

DR. JOSEFA T. DIGNUM, PLAINTIFF-APPELLANT, VS. ROSA MARIA LAMPARAS, HADJA PERLA MACARAMPAT AND ANYONE CLAIMING RIGHTS AND INTEREST UNDER THEM, DEFENDANTS-APPELLEES, DIGNUM FOUND...

Ponente: LLOREN, J.

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LLOREN, J.:

Before Us are the separate appeals filed by the plaintiff-appellant Dr. Josefa T. Dignum and intervenor-appellant Dignum Hospital Foundation seeking to set aside the March 8, 2012 Decision[1] of the Regional Trial Court Oroquieta City, 10[th] Judicial Region, Branch 12, in Civil Case No. 4854-14-125, an action for Annulment of Affidavit of Self-Adjudication, Cancellation of Transfer Certificates of Title and Tax Declarations with Prayer for Preliminary Injunction and Temporary Restraining Order. The said Decision dismissed both the complaint and complaint-in-intervention filed by plaintiff-appellant and intervenor-appellant, the dispositive portion of which reads:

WHEREFORE, judgment is hereby rendered DISMISSING the complaint of Josefa Dignum and the complaint-in-intervention of Dignum Foundation Hospital for utter lack of merit.

SO ORDERED.

The facts as culled from the records:

Upon the death of her adoptive mother Torcuata Lamparas (Torcuata) on May 25, 1993, Rosa Maria Lamparas (Rosa Maria), as the sole heir, adjudicated unto herself through an Affidavit of Adjudication of Real Estate[2] the twenty-one (21) parcels of land then under the name of her deceased mother.

However, Rosa Maria could not enjoy the fruits and income of the real properties since Dr. Josefa T. Dignum (Dr. Josefa) was collecting it on the basis that the latter was the real owner of the properties. Dr. Josefa claimed that Torcuata was a mere trustee of the properties.

As a consequence, Rosa Maria filed a Complaint for Collection of Sum of Money, Accounting and Damages at the Regional Trial Court of Marawi City. On the other hand, Dr. Dignum filed a Complaint for Quieting of Title at the RTC of Oroquieta City.

On March 31, 1997, acting on the Complaint for Collection of Sum of Money, the RTC (Branch 9) of Marawi rendered a Decision[3] in favor of Rosa Maria. The trial court ordered thus:

WHEREFORE, judgment is hereby rendered in favor of plaintiff ROSA MARIA LAMPARAS against defendant JOSEFA DIGNUM ordering said defendant:

(1) To pay unto plaintiff Rosa Maria Lamparas the sum of One Million Six Hundred Sixty-Nine Thousand Seven Hundred Twenty (P 1,669,720.00) Pesos representing the fruits of the properties from May 1993 to November 1996;

- (2) To pay 12% interest per annum thereof from 1993 until paid;
- (3) To pay unto the plaintiff the sum of Two Hundred Thousand (P200,000.00) Pesos in damages;
- (4) To pay litigation expense of Twenty Thousand (P20,000.00) Pesos; and
- (5) To pay the costs.

SO ORDERED.

Dr. Josefa appealed this Decision to the Court of Appeals.

On December 28, 1998, pending resolution of Dr. Josefa's appeal, the RTC (Branch 13) of Oroquieta City rendered a Decision[4] on the case for quieting of title in favor of the latter. The said court declared Dr. Josefa as the owner of sixteen (16) out of the twenty-one (21) lots included in the Affidavit of Adjudication of Rosa Maria. The dispositive portion of which reads:

WHEREFORE, this Court renders judgment in favor of the plaintiff (Dr. Josefa) and against the defendant (Rosa Maria),

- (a) finding the existence of an implied trust between the plaintiff as beneficiary and the deceased Torcuata Lamparas as trustee, and
- (b) declaring the plaintiff the lawful and rightful owner of the properties described in par. 2 of the complaint and registered/declared in the name of Torcuata Lamparas, and quieting the plaintiff's title thereto.

