

**BRUNA FRANCISCO, ATILANO FRANCISCO, DEMETRIA FRANCISCO,
SIMEONA FRANCISCO, MACARIO FRANCISCO, TEODORA
FRANCISCO, MARIA SAN FELIPE, EUFRICINA SAN FELIPE,
GUILLERMA SAN FELIPE, RO...**

G.R. Nos. L-33235-6. July 29, 1976

Ponente: ANTONIO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/907f8ab8fb3f/>

ANTONIO, J.:

In *Dulap vs. Court of Appeals*,^[1] this Court enunciated the rule that “a court of first instance or a branch thereof has the authority and jurisdiction to take cognizance of, and to act in, a suit to annul a final and executory judgment or order rendered by another court, of first instance or by another branch of the same court.” The case at bar comes within the spirit and context of the aforecited rule and, therefore, We hold that the respondent Court of First Instance of Rizal, Branch VIII, has the authority and jurisdiction to take cognizance of, and to act in, Civil Case No. 8806, an action to annul a final or executory judgment in Civil Case No. 5908, Branch X, of the same Court of First Instance, and in Civil Case No. 8926, which is an action to quiet title with damages. Both cases involved the same property.

It appears from the pleadings and annexes submitted, that sometime on September 30, 1940, Pedro Francisco, predecessor-in-interest of the petitioners, executed a Deed of Absolute Sale wherein Lot No. 3163 of the Morong Cadastre, containing an area of approximately 7,840 square meters, more or less, was sold for P200.00 to the vendee, Aquilino Tungke. The afore-mentioned Deed of Absolute Sale was registered in the Office of the Register of Deeds of Rizal, pursuant to Act 3344, on November 11, 1943.

(a) THE EJECTMENT CASE — CIVIL CASE NO. 5908

Sometime on February 2, 1959, Pedro Francisco, alleging that defendant “squatted, occupied and built a residential house” inside the aforecited property, filed a complaint for ejectment against Aquilino Tungke in the Municipal Court of Morong, Rizal, which was docketed as Civil Case No. 123. After an answer was filed and trial held thereon, the said complaint was dismissed by the Municipal Court of Morong. Pedro Francisco, not being satisfied with its dismissal, appealed the same to the Court of First Instance of Rizal. This case was docketed as Civil Case No. 5908, entitled “Pedro Francisco vs. Aquilino Tungke”^[2] and assigned to Branch X of the Court of First Instance of Rizal. On August 13, 1964, upon failure of either plaintiff Pedro Francisco or his counsel to appear at the pre-trial and trial of the case notwithstanding due notice, and since the case was pending before said court “since December 1, 1960”, the court, upon motion of the defendant therein, Aquilino Tungke, dismissed the afore-mentioned case “for failure of the plaintiff to prosecute”.^[3] The order of dismissal was sent by registered mail and received by the counsel of record of Pedro Francisco on August 24, 1964, as per Registry Receipt No. 4837 of the Pasig, Rizal Post Office corroborated by Individual Record Book No. 7555 of the Registry Section, Manila Post Office.^[4]

(b) ACTION FOR THE ANNULMENT OF THE DEED OF SALE — CIVIL CASE NO. 6558

In the meantime, during the pendency of Civil Case No. 5908, Pedro Francisco also filed a case against Aquilino Tungke in the Court of First Instance to annul the Deed of Absolute Sale of the afore-mentioned Lot No. 3163 of the Morong Cadastre executed by him on September 30, 1940.[5] This case was docketed as Civil Case No. 6558 and assigned to Branch II of the Court of First Instance of Rizal. On February 7, 1964, Civil Case No. 6558 was also dismissed by the court in view of the repeated failure of Pedro Francisco to appear at the pre-trial and trial of the case, notwithstanding due notice to them.[6] The motion for reconsideration as well as the amended motion for reconsideration filed by Pedro Francisco in the afore-mentioned Civil Case No. 6558 was also denied by said court, it appearing that the aforesaid order of dismissal of February 7, 1964 had already become final, long prior to the filing of the first motion for reconsideration on November 3, 1964.

