPAO, J.

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DIMAAMPAO, J.:

This Petition for Certiorari[1] ascribes grave abuse of discretion on the part of public respondent Regional Trial Court of Las Piñas City, Branch 198, in Civil Case No. LP-02-0248, for issuing the Orders[2] dated 16 April 2014 and 30 July 2014. The first Order denied the Motion to Dismiss[3] of petitioner Antonio Martel's (petitioner) Complaint for Quieting of Title[4] filed against him by private respondents Pilar Development Corp. (Pilar), Philippine Concrete Homes, Inc. (Concrete) and Apex Home Developers, Inc. (Apex) (collectively referred to as private respondents), while the second Order denied for lack of merit petitioner's Motion for Reconsideration[5] thereof.

This case has its genesis in a Complaint for Quieting of Title[6] filed by private respondents against petitioner way back 27 September 2002. Private respondents asseverated that they individually own several parcels of land located in Barangay Almanza, Las Piñas which form part of what is known as Pilar Executive Village, Phase VI, to wit:

For private respondent Pilar:

- Transfer Certificate of Title (TCT) No. (63337) T-6364-A Registry of Deeds of Pasay City[7]
- TCT No. (63338) T-6365-A Registry of Deeds of Pasay City[8]
- TCT No. (S-70658) T-5758-A Registry of Deeds for Metro Manila Dist. IV[9]
- TCT No. (S-70662) T-5756-A Registry of Deeds for Metro Manila Dist. IV[10]
- TCT No. (S-70675) Registry of Deeds for Metro Manila Dist. IV[11]
- TCT No. S-70676 Registry of Deeds for Metro Manila Dist. IV[12]
- TCT No. S-70677 Registry of Deeds for Metro Manila Dist. IV[13]

For private respondent Concrete:

- TCT No. (80383) T-5341-A Registry of Deeds of Pasay City[14]
- TCT No. (80384) T-5342-A Registry of Deeds of Pasay City[15]
- TCT No. (80385) Registry of Deeds of Pasay City[16]
- TCT No. (80386) T-5344-A Registry of Deeds of Pasay City[17]

- TCT No. (63337)-6364-A,
- (63338) T-6365-A,
- (80384) T5342-A,
- (80385) T- 5343-A,
- (82480) T-5269-A,
- (82488) T-5277-A,
- (82490) T-5279-A,
- (82491) T- 5280-A,
- 82492) T-5281-A,
- S-70675,
- S-70676 and
- S-70677.

From the foregoing, TCT No. 69569 is tainted with impropriety and should therefore be canceled as it casts cloud upon the validity of the aforementioned titles of private respondents.

Ensuingly, petitioner filed with Branch 200 of the RTC of Las Piñas a Motion to Dismiss the Complaint on the ground of *res judicata* and *litis pendentia*. Petitioner made capital of the pronouncements laid down in several cases wherein the RTCs, the Court of Appeals as well as the Supreme Court consistently upheld the validity of his title. Petitioner likewise avowed that on 15 July 1997, private respondent Pilar filed with the RTC, Branch 275 of Las Piñas City a Complaint docketed as Civil Case No. LP-97-0165, entitled, *Pilar Development Corporation v. Sps. Pepito L. Ng and Violeta N. Ng and Sps. Antonio Martel, Jr. and Juliana Ticson*.^[25] In the said case, Pilar prayed, *inter alia*, for the annulment of TCT No. 57471 from which TCT No. 69569 was derived. The RTC ruled in favor of petitioner. When the subject case docketed as CA-G.R. CV No. 60437 was appealed to Us, Our then First Division affirmed the RTC's Decision.^[26] This case was then pending before the Supreme Court.

In an Order dated 9 July 2003, the RTC, Branch 200 of Las Piñas City denied petitioner's Motion to Dismiss. Petitioner filed a Motion for Reconsideration thereof which was likewise denied, this time by public respondent,^[27] in an Order dated 2 April 2004.

Imputing grave abuse of discretion, petitioner assailed the aforesaid Orders of the RTC in a Petition for Certiorari docketed as CA-G.R. SP No. 83523. Still and all, Our then Third Division^[28] dismissed the Petition for being meritless.