Both the collection of sum of money and quieting of title cases reached up to the Supreme Court and were affirmed with finality.[5]

In view of the finality of the collection of sum of money case, the RTC of Marawi issued on April 1, 2003 a writ of execution of final judgment.[6] Several properties were then levied by the court sheriff Palao Diamla. In a public auction held on April 23, 2003, the properties were sold to the highest bidder, Hadja Perla Tur Macarampat (Hadja Perla), the biological mother of Rosa Maria. Among the properties levied and sold was a parcel of land covered by OCT No. (P-6056) P-1248, located at Lower Langcangan, Oroquieta City and the improvements thereon including the Dignum Foundation Hospital building. When the redemption period of one year elapsed without a redemption made, Hadja Perla consolidated her ownership over the properties.

In order to stop Rosa Maria and Hadja Perla from further exercising unjustly acts of ownership over the foreclosed properties, Dr. Josefa filed the present Complaint[7] on June 1, 2006 for Annulment of Affidavit of Self-Adjudication, Cancellation of Transfer Certificates of Title and Tax Declarations, among others.

In her Complaint, Dr. Josefa claimed that the Affidavit of Adjudication of Rosa Maria is null and void in view of the supervening final Decision of the RTC Oroquieta, declaring the former as the real owner of sixteen (16) out of twenty-one (21) properties mentioned in the Affidavit.

Also, Dr. Josefa claimed that the Affidavit of Adjudication suffered from the following serious irregularities: that it was not published and was not registered in the Office of the City Assessor and Registry of Deeds of Oroquieta City where the estate properties are located, and that it was executed in a place other than where the decedent died or where the properties were located, all in violation of Rules 73 and 74 of the Rules of Court.

Based on the foregoing reasons, Dr. Josefa concluded that the Affidavit of Adjudication of Real Estate and the Decision of the RTC Marawi became null and void and all the proceedings thereafter, including but not limited to the public auction held thereon which also became void.

Rosa Maria filed her Answer with Motion to Dismiss[8] while Hadja Perla filed her Motion to Dismiss.[9] Both averred that Dr. Josefa was guilty of deliberate forum-shopping as the latter failed to indicate in her certification that she filed a case entitled “IN RE PETITION SEEKING CLARIFICATION ON THE VALIDITY AND EFFECT OF TWO (2) FINAL DECISIONS OF THE HONORABLE SUPREME COURT BY ITS THIRD (3RD) DIVISION IN G.R. NO. 150176 (CA-GR CV NO. 90350; RTC OROQUIETA CITY, BR. 12, CIVIL CASE NO. 4527-13-164) AND IN SUPREME COURT (3RD DIVISION) G.R. NO. L-159278 (CA-GR CV NO. 63024; RTC-MARAWI CITY, BR. 09, CIVIL CASE NO. 1127-94) INVOLVING THE SAME SET OF PROPERTIES” before the Supreme Court and docketed as G.R. No. 170450. In a Resolution[10] dated January 31, 2006, the Supreme Court dismissed the said Petition and ruled that there was no conflict in the two (2) decisions as it involved different causes of action, among others.

For failure to make such disclosure, Rosa Maria and Hadja Perla asserted that the certification accompanying Dr. Josefa's complaint is fatally defective and is a ground for dismissal thereof pursuant to Section 5, Rule 7 of the Rules of Court.

Thereafter, herein intervenor-appellant Dignum Foundation Hospital filed a Motion for Leave to file Complaint-in-intervention with attached Complaint-in-Intervention dated August 14, 2006.[11] Dignum Foundation Hospital alleged that the hospital and its amenities were wrongfully levied by the court sheriff as it does not belong to the judgment debtor but to the Dignum Foundation.

Rosa Maria opposed the intervention filed by Dignum Foundation Hospital on the ground that the latter presented no incontrovertible proof of ownership over the subject properties.[12]

After a series of pleadings filed by the parties, the court a quo issued an Order[13] dated February 15, 2007 resolving the incidents then pending, namely: a) motion to dismiss; b) propriety of the complaint-in-intervention; and c) application for the writ of preliminary injunction. The dispositive portion of the Order reads:

WHEREFORE, this Court renders the following dispositions:

- The Motions to Dismiss the Complaint of the plaintiff, filed by defendants Lamparas and Macarampat are denied for want of merit;
- The Motion for Leave to File Complaint-in-Intervention and the accompanying Complaint-in-Intervention of Dignum Foundation Hospital are granted and admitted, respectively, and the Oppositions thereto registered by defendants Lamparas and Macarampat brushed aside likewise for lack of merit;
- And lastly, the plaintiff's prayer for the issuance of a writ of preliminary injunction is granted for being meritorious. Consequently, the plaintiff is directed to file a bond which is set at Php 500,000.00

SO ORDERED.

