

**ARSENIO DELA CRUZ, PEDRO SANGABOL AND LUCIA GUTIERREZ,
PETITIONERS, VS. HON. VIRGILIO D. POBRE YÑIGO WHO TOOK OVER
AND REPLACED THE HON. FLORENDO P. AQUINO, JUDGE OF THE
COURT O...**

G.R. No. L-39899. December 29, 1983

Ponente: GUTIERREZ, JR., J.

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GUTIERREZ, JR., J.:

This is a petition for review on certiorari to set aside the decision of Judge Florendo P. Aquino and the orders of Judge Virgilio D. Pobre of the respondent Court of First Instance of Nueva Ecija sitting as a Cadastral Court in Cadastral Case No. 67 LRC CAD. REC. NO. 1556 entitled "In Re: Petition for Continuation of Cadastral Proceedings, Potenciano Reaño, petitioner."

The instant petition for review is factually related to another petition in *Dela Cruz v. Reaño* (34 SCRA 585) decided on August 31, 1970 bearing on the same issue and subject matter and decided against herein private respondent.

The facts as set forth in *Dela Cruz v. Reaño* docketed as G.R. No. L-29792, and which are reiterated in the present petition are:

"Pursuant to Homestead Patent No. V-31853 issued by the Secretary of Agriculture and Natural Resources, by authority of the President of the Philippines, on July 28, 1954, in accordance with the provisions of Commonwealth Act No. 141, Original Certificate of Title No. P-1870 was issued in the name of Simeon Gutierrez by the Office of the Register of Deeds for the Province of Nueva Ecija on August 18, 1956. It covered Lots Nos. 1, 2 and 3 of plan H-105846 (hereinafter referred to simply as Lots 1, 2 and 3) - identical in technical description and in area to Lots 1896, 1914 and 1913, respectively, of the Cadastral Survey of Sta. Rosa, Nueva Ecija (certificate issued by the Acting District Land Officer of Nueva Ecija on July 11, 1968 marked as Annex A-1 and appearing at p. 12 of the record).

"In the course of time Lots 1 and 2 were acquired by petitioner Arsenio dela Cruz in whose name Transfer Certificate of Title No. NT-69521 was issued. Dela Cruz also acquired Lot 3-A of subdivision plan (LRC) Psd-69137, with an area of 12,482 square meters, the same being a portion of Lot 3 (which corresponds to Lot No. 1913 of the Sta. Rosa Cadastre), Transfer Certificate of Title No. NT-70380 having been issued in his name.

"On the other hand, petitioner Pedro Sangabol acquired Lot No. 3-C of the aforesaid subdivision plan (LRC) Psd-69137, the same being a portion of 30.003 sq.m. of Lot No. 3, and as a result Transfer Certificate of Title No. NT-69551 was issued in his name and that of his wife, Francisca del Rosario.

"It further appears that by virtue of a partition agreement inscribed on June 16, 1967, Lot 3-B of same subdivision plan (LRC) Psd-69137 - the remaining portion of Lot 3 - was acquired by the other petitioner, Lucia Gutierrez, to whom Transfer Certificate of Title No. NT-70251 was issued.

"On May 16, 1966 - more than ten years after the issuance of Homestead Patent No. V-31853 and a little less than ten years after the issuance of Original Certificate of Title No. P-1870 - private respondent Potenciano Reaño filed in Cadastral Case No. 67 of the Court of First Instance of Nueva Ecija a verified 'Petition for Continuation of Cadastral Proceedings' (Italics supplied), alleging, substantially, that he was the owner of a parcel of land covered by Plan Psu-66102 approved by the Director of Lands on November 15, 1929, having acquired it from the previous owner, Pedro Padilla, who subsequently allowed it to be subdivided into 30 cadastral lots with an aggregate area identical to that of the land described in the aforesaid plan; that he had sufficient evidence to prove his title thereto and, on the strength of said allegations, prayed for the lifting of the order of general default entered in said Cadastral Case No. 67, and that, after the proper proceedings, decision be rendered adjudicating the aforesaid lots in his favor.

"On November 16 of the same year, Judge Serafin R. Cuevas, then presiding the lower court, rendered judgment adjudicating a number of lots in favor of Potenciano Reano, among them being Lots 1896, 1913 and 1914 of the Cadastral Survey of Sta. Rosa, Nueva Ecija. On June 6, 1968, alleging that, pursuant to said decision, the decree of registration as well as the corresponding original certificates of title No. 3187 (for Cadastral Lot No. 1896); No. 3178 (for Id. Lot No. 1913), and No. 3176 (for Id. Lot No. 1914) had been issued in his name, said respondent filed an ex-parte motion with the lower court praying for the issuance of a writ of possession directing any officer of the law to place him in physical possession of the lands covered by said titles. This petition was heard and subsequently granted ex-parte. It was only when the writ of possession issued on the 11th of the same month was served upon petitioners that they learned of the proceedings instituted by Reano and discovered that Cadastral Lots Nos. 1896, 1913 and 1914 - which were already covered by Original Certificate of Title No. P-1870 issued since August 18, 1956 in the name of their predecessor in interest, Simeon Gutierrez - were among those adjudicated to Reano. Consequently, they filed with the lower court a verified motion to set aside the writ of possession, but the same was denied by the respondent judge in his order of October 4, 1968. Their motion for reconsideration filed thereafter having been likewise denied by His Honor in an order of October 29, of the same year, petitioners filed the present petition for certiorari x x x."

