

HEIRS OF PEDRO GUMINPIN, REPRESENTED BY FILOMENA GOMONDAS, ROSITA GUMINPIN, OLINA GUMINPIN, PETITIONERS, VS. HONORABLE COURT OF APPEALS, SEGUNDO RUDAS, CANDIDO BULARON, ENRIQUE ...

G.R. No. L-34220. February 21, 1983

Ponente: DE CASTRO, J.

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DE CASTRO, J.:

This petition for review on certiorari seeks to reverse the decision[1] of the Court of Appeals dated June 22, 1971, adjudicating the ownership of the 24-hectare unregistered agricultural land involved in this suit to respondents in the proportion to which they now occupy and specified in the dispositive portion of the decision which reads as follows:

"RESPONSIVE TO ALL THE FOREGOING, appellants Segundo Rudas, Enrique Wabena and Pedro Saldon are hereby declared the owners of the 24-hectare land in question in the proportion of sixteen (16) hectares, six (6) hectares and two (2) hectares respectively possessed by them. Appellant Segundo Rudas and defendant Candido Bularon, who did not appeal, are hereby ordered to pay to appellees total damages in the amount of P4,700.00, with costs against appellants."

Records show that on January 7, 1955, Moro Pedro Guminpin, petitioners' predecessor-in-interest, filed before the Court of First Instance of Zamboanga del Norte, 16th Judicial District, a complaint for the recovery of possession with damages of the disputed 24-hectare unregistered land situated at Tinglan, Salvacion, New Piñan, Zamboanga del Norte, hereinafter referred to as the disputed land, alleging therein, that respondents Rudas and Bularon forcibly took possession of the disputed lot in 1948 from Guminpin who had, until that year, been in peaceful possession thereof under claim of ownership for a period of more than thirty (30) years.

In four (4) separate dates, Moro Pedro Guminpin amended his complaint, viz: 1) on October 15, 1958, Enrique Wabena was included as defendant after a manifestation in court on September 15, 1958 by Rudas and Bularon that the right of Bularon over the land had already been sold to Wabena; 2) on May 22, 1959, allegations were made to the effect that in 1948 Rudas, thru misrepresentation, fraud, deceit and insidious machination, declared the land in question in his own name under Land Tax Declaration No. 10753 and divided the same into Lots 42 and 45 and subsequently prepared a document purporting to be a deed of absolute sale of Lot 42 and had a thumbmark placed thereon, allegedly that of Guminpin, and that Candido Bularon, using the same scheme, also prepared a document purporting to be a ratification of an earlier informal conveyance of a portion of the land and placed thereon a thumbmark supposedly that of Guminpin; 3) on December 23, 1959, Pedro Saldon was included as defendant after Enrique Wabena alleged in his answer by way of cross-claim that Pedro Saldon forcibly entered a portion of the land claimed by Wabena to which Saldon replied that he had been in possession of two (2) hectares adjoining the land of Bularon as owner prior to, during and subsequent to the alleged sale between Bularon and Wabena; 4) on July 27, 1960, allegations were made to the effect that Moro Pedro Guminpin was shot to death sometime in May 1960; and that, for this reason, he was to be represented as plaintiff by Filomena

Gomondas, Guminpin's surviving wife, and by Rosita and Oliver Guminpin, the deceased's children of minor age, and that she (Gomondas) be appointed as guardian ad-litem of said minor children.

The four (4) amended complaints were duly admitted in court in its orders dated October 25, 1958, June 6, 1959, January 9, 1960 and August 20, 1960, respectively.

In their answer, respondents Segundo Rudas, Candido Bularon, and Pedro Saldon, as defendants in the lower court, contended that they have legally entered the land in question, that they are in actual possession as owners for more than ten (10) years, that the action has prescribed; that the plaintiffs, now petitioners, must exhaust remedies available in the administrative case about the land pending in the Bureau of Lands between Pedro Guminpin and Rudas and; that said plaintiffs, now petitioners, are merely speculating in public lands.

Respondent Wabena, as defendant, claimed that he is a buyer in good faith and for value of the six (6) hectares from Bernarda V. Sanchez on February 28, 1958 which the latter bought from Candido Bularon in March 1957. Bularon, it was claimed, acquired the land from Pedro Guminpin as evidenced by a deed of ratification of an earlier sale of the land to Bularon in 1948.