Trial on the merits then proceeded before the public respondent. In the interregnum, on 28 August 2013, the Supreme Court rendered a Decision,^[29] in G.R. No. 155943, resolving the appeal filed by PDC of the Decision of Our then First Division in CA-G.R. CV No. 60437. G.R. No. 155943 affirmed the Decision in CA-G.R. CV No. 60437 which upheld the validity of TCT Nos. 61176 and 61177.

In light of this development, petitioner filed once more a Motion to Dismiss^[30] maintaining that the Complaint for Quieting of Title should be dismissed as the same is already barred by the 28 August 2013 Decision of the Supreme Court. Petitioner theorized that the alleged cloud cast on private respondents' titles by TCT No. 69569 which originated from TCT No. 61176^[31] no longer exists as the latter title was declared valid with finality by

the Supreme Court in G.R. No. 155943.

In the first impugned Order, public respondent resolved to deny the Motion to Dismiss ratiocinating in this wise:

“After a careful perusal of the record of this case, the court resolves to DENY the motion to dismiss.

The doctrine of res judicata or bar by prior judgment applies when the judgment in a first case is final as to the claim or demand in controversy, between the parties and those privy with them, not only as to every matter which was offered and received to sustain or defeat the claim or demand, but as to any other admissible matter which must have been offered for that purpose and all matters that could have been adjudged in that case.

The essential requisites for res judicata are: (1) the former judgment or order must be final; (2) it must be a judgment or order on the merits, that is, it was rendered after a consideration of the evidence or stipulations sub-mitted by the parties at the trial of the case; (3) it must have been rendered by a court having jurisdiction over the subject matter and the parties; and(,) (4) there must be, between the first and second actions, identity of parties, subject matter and causes of action.

The present case lacks the fourth requisite. It appears that the plaintiffs' cause of action involves quieting of title for the purpose of removing the cloud cast on the titles of their properties brought about by alleged overlapping with portions of the defendant's property. Thus, considering that the issue in G.R. No. 155943 was confined to the validity or nullity of TCT 61176 and 61177, and it did not include the question of overlapping of the properties of the parties, the principle of res judicata finds no application in this case.

In an action for quieting of title, the court is tasked to determine the respective rights of the complainant and the other claimants, not only to place things in their proper places, and make the claimant, who has no rights to said immovable, respect and not disturb the one so entitled, but also for the benefit of both, so that whoever has the right will see every cloud of doubt over the property dissipated, and he can thereafter fearlessly introduce any desired improve-ments, as well as use, and even abuse the property.

Anent the plaintiff's motion for the issuance of sub poena duces tecum/ad testificandum, the defendant opposes the same on the ground that the production of the documents and testimony of witness would be tantamount to questioning the contents thereof and may be deemed to be a collateral attack on the defendant's title. Moreover, the same is unprocedural as it is violative of Section 35 of the Rules.

The defendant's objection is unavailing. The court opines that the plaintiff's request is in accord with procedural rules, hence the court resolves to grant the same.” [32]

Unruffled, petitioner moved for a reconsideration anchored on the following issues:

“1. THE COMPLAINT IS ACTUALLY AN ACTION FOR THE NULLIFICATION OF DEFENDANT'S PREVIOUSLY AD-JUDGED VALID TITLE DISGUISED AS AN ACTION FOR 'QUIETING OF TITLE' AND A CLAIM FOR 'OVER-LAPPING'[33]

2. PLAINTIFFS' SOUGHT FOR TESTIMONY THRU A SUBPOENA DUCES TECUM /AD TESTIFICANDUM CONS-TITUTES A COLLATERAL ATTACK”[34]

Still and all, public respondent denied the Motion in the second assailed Order for being devoid of merit.

Perforce, petitioner comes to Us via this Petition, propounding this solitary issue—

WHETHER OR NOT THE PUBLIC RESPONDENT RE-GIONAL TRIAL COURT OF LAS PIÑAS, BRANCH 198 HAS ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNT-ING TO LACK OR IN EXCESS OF JURISDICTION IN UTTER CONTRAVENTION OF LAW AND JURISPRUDENCE BY DENYING PETITIONER'S MOTION TO DISMISS IN ITS ORDER DATED 16 APRIL 2014 AND

DENYING AS WELL PETITIONER'S MOTION FOR RECONSIDERATION IN ITS ORDER DATED 30 JULY 2014 BOTH MOTIONS HAVING BEEN GROUNDED ON RES JUDICATA AND COLLATERAL ATTACK OF PETITIONER'S TRANSFER CERTIFICATE OF TITLE NO. 69569.