From the above orders in L-29792, the petitioners filed a petition for certiorari with preliminary injunction with this Court on November 12, 1968 praying for annulment of the writs of possession and the questioned orders.

As earlier stated, a decision was promulgated on August 31, 1970 in *Dela Cruz v. Reano* granting the writ of certiorari and declaring as of no legal effect whatsoever and setting aside the writs of possession issued by the respondent Judge in Cadastral Case No. 67, GLRO Record No. 1556 in relation to Lots Nos. 1896, 1913 and 1914 of the Cadastral Survey of Sta. Rosa, Nueva Ecija.

However, Reano continued the cadastral proceedings before Judge Florenzo Aquino who issued another decision in the same cadastral proceedings earlier raised to the Supreme Court, again adjudicating the same properties, Lots Nos. 1896, 1913 and 1914, to respondent Potenciano Reano. The dispositive portion of the decision reads:

WHEREFORE, after affirming the order of general default heretofore entered, the Court hereby adjudicates Lots Nos. 1836, 1837, 1839, 1840, 1841, 1842, 1849, 1850, 1851, 1852, 1867, 2427, 2478, 2479, 2480, 2481, 2503, 2519, and 2521 of the Sta. Rosa Cadastre with all the improvements thereon, in favor of ROSALINA Z. TIONGCO, Filipino citizen, single, and resident of 1635 Taft Avenue, Manila; and Lots Nos. 1788, 1789, 1845, 1846, 1847, 1848, 1853, 1854, 1855, 1876, 2223, 2482, 1044, 1259, 1843, 1857, 1858, 1859, 1863, 1877, 1888, 1890, 1892, 1893, 1894, 1895, 1896, 1912, 1913, 1914, 1915, 1916, 2224, 2312, 2313, 2314, 2315, 2316, and 2317 also of the Sta. Rosa Cadastre with all the improvements thereon in favor of the spouses POTENCIANO REAÑO and SALUD DE CASTRO, Filipinos, and residents of 9 Chico Street, United Parañaque Subdivision, Parañaque, Rizal.

The Court further orders the spouses Potenciano Reaño and Salud de Castro to pay and reimburse Hilarion Cajucom and Conrado Talampas One Thousand (P1,000.00) Pesos for every hectare of the 25 hectares, more

or less and One Thousand Five Hundred (P1,500.00) Pesos for every hectare of the 14 hectares, more or less, respectively, which they occupied and improved, within a period of one (1) year from the date this decision shall have become final and executory.

All homestead patents or free patents covering areas in the premises in question issued by the Director of Lands after January 18, 1934 are hereby declared null and void.

The writ of possession heretofore issued in favor of Rosalina Tiongco is hereby ordered dissolved.

After this decision shall have become final and upon submission to this Court proof of payment of all the real estate taxes due on the land, let the corresponding decrees be issued in their favor.

The petitioners filed a motion to set aside the decision alleging inter alia that (1) the question of the validity of the titles of petitioners had already been determined in *Dela Cruz v. Reano* (34 SCRA 585) and (2) consequently the said court had no jurisdiction to decide the question of ownership of titled properties especially in this case where the Supreme Court had already made a ruling adverse to the claim of Potenciano Reaño.

The lower court denied the motion to set aside the decision. The dispositive portion of the order reads:

THE FOREGOING PREMISES CONSIDERED, this Court finds no sufficient reason for disturbing the Decision rendered in this case, except to modify it as to remove the Lots covered by Original Certificate of Title Nos. P-275, P-241 and P-695 in the names of Mariano Juan (or Heirs of Mariano Juan), Simeon Juan and Agustin Fiesta respectively, from those to be adjudicated to Potenciano Reaño, and denies the Motions for Reconsideration and to Set Aside the Decision, in all other respects.

The petitioners filed a motion for reconsideration but the same was denied by the respondent court as follows:

WHEREFORE, counsel for Pontenciano Reaño is invited to come to this Court to locate and identify the decisions referred to in his Manifestation, or, if he deems it more convenient, to forward to this Court certified true copies of said decisions, underlining pertinent parts.