After trial, the Court of First Instance of Zamboanga del Norte rendered a decision[2] on November 12, 1962 finding all the defendants, now private respondents, possessors in bad faith of the land in question. The dispositive portion of the decision reads:

"WHEREFORE, judgment is hereby rendered:

"1) Declaring the plaintiffs prior lawful possessors of the land in question, particularly described in paragraph 6 of the third amended complaint, entitled to its peaceful possession and enjoyment;

"2) Ordering the defendants to immediately vacate the premises in question and restore possession and enjoyment thereof to the plaintiffs, including all the plants thereon;

"3) Declaring null and void the 'Deed of Absolute Sale' Exhibit 1; the 'Ratification of An Earlier Conveyance', Exhibit 3 - Wabena; the 'Quit Claim Deed', Exhibit 1 - Saldon similar to Exhibit 9 - Wabena; and the 'Deed of Sale', Exhibit 2 - Wabena;

"4) Condemning defendants Segundo Rudas and Candido Bularon to pay to the plaintiffs jointly and severally, the sum of P2,784.00 as value of 18 cavans of palay at P10.00 per cavan, 12 cavans of corn at P6.60 per cavan, 1200 nuts at P0.05 each and 120 banana bunches at .20 per bunch, yearly from 1948 to 1957 inclusive;

"5) Condemning defendant Segundo Rudas to pay to the plaintiffs P2,268.00 yearly from 1958 until the complete restoration to the plaintiffs of the possession of the land in question, as value of the products mentioned in paragraph 4 immediately proceeding at the rates specified therein;

"6) Condemning defendant Pedro Saldon to pay to the plaintiff the sum of P252.00 yearly from 1953 until the complete restoration to the plaintiffs of the possession of the land in question, as value of the products mentioned in paragraph 4 above at the rates specified therein from his illegal possession of two hectares of the land in question;

"7) Condemning defendant Enrique Wabena to pay to the plaintiffs the sum of P514.00 yearly from 1958 until the complete restoration of the possession of the land in question to the plaintiffs, as value of the products mentioned in paragraph 4 above at the rates specified therein for his illegal possession of 4 hectares of the land in question;

"8) Condemning the defendants to pay to the plaintiffs, in solidum, P1,000.00 as moral damages, P500.00 as attorney's fees, and P200.00 as expenses of litigation;

"9) Dismissing the counterclaims of the defendants and the cross-claim of defendant Enrique Wabena against defendant Pedro Saldon, both being unfounded; and

"10) Condemning the defendants to pay the COSTS proportionately.

"SO ORDERED."

From the lower court's decision ordering, among others, respondents to immediately vacate the disputed land (Lot 690Pls-5) and restore possession and enjoyment thereof to petitioners, Segundo Rudas, Pedro Saldon and Enrique Wabena appealed to the Court of Appeals. Candido Bularon did not appeal from the judgment.

On June 22, 1971, the Court of Appeals rendered its decision[3] sustaining the possessory right of the petitioners to the disputed land when it quoted therein with approval, the lower court's conclusion that the deeds of sale relied upon by respondents are null and void;[4] but in the penultimate portion of the decision, the appellate court declared respondents as owners of the disputed land when it considered evidence bearing on the ownership thereof.[5] Thus the Court of Appeals observed as follows:

"We note while going over the parties' oral and documentary evidence that the latter bears not only the possession but also on the ownership of the land in question. It also occurs to us that, in the light of the said evidence, although this case started as an accion publiciana, we can determine the said question of ownership in order to write finis once for all (sic) this sixteen year-old case. Unless we do this, those who now claim to be the owners of the land in question will again litigate on the said ownership which may also take any number of years to thresh out.

"It is undisputed that appellees' predecessor-in-interest, Pedro Guminpin, mortgaged the land in question to the Philippine National Bank, his widow's appellee Filomena Gomondas testimony to this effect being found at page 16 of the transcript of August 9, 1961, to wit:

Q.

Will you please tell the court during the lifetime of your husband Moro Pedro Guminpin what he did with the land in question, whether he mortgaged this land?

A. He mortgaged the land.

Q.

Now, by virtue of that mortgage, will you please tell the court whether there was a certain person who went around the premises of the land in question?

A. There was.

Q. What did that person do?

A. He went around the premises of the land inspected the land. (sic)

Q. Were you able to get a loan?

A. Yes, sir.

Q. For how much?

A. P400.00.

ATTY. LACAYA:

In view of the testimony of this witness we beg that in this Exhibit B it is annotated which says, mortgaged for P400.00 to the Philippine National Bank, Zamboanga Agency per document executed July 22, 1952 . . . (Sgd. P. L. HERRERA, Assistant Provincial Treasurer).

