

BERNARDO O. SALAZAR, PLAINTIFF-APPELLEE, VS. MRS. EMILIANA LIBRES DE CASTRODES, ET. AL., DEFENDANTS-APPELLANTS.*G.R. No. L-25949. May 22, 1969*

Ponente: FERNANDO, J.

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To the legitimate defense of one's rights, as Von Jhering pointed out, may be attributed the growth and progress of the law. That is worthy of admiration and commendation. Stubbornness in refusing to acknowledge the rights of others, even if managed with a certain degree of adroitness by invoking grounds apparently with colorable support in legal principles, is something else again. Unless characterized and stigmatized for the obstacle it thus presents to the efficient administration of justice, the law itself stands in disrepute. What distinguishes this case, if that is the appropriate term, is the persistence that marks the efforts of defendants-appellants to delay further, if not to render futile, plaintiff-appellee's enjoyment of his rights to a piece of land. They were not even deterred from taking up the time and energy of this Court by appealing, ostensibly relying on legal questions that can be characterized at best as trivial and insubstantial. Such conduct, to put it at its mildest, is far from praiseworthy and must be treated as such.

In this complaint to quiet title to a parcel of land planted with coconuts and having an area of more than two hectares situated in Guindulman, Bohol, plaintiff, now appellee Bernardo O. Salazar, alleged that he acquired the same on July 28, 1941 from Bienvenido C. Libres, brother of the defendants, now appellants,[1] in this case.[2] It was then recited that plaintiff "had been in open, public, continuous and peaceful possession of the land above-described, exercising complete dominion over it, enjoying its fruits, and religiously paying its taxes, in the concept of an exclusive possessor and absolute owner thereof since July 28, 1941 when the instrument of sale was executed by said Bienvenido C. Libres, until August 24, 1960 or thereabouts when said Bienvenido C. Libres, with neither legal right nor valid reason whatsoever, and employing threat and intimidation, claimed ownership over the land [in question], and gathered coconuts and bamboos found within said land, to the actual damage of the plaintiff." [3]

As a result, plaintiff instituted, on October 1, 1960, a civil case[4] for the recovery of ownership and possession before the Court of First Instance of Bohol. The decision was rendered on May 9, 1962, declaring the plaintiff as owner of such parcel of land and ordering the defendants to vacate and deliver its possession to him.[5] Then, on July 16, 1962, a writ of execution was issued pending appeal in such case, directing the Provincial Sheriff of Bohol to deliver such parcel of land to the plaintiff, but when such official sought to comply with such writ of execution, defendants asserted an interest in such property claiming it to be a part of their individual inheritance left them by their deceased father, Alipio Libres. Such an adverse claim was a surprise to the plaintiff as no such representation had ever been made since 1941 when he acquired the same from their brother, whose sale thereof was not unknown to them. Moreover, defendants never bothered to intervene in the civil case for recovery of the possession which, as noted, was decided in favor of plaintiff.[6]

Hence, this action to quiet title, with plaintiff praying that the claim of defendants to the property in question be

declared illegal and unfounded and that he be recognized as the legal absolute owner thereof with a plea likewise for attorney's fees, damages and costs of the suit.

Defendants first filed a third-party complaint, on February 18, 1963, to have their brother, Bienvenido C. Libres, included as a third-party defendant. Then, four days later, they filed a motion to dismiss alleging that there was no cause of action, that there was pending before the Court of Appeals another action between plaintiff and defendants ignoring the fact that in this appeal then pending, the only defendant was their brother Bienvenido C. Libres and, with a fine disregard of logic, asserting likewise that plaintiff was guilty of splitting one cause of action. It sufficed for a one-page order, dated March 13, 1963, for the lower court to deny such a motion to dismiss. Then came the answer on March 18, 1963,[7] their main defense being that the property in question forms part of the undivided intestate estate of their father, Alipio Libres, the sale thereof by their brother to plaintiff being null, void and fictitious.