Motions for Reconsideration[14] were filed by Rosa Maria and Hadja Perla, however the same were denied by the court a quo in an Order dated June 19, 2007.[15]

On July 24, 2007, Hadja Perla submitted her Answer with compulsory counterclaim[16] raising the affirmative defenses of forum shopping, res judicata and the court a quo's lack of jurisdiction to annul or modify a decision rendered by a co-equal and coordinate body.

During the pre-trial conference, the parties agreed to forego with the trial of the case and in lieu thereof, to submit

their respective memorandum to discuss their respective positions.[17]

After the parties submitted their respective memorandum, the court a quo, on March 8, 2012, rendered the assailed Decision. In dismissing the complaint of both Dr. Josefa and Dignum Foundation Hospital, the court a quo ratiocinated as follows:

The Decision of the Regional Trial Court of Oroquieta City, which decreed Josefa Dignum to be the lawful and rightful owner to sixteen (16) of the properties covered in the affidavit of adjudication, does not nullify the affidavit of self-adjudication. To be sure, the legality and validity of the affidavit of self-adjudication has already been favorably passed upon in the Decision of the Regional Trial Court of Marawi City, which Decision has already long become final and executory. It is already immutable and could no longer be modified in any respect.

The alleged defects in the affidavit of self-adjudication are unfounded. In fact, the Decision of the Regional Trial Court of Marawi City stated in detail the compliance of the affidavit of self-adjudication with the requirements of the law.

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On the complaint-in-intervention, the assertion that the properties levied in execution to satisfy the Decision of the Regional Trial Court of Marawi belong to Dignum Foundation Hospital and not to Josefa Dignum, is bereft of merit. Suffice it to state that extant documents pertaining to the properties all indicate that the owner thereof is Josefa Dignum and not Dignum Foundation Hospital.

Aggrieved by the Decision of the court a quo, Dr. Josefa and Dignum Foundation Hospital filed their separate appeals.

In its appeal, Dignum Foundation Hospital raised the following errors:

I.

THE TRIAL COURT ERRED IN DISMISSING DIGNUM HOSPITAL'S COMPLAINT-IN-INTERVENTION;

II.

THE TRIAL COURT ERRED IN NOT ANNULING THE AFFIDAVIT OF SELF-ADJUDICATION;

III.

THE TRIAL COURT ERRED IN NOT NULLIFYING THE EXECUTION SALE.[18]

On the other hand, Dr. Josefa interposed the following assignment of errors:

I.

WITH ALL DUE RESPECT, THE COURT A QUO COMMITTED SERIOUS REVERSIBLE ERROR WHEN IT RULED THAT PLAINTIFF-APPELLANT CAN NOT INVOKE THE INFIRMITY OF APPELLEE LAMPARAS'AFFIDAVIT OF SELF-ADJUDICATION AS BASIS FOR ITS CAUSE OF ACTION IN THE PRESENT COMPLAINT SUPPOSEDLY ON ACCOUNT OF APPELLANT'S FAILURE TO CHALLENGE ITS VALIDITY IN CIVIL CASE NO. 1127-94 (COLLECTION OF SUM OF MONEY, ACCOUNTING AND DAMAGES) FILED BY DEFENDANT-APPELLEE LAMPARAS BEFORE THE REGIONAL TRIAL COURT OF MARAWI CITY, BRANCH 09.

II.