"The said Real Estate Mortgage is marked as Exhibit K, dated July 31, 1952. Unfortunately, although the said land was then assessed at P5,010.00, it was mortgaged for P400.00 only. For non-payment of the said amount of P400.00, suit was brought before the Justice of the Peace Court of Dipolog, Zamboanga del Norte, resulting in the issuance of the writ of execution and a CERTIFICATE OF SALE whereby the land in question was sold to appellant Segundo Rudas for P830.00 on October 31, 1962 (Exhibit I). No redemption of the said land having been made within twelve (12) months after the said sale, there is every reason to presume that its ownership and possession had been conveyed to appellant Segundo Rudas sometime after October 31, 1963, pursuant to Section 35 of Rule 39 of the Rules of Court. The said right of appellant Segundo Rudas to own and possess the 24-hectare land in question is only subject to those of his co-appellants Pedro Saldon and Enrique Wabena, . . ."

Hence, this present recourse taken by petitioners.

In assailing the aforequoted portion of the Court of Appeals' decision adjudicating the ownership of the disputed land to respondents, petitioners assign the following errors:

I

THE HONORABLE COURT OF APPEALS ERRED IN THE PORTION OF ITS DECISION AWARDING THE LAND IN QUESTION TO THE RESPONDENTS ON THE GROUND THAT THE SAID LAND WAS SOLD BY VIRTUE OF THE WRIT OF EXECUTION ISSUED BY THE JUSTICE OF THE PEACE OF DIPOLOG, ZAMBOANGA DEL NORTE AND AFTER FAILURE TO REDEEM IT, A CERTIFICATE OF SALE WAS EXECUTED IN FAVOR OF RESPONDENTS SEGUNDO RUDAS AND NOT DECLARING THE PROCEEDINGS OF THE DEPUTY SHERIFF VICENTE BINGHAY IRREGULAR, ANOMALOUS, FRAUDULENT AND NULL AND VOID BECAUSE THE LAND SOLD, THE LAND IN QUESTION, BELONGED TO THIRD PERSON, DEAD AND NOT PARTY TO THAT CIVIL SUIT.

II

THE HONORABLE COURT OF APPEALS ERRED IN NOT APPLYING STRICTLY THE PROVISIONS OF SECTION 15, RULE 39, REVISED RULES OF COURT IN THE EXECUTION OF MONEY JUDGMENT AND ARTICLE 526, NEW CIVIL CODE IN ITS DECISION.

III

THE HONORABLE COURT OF APPEALS ERRED IN NOT AFFIRMING THE DECISION OF THE LOWER COURT WITH THE MODIFICATION WITH RESPECT TO MORAL DAMAGES.

From the foregoing assigned errors, it is apparent that the real matter in issue here is the legal effect of a final and executory judgment rendered by the Justice of the Peace Court of Dipolog, Zamboanga del Norte on May 7, 1961 in Civil Case No. 1294 and the subsequent execution proceedings in the enforcement of the judgment therein, to the issue in another case, Civil Case No. 708, an accion publiciana, as to who has a better right of possession over the disputed land, pending resolution in the Court of First Instance of Zamboanga del Norte, 16th Judicial District.

We see no reason to disagree with the conclusion reached by the Court of Appeals in adjudicating the ownership of the disputed land to the herein respondents after considering the evidence on the records bearing on the ownership of the said disputed land.

1. The judgment rendered on May 7, 1961 in Civil Case No. 1294 by the Justice of the Peace Court of Dipolog, Zamboanga del Norte which was subsequently enforced by the writ of execution^[6] issued on August 7, 1961, the proceedings consequent thereto now assailed as irregular, anomalous, fraudulent, and null and void for reasons stated in the aforequoted first assigned error, had ipso facto attained the character of finality aside from the fact that it stood unchallenged for a period of ten (10) years in the same court proceedings, except in the collateral way the petitioners have done in the instant case. In the same manner, the assailed execution proceedings undertaken by Deputy Sheriff Vicente Binghay had, likewise, attained finality. Records show that the disputed land was validly levied on, subsequently sold on execution on October 31, 1962 or seventeen (17) months after the decision was promulgated on May 7, 1961, then, after the lapse of the one (1) year redemption period, without any redemption having been made, a certificate of sale was issued in the name of the herein respondent Segundo Rudas, the highest bidder in the sale on execution and who, incidentally, is one of the defendants in the accion publiciana, Civil Case No. 708, pending in the Court of First Instance of Zamboanga del Norte.

It is now undisputedly too late for petitioners to reopen proceedings that has been long sealed by operation of law. As a rule, an order or decision becomes final by operation of law, not by judicial declaration, that is, upon the expiration of the period for appeal when no appeal has been duly perfected.^[7] Had petitioners not been totally remiss in the protection of their rights over the disputed land, they could have availed of the remedies under the law for they are not without remedy under the attendant circumstances at that time.