At the onset, it bears stressing that an order denying a motion to dismiss is an interlocutory order which neither terminates nor finally disposes of a case as it leaves something to be done by the court before the case is finally decided on the merits. Thus, as a general rule, the denial of a motion to dismiss cannot be questioned in a special civil action for certiorari which is a remedy designed to correct errors of jurisdiction and not errors of judgment. However, when the denial of the motion to dismiss is tainted with grave abuse of discretion, the grant of the extraordinary remedy of certiorari may be justified. By grave abuse of discretion is meant such capricious and whimsical exercise of judgment that is equivalent to lack of jurisdiction. The abuse of discretion must be grave as where the power is exercised in an arbitrary or despotic manner by reason of passion or personal hostility, and must be so patent and gross as to amount to an evasion of positive duty or to a virtual refusal to perform the duty enjoined by or to act at all in contemplation of law.[35]

Did public respondent commit grave abuse in issuing the challenged Orders to warrant the issuance of the writ of certiorari?

To determine whether or not public respondent acted with whimsicality in issuing the repugned Orders, it is essential to scrutinize the averments of private respondents' Complaint for Quieting of Title.

In the subject Complaint, private respondents seek to nullify TCT No. 69569 insofar as it purportedly overlaps, either partially or completely, the 17 parcels of land in dispute. Confronted with this entreaty, a query leaps to the eye: May private respondents validly seek such relief in this Complaint for Quieting of Title?

We rule in the negative.

A fine-tooth comb review of the Complaint reveals that private respondents' disputation transcends the supposed issue of overlapping. They prayed that TCT No. 69569 be cancelled. Consider the following allegations in the contentious Complaint:

“14. That moreover, the lawful existence of Transfer Certificate of Title No. T-69569 is doubtful because said certificate of title emanated from certificate of title purportedly issued on the basis of Decree No. 428, L.R.C. Case No. _____, Record No. 487 a copy of which is not even available in the files of the Land registration Authority.

Copy of a request slip issued stamped “FILE COPY OF DECREE NOT AVAILABLE” by the Land registration Authority is hereto attached as Annex 'K' and made integral part hereof.

15. By reason of the foregoing, Transfer Certificate of Title No. 69569 xxx is therefore in fact and in law invalid and its existence is prejudicial to the plaintiffs.

16. Equity demands that the said Transfer Certificate of Title No. 69569 xxx be cancelled as it cast clouds upon the aforementioned titles of the plaintiffs.”[36] (Emphasis Ours)

Whence, private respondents asserting their plea to annul TCT No. 69569 filed a Motion for the Issuance of Subpoena Duces Tecum/Ad Testificandum which was granted by public respondent in the first oppugned Order. It thus ruled—

“Moreover, as prayed for by the plaintiffs, let subpoena duces tecum/ad testificandum issue to the Records Officer of the Land registration Authority, Quezon City, with address at NIA Road, cor. East Ave. Diliman, Q.C. for him to produce the records of the Land Registration Authority pertaining to Decree No. 428 and to testify on the date and time above-stated.”[37]

At this juncture, it must be emphasized that in G.R. No. 155943, the Supreme Court had categorically declared as valid titles, TCT Nos. 61176 and 61177 issued in the names of the Spouses Benito and Corazon Lopez (Sps. Lopez) and the Spouses Pepito and Violeta Ng (Sps. Ng), respectively. These titles covered the 6.7905 hectares which Pilar claimed as being sold to them by Enrique, Narciso, Reuben, Mario, Teodorica, Beatriz, Ricardo and Rolando, all surnamed Factor. In sooth, the Supreme Court wrote finis to the controversy by pronouncing that the Sps. Lopez and the Sps. Ng are truly the rightful owners of the property in question.