WITH ALL DUE RESPECT, THE COURT A QUO COMMITTED SERIOUS REVERSIBLE ERROR WHEN IT DISMISSED THE PRESENT COMPLAINT AND RULED THAT FAVORABLY ACTING ON THE ANNULMENT OF DEFENDANT-APPELLEE LAMPARAS' AFFIDAVIT OF SELF-ADJUDICATION WOULD HAVE THE EFFECT OF OVERTURNING AND NULLIFYING THE FINAL AND EXECUTORY DECISION OF THE REGIONAL TRIAL COURT, MARAWI CITY, BRANCH 09.

III.

WITH ALL DUE RESPECT, THE COURT A QUO COMMITTED SERIOUS REVERSIBLE ERROR WHEN IT RULED THAT THE DECISION OF THE REGIONAL TRIAL COURT, MARAWI CITY, BRANCH 09, WHICH HAS LONG BECOME FINAL AND EXECUTORY "CANNOT ANYMORE BE ALTERED OR MODIFIED CONSISTENT WITH THE DOCTRINE OF FINALITY OF JUDGMENT." [19]

The foregoing issues raised by both appellants can be summarized into the following:

- 1) The validity of Rosa Maria's Affidavit of Adjudication of Real Properties;
- 2) The alleged conflict in the Decisions of RTC Marawi and RTC Oroquieta; and
- 3) The validity of the execution sale.

Anent the issue of the validity of the Affidavit of Adjudication, both Dignum Foundation Hospital and Dr. Josefa argued that the said Affidavit is void because it included therein properties that do not belong to the estate of the decedent. Through the Decision of the RTC Oroquieta, sixteen (16) properties included in the Affidavit of Rosa Maria were definitely and finally judged as belonging exclusively to Dr. Josefa and not to the decedent Torcuata. Considering that the majority of the adjudicated properties do not belong to Torcuata, the said properties cannot be transmitted to Rosa Maria as the latter cannot enjoy rights greater than that of her predecessor.

Also, Section 1 of Rule 73[20] of the Rules of Court unmistakably declared that the settlement of the estate of the deceased shall be held in the place where he resides at the time of his death. In the case at hand, the Affidavit of Adjudication, which extra-judicially settled the estate of Torcuata, was executed in Marawi City instead of Oroquieta City where Torcuata resided at the time of her death. Hence, the Affidavit must be struck down for being invalid.

The contention is not tenable.

The Affidavit of Adjudication of Real Properties made by Rosa Maria was merely her voluntary declaration concerning the fact that she was the sole heir of her deceased mother, and the properties left by her mother, which were then at the name of the latter as the declared owner.

The mere inclusion of the properties owned by Dr. Josefa in the Affidavit of Adjudication does not render the said Affidavit null and void. It should be noted that an Affidavit of such kind does not vest ownership of the properties mentioned therein; the mere execution of the Affidavit of Adjudication is not a mode of acquiring ownership. Just like in the determination of a probate court of what properties to be included in the estate of a decedent, the inclusion of other properties not belonging to the decedent does not render the entire proceedings or order of the said court null and void. The determination of title to the properties by the probate court is merely provisional and is subject to the outcome of any action to be brought thereafter in the proper court on the issue of ownership. As in the case at hand, the RTC Oroquieta, in a case for quieting of title, has already settled the issue of ownership of the sixteen properties in favor of Dr. Josefa. With Dr. Josefa's rights and interests over the properties having been

finally settled, it can be said that the latter no longer has a cause of action for the nullification of the Affidavit.

Moreover, Rosa Maria enthusiastically maintained before the court a quo that the levy, auction and execution made by the RTC Marawi has nothing to do with the issue on ownership ruled upon by RTC Oroquieta but for the purpose of satisfying the money judgment rendered by the former court which has long attained finality.

The allegation that the Affidavit of Adjudication is null and void since it was executed in Marawi City and not in Oroquieta City where Torcuata resided at the time of her death is downright specious. Contrary to the allegations of the appellants, Section 1 of Rule 73 of the Rules of Court is not applicable / controlling to the Affidavit of Adjudication. The said provision refers to a judicial settlement of the estate of a deceased person where a will is probated, or letters of administration granted, and others. On the other hand, the estate of Torcuata was settled extra-judicially through the subject Affidavit of Adjudication in pursuant to Rule 74 of the Rules of Court. A perusal of Rule 74 will readily reveal that there is no such provision requiring that an Affidavit of Adjudication be executed in the place of the decedent's residence. It should be stressed that the RTC Marawi did not act as a probate or intestate court but as an ordinary court to rule on the Complaint for a Collection of Sum of Money filed by Rosa Maria.

