

MARIA VILLAFLOR, PETITIONER, VS. ARTURO REYES, HON. FIDEL FERNANDEZ, IN HIS CAPACITY AS JUDGE OF THE COURT OF FIRST INSTANCE OF SAMAR AND THE PROVINCIAL SHERIFF OF SAMAR, RESPON...*G.R. No. L-23702. January 30, 1968*

Ponente: FERNANDO, J.

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In this original petition for certiorari, filed on October 23, 1964, petitioner Maria Villaflor, who admittedly was a tenant of the late Ramona Reyes, would enjoin respondent Judge, the Hon. Fidel Fernandez, from enforcing his order dated August 17, 1964. It was there stated that the judgment in Civil Case No. 4694 for forcible entry and illegal detainer against petitioner and the Samar Cooperative Store having become final and a writ of execution having been issued because of their refusal to vacate as a result of which they were given two (2) months within which petitioner Villaflor was required "to remove her house therefrom," such order having been received as far back as May 30, 1964, and such "two (2) months period having been already expired," without defendants "having yet vacated the property in open defiance of the order of [the] Court," and there being a motion to that effect, "the Sheriff shall proceed to the premises to demolish and remove therefrom all constructions of the defendants, and then deliver the land to the plaintiff." [1]

Petitioner herself admitted that an ejectment proceeding was instituted against her and that she lost both in the Justice of the Peace Court and the Court of First Instance in the above Civil Case No. 4694. [2] There was likewise the admission that she "appealed said decision to the Supreme Court and the Supreme Court * * * affirmed said decision, * * *." [3] She alleged however, that there was an administrative investigation by the Bureau of Lands revoking the permit of the aforesaid Ramona Reyes "to possess a foreshore land in Catbalogan, Samar," and that she thereafter filed an application with the Bureau of Lands in her own name, the matter having thereafter been elevated to the Department of Agriculture and Natural Resources, which on March 29, 1961, ordered that such "foreshore area in dispute be opened to public bidding in accordance with the provisions of Lands Administrative Order No. 7-I, dated April 3, 1936." The petition contained as Annex B the aforesaid decision of March 29, 1961 of the then Secretary of Agriculture and Natural Resources, Cesar M. Fortich. It revealed that petitioner could not allege any existing right to such foreshore land for as stated therein: "In resume it must be clarified that the application for a revocable permit filed by Ramona Reyes was cancelled by order of the Director of Lands dated April 10, 1944; that the foreshore permit application of Maria Villaflor cannot be given due course for being in excess of that allowed by law; * * *. Consequently, for purposes of public bidding in which the land in question shall be subjected, to the three litigants in the instant case, must stand on the same ground and no preferential rights will accrue to anyone." [4]

Since the inherent defect of the petition was rather obvious and self-evident, it is understandable why this Court issued this Resolution of October 27, 1964: "After a study of the allegations of the petition for certiorari, with a prayer for preliminary injunction in L-23702 (Maria Villaflor v. Arturo Reyes, et al.), * * * the petition should be,

as it is hereby, DISMISSED for lack of merit."

A motion for reconsideration was filed however, alleging that there could not be an execution as the plaintiff in Civil Case No. 4694 had died on June 18, 1960, and respondent Arturo Reyes, presumably her heir, did not seek execution of such judgment until after almost four years from the time it was affirmed by this Court. There was a reconsideration by this Court of the dismissal in a Resolution of November 12, 1964, requiring respondents to answer the petition and issuing the preliminary injunction prayed for.

The answer of respondent Arturo Reyes was filed on December 7, 1964. The purpose of the petition, according to him, "is to question the legality of the order of respondent Judge dated October 9, 1964 (Annex G of the Petition) reviving his order dated August 17, 1964 (Annex D of the Petition), ordering the respondent Provincial Sheriff to demolish and remove from the premises herein involved all constructions of petitioner and then to deliver the land to respondent Arturo Reyes, pursuant to the decision of the respondent Judge in Civil Case No. 4694 (Annex A of the petition) which was affirmed, upon appeal by petitioner, by this Honorable Court in G.R. No. L-15755 on May 30, 1961." [5]

The pertinent facts, according to such answer, were: "Ramona Reyes had been in the possession of the foreshore land involved herein since 1936 by virtue of RPA Permit No. 5260 (R-4155) issued by the Bureau of Lands in favor of Ramona Reyes. She had been paying to the aforementioned Bureau the permit fees in connection with RPA Permit No. 5260. Samar Cooperative Store (SACOS) and Maria Villafior, petitioners herein, were able to obtain their original possession of the said premises by virtue of a verbal contract with Ramona Reyes to occupy the same on a lease of month to month basis at the rate of P50.00. Petitioner had been paying rentals up to 2 or 3 months before the fire which razed Catbalogan on April 1, 1957, which fire also burned down the building of SACOS managed by petitioner and which were built on the premises in question. After the fire, Ramona Reyes prevented petitioner from constructing a building in the said premises but petitioner insisted in constructing a temporary shed. On June 24, 1957, a formal demand to vacate the land in question was made by Ramona Reyes to the petitioner, but petitioner did not heed this demand. The demand was made by Ramona Reyes because she was about to construct thereon her own building. On April 26, 1957, petitioner filed her own application for the land in question with the Bureau of Lands in Manila. On August 16, 1957, Ramona Reyes instituted an ejectment proceeding against SACOS and petitioner, and the case was decided by the Justice of the Peace of Catbalogan in favor of Ramona Reyes." [6]