(c) RE-OPENING OF CIVIL CASE NO. 5908

Meanwhile, sometime, in November, 1964, Pedro Francisco, in order to re-open Civil Case No. 5908, filed with said court (Branch X) an undated motion for reconsideration which the movant set for hearing on November 7, 1964. According to Aquilino Tungke, he received a copy of said motion only on November 13, 1964, or one (1) week after the scheduled date of hearing, and no copy of said motion was furnished upon his counsel of record. On November 9, 1964, Judge Samuel F. Reyes granted the aforesaid motion for reconsideration of Pedro Francisco, set aside the order of dismissal, and scheduled the case for hearing on December 10, 1964. On February 2, 1965, the said Judge rendered a judgment in Civil Case No. 5908, reversing the decision of the municipal court and instead ordered Aquilino Tungke to vacate the premises in question, to restore to Pedro Francisco its possession, and to pay to the latter the sum of P5.00 as rentals monthly from June 1950 until he shall have vacated the premises. It is significant to note that the aforementioned decision clearly states that "(w)hen the case was called for hearing on November 9, 1964, the defendant failed to appear notwithstanding due notice, and on petition of plaintiff, thru counsel, he was allowed to present evidence ex-parte." [7] It will be recalled, however, that it is precisely the claim of respondent Aquilino Tungke that he was notified of the scheduled hearing of November 9, 1964 only on November 13, 1964, or one (1) week after the afore-mentioned date.

Aquilino Tungke's petition for relief from judgment in Civil Case No. 5908 was denied on June 15, 1965, purportedly on the ground that the petition was not seasonably filed.

(d) ACTION TO ANNUL JUDGMENT — CIVIL CASE NO. 8806

As a consequence of these developments, Aquilino Tungke filed an action to annul the afore-mentioned judgment dated February 2, 1965, in Civil Case No. 5908 on the ground that the court had no power and authority to set aside the order of dismissal of August 13, 1964, the same having already become final. This case was docketed, as Civil Case No. 8806 and was subsequently raffled and assigned to Branch VIII of the Court of First Instance of Rizal.

(e) ACTION TO QUIET TITLE — CIVIL CASE NO. 8926

On September 23, 1965, Aquilino Tungke also filed an action against Pedro Francisco to quiet title over the afore-mentioned Lot No. 3163. This case was docketed as Civil Case No. 8926 and raffled to Branch VIII of the same court. Upon failure of the parties at the pre-trial to arrive at an amicable settlement and to submit a partial stipulation of facts limiting the issues involved, aforesaid Civil Cases Nos. 8806 and 8926 were set by said court for joint trial. After Aquilino Tungke presented his evidence, the counsel of Pedro Francisco filed a motion, dated March 19, 1968, withdrawing as attorney for said party. This was granted by the court on March 29, 1968.

In the meantime, Pedro Francisco died on October 10, 1967 and the petitioners, as his heirs, were substituted as parties-defendants. On August 25, 1970, the court rendered judgment in Civil Cases Nos. 8806 and 8926

declaring plaintiff Aquilino Tungke "to be the absolute owner of the property identified as Lot No. 3163 of the Morong Cadastre, located at San Guillermo, Morong, Rizal * * *", ordering the defendants to vacate the premises in question and restore to plaintiff in peaceful possession, to pay the latter the sum of P1,000.00 as actual damages for the reasonable value of fruit trees and the house constructed thereon which were destroyed by defendants. Copy of the decision was served on petitioners on September 12, 1970 by the Provincial Sheriff of Rizal. On December 17, 1970, respondent Aquilino Tungke filed a motion for execution which was granted by respondent court on the same date. Five (5) months after the service of a copy of the decision to them, petitioners filed with this Court the present petition on March 2, 1971.