Why such a defense could not prosper is explained clearly in the decision of December 14, 1965, vindicating the right of plaintiff as the absolute owner of the parcel of land in question. Thus: "During the trial of the case, the parties in this case, that is the plaintiff, defendants and third party defendants, stipulated and introduced as evidence, the records of Civil Case No. 1380, together with the testimonial evidence embodied in the transcript of stenographic notes * * *. Pending resolution of this case by this Court, the Court of Appeals had decided that [CA-G.R. No. 32569-R] which was the appealed Case No.1380 of this Court, between Bernardo O. Salazar as plaintiff-appellee and Bienvenido C. Libres as defendant-appellant, confirming the decision of the lower court and declaring that the plaintiff-appellee Bernardo O. Salazar is the owner of the parcel of land described in the complaint which is the same parcel of land in question in this case before us. Likewise, the Court of Appeals declared the deed of sale * * * then executed by Bienvenido C. Libres in favor of Bernardo O. Salazar as valid and legal." [8]

An appeal from such judgment was taken directly to this Court. Only questions of law can thus be raised, defendants, now appellants, being bound by the findings of facts.[9] On the above decisive facts, it is not surprising at all that success should crown the efforts of plaintiff and that the claim of defendants to the property in question should be considered as nothing but a form of harassment being totally bereft of any support in law.

Nonetheless, as pointed out at the outset, defendants did appeal and, as appellants, would seek to impugn the correctness of the decision of the lower court by alleging errors, which on their face, are clearly devoid of merit. They are that the lower court erred in denying the motion to dismiss the complaint, in applying the judgment in a previous action in personam to the case at bar which is also an action in personam, and in making a finding of partition of a hereditary estate by relying solely on a deed of sale which was executed by one heir without the knowledge or consent of the other co-heirs.

Even if the motion to dismiss were not as untenable as it clearly was, still it would be too late to raise it on appeal after it was shown that during the trial of the case defendants did stipulate with plaintiff that they would be bound by the decision of the Court of Appeals in the other civil case filed by plaintiff against their brother, the third-party defendant. Nor could they raise the question implicit in the third assignment of error as it is a matter factual in character, and our appellate jurisdiction, as made clear, is limited to deciding questions of law. Appellants should not have ignored so elementary a proposition. Their second alleged error, setting forth as their grievance that a judgment in a personal action should not be applied to the case at bar, which is another personal action, could have required a certain degree of consideration were it not for the fact, as pointed out above, that they did agree to be bound by the result of the decision of the Court of Appeals in such case then pending before it.

It is thus apparent that on its face the brief for defendants-appellants is notable only for its flagrant and obvious disregard of what the proprieties, not to say the decencies, of such a serious matter as an appeal to this Tribunal requires. Even if due regard be had for the state of mind under which claimants to a piece of land, possessed of more than an ordinary degree of obduracy, might be laboring under, still respect for the rule of law ought to have cautioned defendants in attempting, perhaps thoughtlessly, to delay unduly the termination of a pending litigation and thus accord respect to the just claims of others.

Nor is their counsel free from blame when he could have informed them not only about the futility of such efforts, which was bad enough, but also the barrier thus interposed against a fair, speedy and efficient administration of justice. As a member of the bar and an officer of the court, he owes such minimum obligation to this Tribunal. Unfortunately, he failed to live up to it. He should not escape responsibility.

WHEREFORE, the decision of the lower court of December 14, 1965 is affirmed, with the modification that the defendants should pay attorney's fees in the amount of P1,500.00. Treble costs should be charged defendants, payable by their counsel, Attorney Lilio L. Amora.

Reyes, J.B.L. (Acting C.J.), Makalintal, Zaldivar, Sanchez, and Capistrano, JJ., concur.

Dizon, J., in the result.

Teehankee and Barredo, JJ., did not take part.

Concepcion, C.J., and Ruiz Castro, J., on official leave.

[1] The defendants are Mrs. Emiliana Libres de Castrodes, Mrs. Eufroña Libres de Bernaldez, Mrs. Francisca Libres de Piezas, Mrs. Maria Libres de Amora, Mrs. Leona Libres de Bonita, Dr. Guillermo Libres, Mr. Antonino Libres, and Mrs. Asuncion Libres de Ramirez.

[2] Record on Appeal, pp. 2 and 3.

[3] Ibid, pp. 3 and 4.

[4] Civil Case No. 1380.

[5] Record on Appeal, pp. 4 and 5.

[6] Ibid, pp. 5 and 6.

[7] Ibid, pp. 30 to 33.

[8] Ibid, pp. 52 and 53.

[9] *Perez v. Araneta*, L-18414, July 15, 1968. Citing *Portea v. Pabellon*, 84 Phil. 298 (1949) and *Republic v. Luzon Stevedoring Corp.*, L-21749, Sept. 29, 1967.

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