Ineluctably, the validity of TCT No. 69569, which can be traced to TCT No. 61176, cannot anymore be assailed. Under the doctrine of *res judicata*, the judgment in a first case is final as to the claim or demand in controversy, between the parties and those privy with them, not only as to every matter which was offered and received to sustain or defeat the claim or demand, but as to any other admissible matter which must have been offered for that purpose and all matters that could have been adjudged in that case. It precludes parties from relitigating issues actually litigated and determined by a prior and final judgment.[38]

The rationale for this principle is that a party should not be vexed twice concerning the same cause. Indeed, *res judicata* is a fundamental concept in the organization of every jural society, for not only does it ward off endless litigation, it ensures the stability of judgment and guards against inconsistent decisions on the same set of facts.[39]

Being a valid title, therefore, TCT No. 69569 cannot be subject to a collateral attack. It cannot be altered, modified, or cancelled except in a direct proceeding in accordance with law.[40]

Case law teaches Us that an action is deemed an attack on a title when its objective is to nullify the title, thereby challenging the judgment pursuant to which the title was decreed. The attack is direct when the objective is to annul or set aside such judgment, or enjoin its enforcement. On the other hand, the attack is indirect or collateral when, in an action to obtain a different relief, an attack on the judgment is nevertheless made as an incident thereof.[41]

Apparently, the Complaint for Quieting of Title is patently a collateral attack. As adumbrated above, while it takes issue with the supposed overlapping of TCT No. 69569 to the 17 parcels of land in dispute, it is in effect attacking the validity of the said TCT. Again, this cannot be done in this action since TCT No. 69569 is a mere derivative of TCT No. 61176, a title already declared valid by the Highest Court of the land. Appropriately, private respondents should have instituted an action to modify or cancel TCT No. 69569.

In synthesis, We rule and so hold that public respondent committed grave abuse of discretion in issuing the impugned Orders, warranting the issuance of a Writ of Certiorari.

WHEREFORE, the Petition for Certiorari is hereby GRANTED. The Orders dated 16 April 2014 and 30 July 2014 of the Regional Trial Court of Las Piñas City, Branch 198, in Civil Case No. LP-02-0248, are REVERSED and SET ASIDE. Accordingly, the Complaint for Quieting of Title is DISMISSED.

SO ORDERED.

Diamante and Salandanan-Manahan, JJ., concur.

[1] Rollo, pp. 3-18.

[2] *Id.*, pp. 51-53; 62-63.

[3] *Id.*, pp. 41-45.

[4] Id., pp. 19-32.

[5] Id., pp. 54-58.

[6] Rollo, 19-32.

[7] Id, p. 20.

[8] Ibid.

[9] Id., p. 21.

[10] Ibid.

[11] Id., pp. 21-22.

[12] Id., p. 22.

[13] Ibid.

[14] Id., p. 23.

[15] Id., pp. 23-24.

[16] Id., p. 24.

[17] Rollo, p. 24.

[18] Id., p. 25.

[19] Ibid.

[20] Id., p. 26.

[21] Ibid.

[22] Id., pp. 26-27.

[23] Id., p. 27.

[24] Rollo, p. 29.

[25] See Rollo, pp. 33-40.

[26] Penned by Associate Justice Marina Buzon.

[27] In view of the fact that RTC, Branch 200 was designated as Special Court for Drugs Cases, the instant case was re-raffled to public respondent.

[28] Composed of Associate Justices Arturo Brion (now, Supreme Court Justice), Eugenio Labitoria (now, retired) and Eliezer De los Santos (now, deceased).

[29] See *Pilar Development Corporation v. Court of Appeals*, 704 SCRA 43 (28 August 2013).

[30] Rollo, pp. 41-45.

[31] See *Pilar Development Corporation v. Court of Appeals*, 704 SCRA 43, 46 (28 August 2013).

[32] Rollo, pp. 51-53.

[33] Id., p. 55.

[34] Id., p. 57.

[35] See *Republic v. Transunion Corporation*, 722 SCRA 273, 279 (21 April 2014).

[36] Rollo, pp. 30-31.

[37] Rollo, p. 53.

[38] See *Quintos v. Nicolas*, 726 SCRA 482, 495 (16 June 2014). Emphasis Ours.

[39] Id., 496.

[40] See Rule 48 of the Property Registration Decree (Presidential Decree No. 1529): “SEC. 48. Certificate not subject to collateral attack.- A certificate of title shall not be subject to collateral attack. It cannot be altered, modified, or cancelled except in a direct proceeding in accordance with law.

[41] See *Roman Catholic Archbishop of San Fernando, Pampanga v. Soriano, Jr.*, 655 SCRA 541, 549-550 (17 August 2011).

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