

J. M. TUASON & CO., INC., JOSE M. TUASON, NICASIO A. TUASON, TERESA TUASON, CELSO S. TUASON AND SEVERO A. TUASON, PETITIONERS, VS. HON. HERMINIO C. MARIANO, PRESIDING JUDGE OF T...

G.R. No. L-33140. October 23, 1978

Ponente: AQUINO, J.

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AQUINO, J.:

This is another litigation regarding the validity of the much controverted Original Certificate of Title No. 735 covering the Santa Mesa and Diliman Estates of the Tuason mayorazgo or Entail with areas of 877 (879) and 1,625 hectares, respectively (Barretto vs. Tuason, 50 Phil. 888; Benin, case, *infra*).

On October 1, 1965, Manuela Aquial and Maria Aquial filed a complaint in forma pauperis in the Court of First Instance of Rizal, Pasig Branch X, wherein they prayed that they be declared the owners of a parcel of land located at Balara, Marikina, Rizal (now Quezon City) and bounded on the north by Sapang Mapalad, on the south by the land of Eladio Tiburcio, on the east by Sapang Kolotkolotan, and on the west by Sapang Kuliat. The land, which has an area of three hundred eighty-three quiñones, was allegedly acquired by their father by means of a Spanish title issued to him on May 10, 1877 (Civil Case No. 8943).

They alleged that sometime in 1960, or after J.M. Tuason & Co., Inc. had illegally entered upon that land, they discovered that it had been fraudulently or erroneously included in OCT No. 735 of the registry of deeds of Rizal and that it was registered in the names of defendants Mariano, Teresa, Juan, Demetrio and Augusto, all surnamed Tuason, pursuant to a decree issued on July 6, 1914 in Case No. 7681 of the Court of Land Registration.

They further alleged that transfer certificates of title, derived from OCT No. 735, were issued to defendants J. M. Tuason & Co., Inc., University of the Philippines and National Waterworks and Sewerage Authority (Nawasa) which leased a portion of its land to defendant Capitol Golf Club).

Plaintiffs Aquial prayed that OCT No. 735 and the titles derived therefrom be declared void due to certain irregularities in the land registration proceeding. They asked for damages.

Defendant J. M. Tuason & Co., Inc. filed a motion to dismiss on the grounds of lack of jurisdiction improper venue, prescription, laches and prior judgment. The plaintiffs opposed that motion. The lower court denied it. The grounds of the motion to dismiss were pleaded as affirmative defenses in the answer of defendants Tuason and J. M. Tuason & Co., Inc. They insisted that a preliminary hearing be held on those defenses.

On January 25, 1967, the spouses Jose M. Cordova and Saturnina C. Cordova, who had bought eleven hectares of the disputed land from the plaintiffs, were allowed to intervene in the case.

On September 5, 1970, the lower court issued an order requiring the parties and the register of deeds of Rizal to produce in court on October 16, 1970 OCT No. 735 and certain transfer certificates of title derived from that first

or basic title. Later, the court required the production in court of the plan of the land covered by OCT No. 735 allegedly for the purpose of determining whether the lands claimed by the plaintiffs and the intervenors are included therein.

On February 11, 1971, the Tuasons and J. M. Tuason & Co., Inc. filed the instant civil actions of certiorari and prohibition praying, inter alia, that the trial court be ordered to dismiss the complaint and enjoined from proceeding in the said case. After the petitioners had filed the proper bond, a writ of preliminary injunction was issued. Respondents Aquial and Cordova answered the petition. The parties, except the Aquials, filed memoranda in lieu of oral argument.

The issue is whether OCT No. 735 and the titles derived therefrom can be questioned at this late hour by respondents Aquial and Cordova. The supposed irregularities in the land registration proceeding, which led to the issuance of the decree upon which OCT No. 735 was based, are the same issues raised in Civil Cases Nos. 3621, 3622 and 3623 of the lower court. The 1965 decision of Judge Eulogio Mencias in those cases, invalidating OCT No. 735, is annexed to the complaint of the Aquials. It is bited by them to support their action and it might have encouraged them to ventilate their action in court.

On appeal to this Court, that decision was reversed and the validity of OCT No. 735 and the titles derived therefrom was once more upheld (*Benin vs. Tuason*, L-26127, *Alcantara vs. Tuason*, L-26128 and *Pili vs. Tuason*, L-26129, all decided on June 28, 1974, 57 SCRA 531).

The ruling in the *Benin*, *Alcantara* and *Pili* cases was applied in *Mara, Inc. vs. Estrella*, L-40511, July 25, 1975, 65 SCRA 471. That ruling is simply a reiteration or confirmation of the holding in the following cases directly or incidentally sustaining OCT No. 735; *Bank of the P.I. vs. Acuña*, 59 Phil. 183; *Tiburcio vs. PHHC*, 106 Phil. 477; *Galvez and Tiburcio vs. Tuason y de la Paz*, 119 Phil. 612; *Alcantara vs. Tuason*, 92 Phil. 796; *Santiago vs. J.M. Tuason & Co., Inc.*, 110 Phil. 16; *J.M. Tuason & Co., Inc. vs. Bolaños*, 95 Phil. 106; *J.M. Tuason & Co., Inc. vs. Santiago*, 99 Phil. 615; *J.M. Tuason & Co., Inc. vs. De Guzman*, 9999 Phil 281; *J.M. Tuason & Co., Inc. vs. Aguirre*, 117 Phil. 110; *J.M. Tuason & Co., Inc. Macalindong*, 116 Phil. 1227; *J.M. Tuason & Co., Inc. vs. Magdangal*, 114 Phil. 42; *Varsity Hills, Inc. vs. Navarro*, L-30889, February 29, 1972, 43 SCRA 503; and *People's Homesite and Housing Corporation vs. Mencias*, L-24114, August 16, 1967, 20 SCRA 1031.

Considering the governing principle of *stare decisis et non quieta movere* (follow past precedents and do not disturb what has been settled), it becomes evident that respondents Aquial and Cordova cannot maintain their action in Civil Case No. 8943 without eroding the long settled holding of the courts that OCT No. 735 is valid and no longer open to attack.

"It is against public policy that matters already decided on the merits be relitigated again and again, consuming the Court's time and energies at the expense of other litigants: *Interest rei publicae ut finis sit litium*." (*Varsity Hills, Inc. vs. Navarro*, *supra*).

Finding the petition for certiorari and prohibition to be meritorious, the trial court is directed to dismiss Civil Case No. 8943 with prejudice and without costs. No costs.

SO ORDERED.

Barredo, (Acting Chairman), Antonio, Concepcion, Jr., and Santos, JJ., concur.

Fernando, J., did not part.

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