Anent the second issue, both appellants posit that the final Decision of the RTC Oroquieta which declared Dr. Josefa as the true owner of the sixteen properties contained in the Affidavit of Adjudication served as a supervening event that renders the RTC Marawi Decision without legal basis. Essentially, the RTC Marawi is vulnerable to annulment.

Dr. Josefa further avers that since she was declared as the lawful owner, she has the right to exercise all the attributes of an owner including the attribute of *jus fruendi*. Verily, Rosa Maria acquired no right over the sixteen properties for it was never part of her inheritance from the deceased Torcuata. Thus, when RTC Marawi awarded the fruits of the properties to Rosa Maria, its Decision was essentially a void decision.

We are not persuaded.

This issue anent the alleged conflict between the Decisions of the RTC Marawi and RTC Oroquieta has already been settled with finality by no less than the Supreme Court in its Resolution dated January 31, 2006.[21] The said Resolution provides:

At the outset, we hold that there is no conflict between the assailed Resolutions of this Court. If at all, the alleged conflicting effect of the Resolutions is a result of petitioner's (Dr. Josefa) failure to properly attend to her cause.

First, it must be stressed that although the two cases involve the same properties, their causes of action are not the same. GR No. 150176 was for collection of sum of money and damages while GR No. 159278 was for quieting of title. While the cases are rooted on the issue of ownership, the parties however, have taken different directions in advancing their causes. Hence, the separate judgments on these cases.

Second, we note that despite the favorable judgment in the case for quieting of title at the trial court level, petitioner made no attempt to have the cases consolidated at the appellate court. The effects of the separate judgments in both cases could have been resolved at that stage of the court proceedings. Unfortunately, petitioner allowed the cases to be considered independently.

Third, the right to appeal is a mere statutory privilege and may be exercised only in the manner prescribed by, and in accordance with, the provision of the law. When petitioner appealed the case for collection of sum of money in GR No. 150176, this Court denied the Petition outright for her failure to comply with the rules on civil procedure. Consequently, the Decision appealed from became final and executory as if no appeal was filed at all. We stress that unlike in the November 8, 2004 Resolution in GR No. 159278, we never made a

ruling on the merits in GR No. 150176.

Fourth, notwithstanding the affirmation of the ownership rights of petitioner in GR No. 159278, this Court could no longer alter the Judgment of the RTC (Branch 9) of Lanao del Sur. Having become final, the assailed Judgment is already immutable. The judgment may no longer be modified in any respect, even if the modification is meant to correct what is perceived to be an erroneous conclusion of fact or law.

In sum, this Court, in denying the Petition in GR No. 159278 for lack of reversible errors, effectively affirmed the Court of Appeals Decision stating that the petitioner (Dr. Josefa) is the rightful owner of the subject properties and is entitled to all the attributes of ownership. However, because of the failure of petitioner to properly appeal the Judgment on the case for collection of sum of money, the right of Rosa Maria to execute the said Judgment, which has become final, still stands.

WHEREFORE, the Petition is DISMISSED for lack of merit.

SO ORDERED.

This Court has no alternative other than to subscribe faithfully to the above pronouncement of the Supreme Court.

Moreover, it should be noted that Dr. Josefa admitted before the court a quo that she herself filed the petition before the Supreme Court and that she invoked therein as one of her causes of action the theory of supervening event.[22]

Certainly, for this Court to litigate again this present issue on whether the Decision of the RTC Oroquieta would have the effect of nullifying or modifying the Decision of the RTC Marawi, will trample upon the well-settled doctrine of conclusiveness of judgment. Under the principle of conclusiveness of judgment, such material fact becomes binding and conclusive on the parties. When a right or fact has been judicially tried and determined by a court of competent jurisdiction, or when an opportunity for such trial has been given, the judgment of the court, as long as it remains unreversed, should be conclusive upon the parties and those in privity with them. Simply put, conclusiveness of judgment bars the relitigation of particular facts or issues in another litigation between the same parties on a different claim or cause of action.[23] Hence there is no need for this Court to make another independent finding on such issue because the doctrine of conclusiveness of judgment had already set in. The pronouncements of the Supreme Court in the following cases are thus instructive, to wit:

The reasons for establishing the principle of "conclusiveness of judgment" are founded on sound public policy, and to grant this petition would have the effect of unsettling this well-settled doctrine. It is allowable to reason back from a judgment to the basis on which it stands, upon the obvious principle that where a conclusion is indisputable, and could have been drawn only from certain premises, the premises are equally indisputable with the conclusion. When a fact has been once determined in the course of a judicial proceeding, and a final judgment has been rendered in accordance therewith, it cannot be again litigated between the same parties without virtually impeaching the correctness of the former decision, which, from motives of public policy, the law does not permit to be done.[24]

Res judicata has two concepts. The first is bar by prior judgment under Rule 39, Section 47 (b), and the second is conclusiveness of judgment under Rule 39, Section 47 (c). Both concepts are founded on the principle of estoppel, and are based on the salutary public policy against unnecessary multiplicity of suits. Like the splitting of causes of action, res judicata is in pursuance of such policy. Matters settled by a Court's final judgment should not be litigated upon or invoked again. Relitigation of issues already settled merely burdens the Courts and the taxpayers, creates uneasiness and confusion, and wastes valuable time and energy that could be devoted to worthier cases.[25]

Anent the issue on the validity of the execution sale, it has been argued that the execution sale was improper and

void for it did not abide with Sec. 15, Rule 39 of the Rules of Court.[26]

In an Order[27] dated February 15, 2007, in which the writ of preliminary injunction was issued, among others, the court a quo found the following irregularities in the execution sale:

From the evidence found in the record, it unmistakably appears that notwithstanding two (2) Orders dated 7 September 2006 and 29 September 2006 and two (2) hearings for those specific purposes, defendants Lamparas and Macarampat, and Sheriff Diamla FAILED to submit the several documents specified / mentioned in said Orders, which are material and prerequisite for a valid public auction sale, to wit:

- Proof of posting of written notices of sale by public auction in three (3) public places, preferably in conspicuous areas in the municipal or city hall xxx

- Proof of publication of the Notice of Sale on Execution of Real Properties, supra., in a newspaper published, edited or circulated, or in the absence thereof, having general circulation in the province or city, whether in the place where the subject properties were auctioned off (Marawi City), or in the place where they are located (Oroquieta City) because what appears on record are two (2) issues only of “Mindanao Scoop” dated 13 April 2003 and 20 April 2003 (supra.), which per Affidavit of Publication of its Publisher and Business Manager dated 25 April 2003, is “xxx weekly newspaper of general circulation edited and published in the City of Iligan, xxx”(Page 539 Record), and not in Marawi City or Oroquieta City. Xxx

- While the same Record shows that three (3) of the properties auctioned off were ultimately issued of Sheriff's Certificates of Final Sale, after the period of redemption expired without the judgment debtor exercising said right, namely: Exh. “8” (for that parcel of cocoland with an area of .2106 hectare), “9” (for that parcel of cocoland also, with an area of .1543 hectare supra,) and “10” (for that parcel of Riceland and with an area of . 2500 hectare, however, the corresponding Sheriff's Certificate of Final Sale over the remaining property described as a parcel of land with an area of 6,093 sq. m., located in Lower Langcangan, Oroquieta City and bearing Original Certificate of Title No. “P-6056”P-1248, and Tax Declaration Nos. 194700 and 177210 (Exh. “3”, supra.), and including all the buildings and improvements therein listed, including the Dignum Hospital, has not at all been submitted, thus putting the consolidation of ownership over the same in the name of the defendant Macarampat in the record of the Registry of Deeds of Oroquieta City, in serious question.