Petitioners have brought the matter to this Court on certiorari, contending that respondent court acted without jurisdiction, as the jurisdiction to annul a judgment of a branch of the court of first instance belongs solely to the very same branch which rendered the judgment, and that any other branch, even if it be in the judicial district, that attempts to do so either exceeds its jurisdiction or acts with grave abuse of discretion amounting to lack of jurisdiction. Reliance is placed by petitioners upon this Court's ruling in *J.M. Tuason & Co., Inc. vs. Torres, et al.*[8] and *Mas vs. Dumara-og*.[9]

As We stated in *Dulap*, supra, the rulings in the aforesaid cases were abandoned and We declared that to "hold that a court or a branch thereof has no authority or jurisdiction to annul a judgment, simply because that judgment was rendered by another court of concurrent jurisdiction or by another branch, would, therefore, practically amount to judicial legislation, affecting, as it will, the provisions of the Revised Judiciary Act." We adverted therein that the venue of actions is fixed by law, and should not be disregarded simply to prevent one court of first instance or one branch thereof from taking cognizance of an action to annul the judgment of another court of concurrent jurisdiction or of another branch. We also observed in said case that the different branches of a court of first instance are coordinate and co-equal courts, the totality of which is only one court of first instance, and that the question does not involve the interference on the part of one branch with the judgment of another branch because after a case had been finally terminated in one branch and an action to annul the judgment is filed in another branch, the cause of action in one would be different from that of the other. We then concluded that "the policy of judicial stability which underlies *Dumara-og*, *J. M. Tuason & Co., Inc.* and *Sterling Investment Corporation, et al.*,[10] * * * should be held subordinate to an orderly administration of justice based on the existing rules of procedure and the law." We re-affirm here the aforesaid principles.

As We said earlier, respondent court, in taking cognizance of Civil Cases Nos. 8806 and 8926, did not, therefore, gravely abuse its discretion but acted within its judicial competence and authority.

On the merits of respondent Aquilino Tungke's contention, We declare that after a judgment or order becomes final, it is beyond the authority of the court that rendered it to alter or modify the same.[11] The order of dismissal in Civil Case No. 5908, dated August 13, 1964, was a final order because it finally disposes of, adjudicates, or determines the rights of the parties therein. When the aforesaid order of dismissal is not reconsidered or amended within the thirty-day period provided by the rules, the finality of said order set in as a matter of course. As shown herein, the said order of dismissal of August 13, 1964 had long become final when Pedro Francisco filed his motion for reconsideration sometime in November 1964. The Court, therefore, exceeded its authority in setting aside said order of dismissal on November 9, 1964, and, as a consequence, in rendering the judgment in said civil case on February 2, 1965, reversing the decision of the Municipal Court of Morong.

In any event, it will be observed that the court, in Civil Cases Nos. 8806 and 8926, did not resolve the question as to whether or not the decision of the court of February 2, 1965 in Civil Case No. 5908 should be annulled, which was the subject of the action in Civil Case No. 8806, but instead limited itself to the issues involved in the action to quiet the title over the property (Civil Case No. 8926), and declared on the basis of the evidence that plaintiff

Aquilino Tungke is “the absolute owner” of the aforementioned Lot No. 3163 of the Morong Cadastre and, therefore, lawfully entitled to its possession. There is no question that the action to quiet title over said property is concededly within the jurisdictional authority and competence of said court.

WHEREFORE , in view of the foregoing pronounce-ments, the petition for certiorari with prohibition is DENIED, with costs against petitioners.

Fernando, (Chairman), Barredo, Aquino, and Martin, JJ., concur.

Concepcion Jr., J., is on leave.

[1] 42 SCRA 537, 545.

[2] Decision in Civil Cases Nos. 8806 & 8926, Annex "Q", Petition.

[3] Annex "1" to Comments of Respondent Tungke, Records, p. 100.

[4] Page 2, Comments of Respondent Tungke, Records, p. 91.

[5] Decision in Civil Cases Nos. 8806 and 8926, *supra*.

[6] Order of Judge Eulogio Mencias, Annex "E" to Annex "L", Petition, Records, p. 62.

[7] Decision in Civil Case No. 5908, Annex "E", Petition, Records, pp. 17 to 18.

[8] 21 SCRA 1169.

[9] 12 SCRA 34.

[10] *Mas vs. Dumara-og*, *supra*; *J. M. Tuason & Co., Inc., vs. Torres, et al.*, *supra*; *Sterling Investment Corporation vs. Ruiz*, 30 SCRA 318.

[11] *Vda. de Albar vs. Carandang*, 6 SCRA 211; *Samson vs. Montejo*, SCRA 419; *Ocampo vs. Caluag*, 19 SCRA 971.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.