On the Manifestation on Approval of Record on Appeal, having reference to (1) the objections to the Record on Appeal, dated 16 January 1972, and (2) Manifestation dated 15 February 1972 containing list of pleadings, orders and decisions, sought to be incorporated into the Record on Appeal, this Court DENIES the motions contained in those Manifestations.

On the Motion for Reconsideration filed for petitioners Arsenio de la Cruz, Pedro Sangabol and Lucia Gutierrez dated 2 January 1973, which sought to have this Court reverse its earlier ruling denying a Motion to Set Aside Decision filed by the same petitioner and dated 25 January 1972,

"this Court hereby DENIES said motion for lack of sufficient grounds for granting the same. The opinion of this Court on the matter has been fully expressed in its Order dated 26 October 1972; wherein it refused to change or set aside the Decision of the Judge who heard and received the evidence in full, except with respect to three lots mentioned in said order."

The petitioners raised the denials to us praying that judgment be entered annulling the respondent court's decision insofar as Lots Nos. 1896, 1913, and 1914 are concerned.

The petitioners contend that the decision of the lower court is null and void because:

"1. The decision of this Honorable Court in G.R. No. L-29792 is res adjudicata and constitutes a bar to another decision on the same matter;

"2. The cadastral court cannot validly readjudicate a property which is already registered in the name of another;

"3. The Torrens System of Registration protects parties who deal with registered properties;

"4. The procedure taken by the lower court violates all known procedures and derogates on the due process clause."

On the other hand, private respondent Reaño submits that when the petition in cadastral Case No. 67 was filed by the Director of Lands before the Court of First Instance of Nueva Ecija on January 14, 1934, the cadastral court acquired original and exclusive jurisdiction over the subject matter in rem to determine the nature and character of those lots, and until such time as the cadastral proceedings are terminated and a determination of the character of the lots in question are pronounced by final judgment, no disposition of the lots or land in question may be entertained, much more approved, granted or amended in favor of any individual. Reano states that to do so would violate the jurisdiction of the cadastral court.

The private respondent disputes the *res judicata* argument and contends that while there is identity of parties and identity of subject matter as between L-29792 and the present petition, there is a great difference insofar as their respective causes of action are concerned. According to respondent Reaño, the petition in L-29792 sought to nullify the writ of possession based on the November 16, 1966 decision of the respondent court while the instant petition in L-39899 challenges the later decision which adjudicated the disputed lots to the respondent.

We grant the petition.

It is quite clear that the issues raised in this petition had already been resolved by this Court when we granted the petition in L-29792. What the respondent court is trying to accomplish is to render inutile our decision in L-29792 and to promulgate a judgment on the same facts and issues in the case now before us, contrary to our earlier findings.

The private respondent questions the title issued pursuant to a homestead patent by stating that the cadastral court had earlier acquired jurisdiction over the disputed lots and no other office or tribunal may entertain, much less approve a disposition of the lots until the cadastral proceedings are terminated. This was the exact issue resolved by this Court in L-29792. The then Presiding Judge Serafin R. Cuevas adjudicated Lots 1896, 1913, and 1914 to Reaño. Pursuant to the court's decision, the decree of registration and corresponding certificates of title were issued in favor of Reaño. When Reaño sought to enforce writs of possession granted *ex parte* to him, the petitioners in the instant petition filed a motion to set aside the writs. A denial of this motion and of a subsequent motion for reconsideration led to L-29792. We ruled in L-29792:

"The issue arising from the above facts may be briefly stated as follows:

"May a parcel of land already titled for more than ten years in the name of a party by virtue of a Homestead Patent issued by the Government in the ordinary course of administrative proceedings, be registered again in the name of another party as a result of subsequent cadastral proceedings?

"The answer, We believe, must be in the negative.

"In *Manalo v. Lukban, et al.*, Vol. 48, Phil. p. 973, We held that land granted by the Government to a private individual who applied for it as a homestead, is considered no longer registerable within the meaning of the Land Registration Act after the issuance of the homestead patent and the original certificate of title issued in accordance therewith.

"In *Pamintuan v. San Agustin, et al.*, 43 Phil. 558, as well as in *El Hogar Filipino v. Olviga*, 60 Phil., p. 17, We likewise held that in a cadastral proceeding the Court has no jurisdiction to decree again the registration of land already decreed and registered in an earlier registration case, and that the second decree entered for the same land is null and void.

"Moreover, considering that the petitioners in both cases before Us and their predecessors had been in possession of the land, first as homesteaders and later, as absolute owners, for more than ten years before respondent Reaño filed his application for registration; that, as a result of the proceedings had in connection with their Homestead application, the homestead patents and original certificates of title mentioned heretofore were issued in their names, no further argument is needed to show that said petitioners and their predecessors had acquired title to the land by prescription.