- Lastly, in the “Minutes of Public Auction Sale of Real Properties,” supra, Sheriff Diamla has declared as follows:

xxx

xxx

xxx

Bidders: -----

AMOUNT OF BID

1. Hadja Perla Tur Macarampat

- Php 1,094,322.00

(Consolidated bid)

2. Hadji Mohamad Rasul

- 1,062,350.00

(Consolidated bid)

3. Ali D. Macapaar

- 1,080,417.00

(Consolidated bid)

RESULT:

SOLD all the 4 parcel of lots to HADJA PERLA TUR

MACARAMPAT in the total bid of Php 1,094,322.00 as

the highest bidder. Xxx””, (Quoted AS IS),

and no other accompanying separate documents of bid for each of the four (4) properties. This consolidated sale is not in accordance with Section 19, Rule 39, supra., which expressly requires that “xxx When the sale is of real property, consisting of several known lots, they must be sold separately; xxx (Underlining supplied)

However, in the assailed Decision, Dignum Foundation Hospital asserts that the court a quo failed to consider the above findings of irregularities in the execution sale. The said inaction of the court a quo caused prejudice on Dignum Foundation Hospital, which was deprived of its properties by virtue of an irregular and invalid execution sale.

The contention is not tenable.

It should be stressed that this issue was not raised during the course of the trial. It is a well-settled rule that issues not raised below cannot be raised for the first time on appeal. Points of law, theories, issues and arguments not brought to the attention of the lower court need not be, and ordinarily will not be, considered by the reviewing court, as they cannot be raised for the first time at that late stage. Basic considerations of due process impel the adoption of this rule.[28]

A perusal of the complaints both filed by Dr. Josefa and Dignum Foundation Hospital reveals that not a single allegation was raised by both parties concerning the validity of the execution sale. The complaint of Dr. Josefa focused mainly on the nullity of the Affidavit of Adjudication due to the inclusion of properties not owned by the decedent in said document while Dignum Foundation Hospital alleged in its complaint-in-intervention that it is the owner of the improvements, the hospital and other facilities, existing at the lot, then covered by OCT No. (P-6056) P-1248 and under the name of Dr. Josefa. None of them assailed the alleged irregularities on the execution sale.

Moreover, during the pre-trial conference and in their respective Memoranda[29] submitted before the court a quo, neither Dr. Josefa nor Dignum Foundation Hospital ever raised as an issue the validity of the execution sale. In fact, in the pre-trial Order[30] dated December 15, 2009, Dr. Josefa and Dignum Foundation Hospital raised only the followings issues:

ISSUES

BY THE PLAINTIFF: (Dr. Josefa)

1. Whether or not the affidavit of self adjudication executed by Rosa Maria Lamparas be nullified considering that the decision of RTC – Branch 13, Oroquieta City declared that those properties subject to the Affidavit of Self Adjudication are not properties of Torcuata Lamparas but of Dr. Josefa Dignum the plaintiff in this case.

BY THE INTERVENOR:(Dignum Foundation Hospital)

1. Whether or not the defendants recognize the legal personality of the Dignum Foundation Hospital.

Hence, this Court will not consider the issue of the validity of the execution sale because such issue was not pleaded or agreed upon in the pre-trial and, therefore, a non-issue in this appeal. It is a fundamental rule that no question will be entertained on appeal unless it has been raised below.

Admitting arguendo that such issue was properly raised before the court a quo, this Court is of the opinion that the former court has no jurisdiction over such action. Herein appellants could not seek before the RTC Oroquieta, the court a quo, the nullification of the execution sale conducted before the RTC Marawi in the enforcement of its final and executory decision. This would go against the well-established principle of judicial stability where the judgment or order of a court of competent jurisdiction, the RTC Marawi, may not be interfered with by any court of concurrent jurisdiction (i.e. another RTC) for the simple reason that the power to open, modify or vacate the said judgment or order is not only possessed by but is restricted to the court in which the judgment or order is rendered or issued. [31]

The long standing doctrine is that no court has the power to interfere by injunction with the judgments or decrees of a court of concurrent or coordinate jurisdiction. The various trial courts of a province or city, having the same or equal authority, should not, cannot, and are not permitted to interfere with their respective cases, much less with their orders or judgments. A contrary rule would obviously lead to confusion and seriously hamper the administration of justice.[32]

The argument that the execution sale was invalid for lack of publication and other irregularities should have been presented before the RTC Marawi as it was the court which rendered the Decision and ordered the execution sale and thus should settle the whole controversy.