The above narration of facts was supplemented by the allegation that on January 3, 1959, the Court of First Instance of Samar rendered a decision in such Civil Case No. 4694 declaring Ramona Reyes to be the lawful possessor of the parcel of foreshore land in question and condemning petitioner to vacate, a decision affirmed by this Court on May 30, 1961 as already noted. The opinion of Chief Justice Bengzon in rejecting the untenable claim of petitioner was quite emphatic. Thus: "Indeed one of the conclusive presumptions prohibits the tenant from denying the title of his landlord at the time of the commencement of the relation of landlord and tenant between them. The defendants here would claim that plaintiff had no right to sublease to them this parcel of land when, sometime in 1957, they agreed verbally to take it at P50.00 a month. They rest this denial on the alleged cancellation of her lease permit in April, 1944. But as the law says, the lessee may not deny the title of his or her lessor * * *, these defendants may not now assert that in 1957 plaintiff had no title or right to lease such foreshore land to them." The then Chief Justice Bengzon concluded: "This view of the case makes it unnecessary to discuss the question whether the dispute should be presented before the Bureau of Lands or Department of Agriculture."

The answer of respondent Arturo Reyes likewise alleged: "Moreover, the question herein involved has become moot. Before this petition was given due course by this Honorable Court, the Provincial Sheriff, pursuant to the order of respondent Judge, had demolished all constructions of petitioner on the premises, and given possession

to respondent Arturo Reyes."[7]

There was a plea by petitioner to submit an amended petition, which was filed on December 15, 1964. It was nothing but a reiteration of the original pleading with two additional allegations: Thus: "That subsequent to the filing of the instant petition, respondent Arturo Reyes, upon being informed of the present petition, in gross and evident bad faith and without any other purpose but to defeat the instant petition, rushed the demolition of the petitioner's building, completely destroying it and laying everything to waste, inspite of the fact that Atty. Paulino S. Marquez, the Clerk of this Tribunal wired the Sheriff of Catbalogan, Samar informing him of the pendency of this petition, and counsel for petitioner, likewise, wired the respondent judge asking for extension of time within which to carry out the order of August 17, 1964 due to the pendency of the instant petition; and that respondent Arturo Reyes in violation of the decision of the Secretary of Agriculture and Natural Resources (Annex B of the Petition) is now erecting a building on the land in question and the Bureau of Lands sent him a communication enjoining him to desist from constructing or making any improvements on the land, * * *." [8] The issuance of the writ of preliminary mandatory injunction was sought, but this Court did not oblige.

The additional ground for certiorari alleged in the amended petition was traversed in an answer by respondent Arturo Reyes filed on February 9, 1965. Thus: "Respondent denies the allegations in paragraph 21 of the petition. While it is true that respondent Arturo Reyes has effected the demolition of the constructions of petitioners on the land in question, the same was made in good faith and pursuant to the order of August 17, 1964. Contrary to the claim of petitioner that respondent Reyes rushed the demolition upon being informed of the present petition, in spite of the fact that Atty. Paulino S. Marquez, the Clerk of this Honorable Tribunal wired the Sheriff of Catbalogan, Samar of the pendency of this petition, respondent Reyes started the demolition of the building of petitioner in accordance with the order of respondent Judge dated August 17, 1964, upon learning that this Honorable Tribunal, in a resolution dated October 27, 1964 dismissed the original petition for lack of merit. The demolition started after said order of dismissal and was completed long before the petition was reconsidered by this Honorable Tri-bunal in a resolution dated November 12, 1964. Considering that respondent Reyes and respondent Provincial Sheriff acted on the basis of the aforesaid dismissal, the claim of petitioner that they acted in gross and evident bad faith to defeat the purpose of the present petition is certainly without merit and unfair to the respondents." [9]

The answer to the amended petition likewise denied the allegation therein "that he violated the decision of the Secretary of Agriculture and Natural Resources for his having started construction of his own building on the pre-mises." For, according to respondent Reyes, while "the Bureau of Lands has sent him a communication dated December 11, 1964 (Annex H of the amended petition) enjoining him to desist from constructing any building or making any improvements on the land, the same was how-ever superseded by a letter which [he] received from the Bureau of Lands dated January 4, 1965 and which advised him to disregard their letter of December 11, 1964 (Annex H of the petition) and allowed him to proceed with his construction provided he gets the necessary permit from the Director of the Bureau of Lands." [10]

Respondent Arturo Reyes likewise stressed: "Petitioner is not entitled to be restored to the possession of the land in question. Being a party in G.R. No. L-15755 dated May 30, 1961, petitioner is bound by the judgment therein that between Ramona Reyes and herself, Ramona Reyes is the lawful possessor of the land in question. To restore possession to petitioner, in spite of the aforesaid final judgment in the ejectment proceedings against her, would cause great and irreparable injury to respondent Arturo Reyes, who together with Aurora Reyes de Recto, succeeded to all the rights and interests of the deceased Ramona Reyes over the land herein involved." [11]

The most cursory perusal of the pleadings argues most strongly for the denial of the petition.