It is a long-standing rule 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.^[8] Interest rei publicae ut finis sit litium. The interest of the State demands that there be an end to litigation.^[9]

Moreover, under the equitable doctrine of laches, the lapse of time weakens petitioners' belated contention questioning the judgment rendered in Civil Case No. 1294 wherein it was claimed that under Section 21 Rule 3 of the Rules of Court, no action shall be filed against Moro Pedro Guminpin for recovery of money, debt or interest thereon upon his death in May 1960, and if after his death, there is a pending action for such recovery of money, debt or interest thereon, the said action shall be dismissed. The well-settled rule is that the negligence or omission to assert a right within a reasonable time warrants a presumption that the party entitled to assert it either has abandoned it or declined to assert it.^[10] Such neglect to assert a right, taken in conjunction with the lapse of time more or less great, and other circumstances causing prejudice to adverse party, operates as a bar in court of equity.^[11]

2. An examination of the records of Civil Case No. 708, an accion publiciana which was appealed by respondents herein to the Court of Appeals, docketed therein as CA-G.R. No. 33786-R, and decided on June 22, 1971, the

decision now brought to Us for review on certiorari, also reveals that events prior to the promulgation of the decision of the Court of First Instance of Zamboanga del Norte, 16th Judicial District on November 12, 1962 have materially altered or changed the situation of the parties with reference to the disputed land. It must be noted that prior to the promulgation of the judgment in the accion publiciana, Civil Case No. 708, by the Court of First Instance of Zamboanga del Norte, 16th Judicial District, the herein respondent Segundo Rudas, one of the defendants in said Case No. 708, purchased the disputed land on October 12, 1962 in a public auction sale undertaken by Deputy Sheriff Vicente Binghay pursuant to an execution proceedings in another case, Civil Case No. 1294, which was an ordinary action for collection of a sum of money instituted by the Philippine National Bank-Dipolog Branch against Pedro Guminpin's surviving spouse, Filomena Gomondas, Placido Raygon, and Mauro Alvar for non-payment of P400-loan secured by a mortgage on the disputed land.

Although the case started as an accion publiciana, We are of the view, that the Court of Appeals correctly and reasonably considered evidence bearing on the ownership of the disputed land and finally adjudicated the said land to the herein respondents in the proportion to which they now occupy because of the fact of impossibility of enforcing the lower court's judgment declaring that petitioners have a better right of possession over the disputed land, for, what is there to enforce when the same disputed land had already passed into the ownership and possession of another person by virtue of a court proceedings, now having force and effect of finality not only by prescription but more so, by the equitable doctrine of laches. By enforcing the possessory right of petitioners over the disputed land, although found to be rightfully theirs at the beginning as ruled by the lower court and the Court of Appeals, when the said land is already in the hands of a purchaser for value by virtue of a sale on execution, would be inequitable and unjust. The situation is not that the judgment in the accion publiciana has lost its virtuality, but that the plaintiffs, now petitioners, had ceased to be entitled to the relief awarded by said judgment precisely because of the material change in the situation of the parties. A supervening cause or reason had arisen which has rendered the decision of the court ordering respondents herein to vacate the disputed land no longer enforceable. The "supervening cause" was a superior cause, superseding the basis of the judgment and making its execution untenable.[12]

WHEREFORE, in view of the foregoing, the decision of the Court of Appeals dated June 22, 1971 is hereby affirmed.

SO ORDERED.

Makasiar (Chairman), Concepcion Jr., Guerrero and Escolin, JJ., concur.
Aquino and Abad Santos, JJ., took no part.

[1] pp. 22-35, Rollo.

[2] pp. 103-135, Record on Appeal, p. 53, Rollo.

[3] pp. 22-25, Rollo.

[4] pp. 28-29, Id.

[5] pp. 33-34, Id.

[6] p. 50, Rollo.

[7] Commissioner of Internal Revenue vs. Visayan Electric Co., 19 SCRA 696; Roque vs. Vda. del Rosario, 18 SCRA 101; Daquis vs. Bustos, 94 Phil. 913.

[8] King vs. Joe, 20 SCRA 1117; Ferinion vs. Sta. Romana, 16 SCRA 370; Tolentino vs. Ongsiako, 7 SCRA 1001.

[9] Villaflor vs. Reyes, et al., 22 SCRA 385.

[10] Tijam vs. Sibonghanoy, 23 SCRA 35.

[11] 30 C.J.S. p. 520-521 cited in Gutierrez vs. Bachrach Motors Co., Inc.; Nielson & Co. vs. Lepanto Consolidated Mining Co., 18 SCRA 1040.

[12] Subido vs. Hon. Gopengco, 27 SCRA 455.

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