Anent the allegation that the properties levied were not the properties of Dr. Josefa but that of Dignum Foundation Hospital, this Court agrees with the ruling of the court a quo that “extant documents pertaining to the properties all indicate that the owner thereof is Josefa Dignum and not Dignum Foundation Hospital”. As stated beforehand, the subject land was covered by OCT No. (P-6056) P-1248 and the declared owner was Dr. Josefa. Such title in the name of Dr. Josefa is the best evidence of ownership over the registered land and unless annulled in an appropriate proceeding, the title is conclusive on the issue of ownership.[33]

In all, this Court finds no cogent reasons to overturn the Decision of the court a quo.

WHEREFORE, premises considered, the APPEAL is DISMISSED. The March 8, 2012 Decision of the Regional Trial Court Oroquieta City, 10th Judicial Region, Branch 12, in Civil Case No. 4854-14-125, is hereby AFFIRMED in toto.

SO ORDERED.**CERTIFICATION**

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.

Azcarraga-Jacob and Contreras, JJ., concur.

[1] Records, Volume II, pp. 184 – 191, penned by Hon. Edmundo P. Pintac, Designated Judge

[2] Records, Volume I, pp. 13 - 16

[3] Id, pp. 46 - 88

[4] Records, Volume I, pp. 17 - 28

[5] Rollo, pp. 297 - 298

[6] Records, Volume I, pp. 99 - 100

[7] Id, pp. 2 - 12

[8] Records, Volume I, pp. 43 - 45

[9] Id, pp. 182 - 193

[10] Id, pp. 102 - 106

[11] Id, pp. 350 - 412

[12] Records, Volume I, pp. 348 - 349

[13] Id, pp. 565 - 578

[14] Id, pp. 579 – 581; pp. 601 - 607

[15] Id, pp. 639 - 641

[16] Id, pp. 643 - 653

[17] Records, Volume II, Id, pp. 85 - 87

[18] Rollo, p. 73

[19] Id, p. 120

[20] SECTION 1. Where estate of deceased persons be settled. — If the decedent is an inhabitant of the Philippines at the time of his death, whether a citizen or an alien, his will shall be proved, or letters of administration granted, and his estate settled, in the Court of First Instance in the province in which he resides at the time of his death, xxx

[21] supra at note 10

[22] Records, Volume II, pp. 85 - 87

[23] Noceda vs. Arbizo-Directo, G.R. No. 178495, July 26, 2010

[24] Rasdas v. Estenor, G.R. No. 157605, December 13, 2005

[25] Camara v. Court of Appeals, G.R. No. 100789, July 20, 1999

[26] Sec. 15. Notice of sale of property on execution.

Before the sale of property on execution, notice thereof must be given as follows:

xxx

(c) In case of real property, by posting for twenty (20) days in the three (3) public places above-mentioned a similar notice particularly describing the property and stating where the property is to be sold, and if the assessed value of the property exceeds fifty thousand (P50,000.00) pesos, by publishing a copy of the notice once a week for two (2) consecutive weeks in one newspaper selected by raffle, whether in English, Filipino, or any major regional language published, edited and circulated or, in the absence thereof, having general circulation in the province or city;

(d) In all cases, written notice of the sale shall be given to the judgment obligor, at least three (3) days before the sale, except as provided in paragraph (a) hereof where notice shall be given at any time before the sale, in the same manner as personal service of pleadings and other papers as provided by Section 6 of Rule 13.xxx

[27] Records, Volume I, pp. 565 - 578

[28] Peña vs. Tolentino, G.R. No. 155227-28, February 9, 2011

[29] Records, Volume II, pp. 167 – 169; pp. 170 - 182

[30] Id, pp. 85 - 87

[31] Tiu vs. First Plywood Corporation, G.R. No. 176123, March 10, 2010

[32] Heirs of the Yadno vs. Heirs of Anchales, G.R. No. 174582, October 11, 2012

[33] Serrano vs. Gutierrez, G.R. No. 162366, November 10, 2006

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