Both in the answer to the original petition and in the answer to the amended petition, an excerpt is quoted from the work of the late Chief Justice Moran on the Rules of Court. Thus: "It has been held that the determination of the respective right of rival claimants to public lands is different from the determination of who has the actual possession or occupation with a view to protecting the same and preventing disorder and breaches of the peace. A judgment of the Court ordering restitution of a parcel of land to the actual occupant, who has been deprived thereof by another through the use of force or any other illegal manner, can never be prejudicial interference with the disposition or alienation of public lands. On the contrary, if courts were deprived of jurisdiction over the cases involving conflicts of possession, the threat of judicial action against breaches of the peace committed on public lands would be eliminated, and a state of lawlessness would probably be produced between applicants, occupants, or squatters, where force or might, not right or justice, would rule." [12]

The late Chief Justice Moran relied in the above excerpt on the leading case of *Pitargue v. Sorilla*. [13] In *Madamba v. Araneta*, [14] this Court through the then Justice Concepcion cited with approval the above *Pitargue* case, among others, in support of the proposition that one in the same situation as the late Ramona Reyes could sue in her own right against an intruder as petitioner was in effect, without requiring the government as lessor to initiate such a move. The *Pitargue* ruling was again invoked in *Bueno v. Patanao*, [15] where "the right of a bona fide occupant of public land [as the late Ramona Reyes undoubtedly was] may be protected by the possessory action of forcible entry or by any other suitable remedy" was upheld. As a matter of fact, forcible entry, or in the alternative, unlawful detainer, was characterized as "the most expedient, not to say, the proper move," [16] under circumstances as that disclosed here.

Under the circumstances, it being indisputable that the decision has reached the stage of finality with no less than former Chief Justice Bengzon making it clear that petitioner could not allege any right, being barred in the first place from denying the title of the late Ramona Reyes, to whom she stood in the relation of a tenant to a landlord, the issuance of the order complained of, far from constituting an abuse of discretion, was precisely commanded by law. It would be a sad commentary on the administration of justice if a judge were condemned for strict and full compliance with the obligation of his office.

Li Kim Tho v. Sanchez, [17] imperatively calls for application. Thus: "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." Likewise applicable is this rule, reiterated in *Tolentino v. Ongsiako*, [18] "that public policy and sound practice demand that, at the risk of occasional errors, judgments of courts should become final and irrevocable at some definite date fixed by law. *Interest rei publicae ut finis sit litium*."

Petitioner then must fail. Even if, contrary to what was shown by the answer, the case had not previously become moot, the challenged order of August 17, 1964, [19] having been carried out, still petitioner did not and could not sustain her untenable stand. There should be a greater awareness on the part of litigants that the time of the judiciary, much more so of this Court, is too valuable to be wasted or frittered away by efforts, far from commendable, to evade the operation of a decision final and executory, especially so, where, as shown in this case, the clear and manifest absence of any right calling for vindications is quite obvious and indisputable.

WHEREFORE, this petition for certiorari is denied. With costs against petitioner.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Bengzon, J.P., Zaldivar, Sanchez, Ruiz Castro, and Angeles, JJ., concur.

[1] Annex D, Petition.

[2] Par. 2, Petition.

[3] Par. 4, Id.

[4] Annex B, Id.

[5] Par. 2, Answer.

[6] Par. 3, Answer.

[7] Par. 9, Id.

[8] Pars. 21 and 22, Amended Petition.

[9] Par. 10, Answer to the Amended Petition.

[10] Par. 11, Answer to Amended Petition.

[11] Par. 12, Id.

[12] Par. 7, both of Answer of December 7, 1964 and Amended Answer of February 8, 1965 of respondent Arturo Reyes, citing 2 Moran, Comments on the Rules of Court, 1957 ed., p. 285, now found in 3 Moran, Comments on the Rules of Court, 1963 ed., p. 273.

[13] 92 Phil. 5 (1952).

[14] L-12017, August 28, 1959.

[15] L-13882, December 27, 1963.

[16] Angcao v. Punzalan, L-20521, December 28, 1964.

[17] 82 Phil. 776, 778 (1949). This ruling was followed in Frimm v. Atok-Big Wedge Mining Co., L-11887, Dec. 29, 1959.

[18] L-17938, April 30, 1963.

[19] Annex D of Petition.

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