"It being clear from the foregoing that the registration decreed in the name of private respondent Reano of Lots 1896, 1914, 1913 and 1863 of the Cadastral Survey of Sta. Rosa, Nueva Ecija is null and void, the certificates of title covering the same issued in his name must also be deemed null and void. From this the inevitable conclusion is that he had no right to the issuance of the writs of possession complained of."

As a matter of fact, the cases filed with the Court of First Instance of Nueva Ecija in L-29792 and in the instant petition, L-39899 are both petitions for the continuation of one and the same cadastral proceeding.

When the respondent Judge in this petition ruled that "all homestead patents and free patents covering areas in the premises in question issued by the Director of Lands after January 18, 1934 are hereby declared null and void", he was overruling the following findings of the Supreme Court in L-29792:

"(1) Pursuant to Homestead Patent No. V-31853 granted on July 28, 1954, Original Certificate of Title No. P-1870 was issued in the name of Simeon Gutierrez on August 18, 1956, the same covering Lots Nos. 1, 2 and 3 of Plan H-105846 which, beyond question, correspond to Lots 1896, 1914 and 1913 of the Cadastral Survey of Sta. Rosa, Nueva Ecija, respectively.

"As official duty is presumed to have been duly performed and the Homestead Patent and Original Certificate of Title abovementioned are entitled to full credit in the absence of clear proof that they were issued illegally or through fraud, it can be safely said that prior to the issuance of the aforesaid Homestead Patent, Simeon Gutierrez had filed the corresponding homestead application; that, after the necessary survey had been made and proper notice was served, the required investigation was conducted by the State; that applicant Gutierrez was found to have been in possession of the property applied for and to have made thereon the required cultivation. That Gutierrez had really been in possession of said land from the time of the filing of his homestead application, and that his successors in interest had continued such possession and are still enjoying the same, is further demonstrated by these facts: firstly, respondent Reano had to file a petition for the issuance of a writ of possession to oust them and, in turn, to obtain possession of Lots 1896, 1940 (should be 1914) and 1913; secondly, on May 16, 1966, Reano filed in Cadastral Case No. 67, a 'Petition for Continuation of Cadastral Proceedings' and for the setting aside of the order of general default already entered therein; all of which necessarily means that Pedro Padilla, his alleged predecessors in interest, had not claimed Lots 1896, 1914 and 1913 when the proceedings were started.

"(2) It was only on May 16, 1966 or more than ten years after the issuance of the Homestead Patent in favor of Simeon Gutierrez, and nearly ten years after the issuance of Original Certificate of Title No. P-1870 that private respondent Reano filed a petition to register in his name the same cadastral lots."

The decision in L-29792 has long been final. The dispositive portion of our decision in said petition cannot be any clearer -

"WHEREFORE, the writs of certiorari prayed for in the above-entitled cases are granted and, as a consequence, the writs of possession issued by the respondent judge in Cadastral Case No. 67, GLRO Record No. 1556 in relation to Lots Nos. 1896, 1914, 1913 and 1863 of the Cadastral Survey of Sta. Rosa, Nueva Ecija, are hereby set aside and rendered of no legal effect whatsoever. With costs against the private respondent."

The essential requisites for the existence of *res judicata* are:

"The essential requisites for the existence of *res judicata* are: (1) the former judgment must be final; (2) it must have been rendered by a court having jurisdiction of the subject matter and the parties; (3) it must be a judgment on the merits; and (4) there must be, between the first and second actions: (a) identity of parties; (b) identity of subject matter; and (c) identity of cause of action. - *Ipekjdian Merchandising Co., Inc., v. Court of Tax Appeals*, 9 SCRA 72; *Philippine Farming Corporation, Ltd. v. Llanos*, 14 SCRA 949; *Abes v. Rodil*, 17 SCRA 822; *Cruz v. Mossesgeld*, 24 SCRA 1006."

All of the above requisites are present in this action.

We reiterate what we stated in *Festin v. Faderanga* (111 SCRA 1):

"x x x The law as to this particular controversy has thus been enunciated. To repeat, the parties, now petitioners and now respondents, who litigated the same matter in *Faderanga*, must abide by such judgment. As categorically stated in *Kabigting v. Acting Director of Prisons* (116 Phil. 589 [1962]): 'It need not be stated that the Supreme Court, being the court of last resort, is the final arbiter of all legal questions properly brought before it and that its decision in any given case constitutes the law of that particular case.' (Ibid, 594) This Court has likewise noted the amplitude of its coverage. What is express as well as what is implied in a decision is included, to be implemented faithfully, no circumvention or evasion being allowed. (Cf. *Sanchez v. Court of Industrial Relations*, 27 SCRA 490. The *Sanchez* opinion cited *People v. Olarte*, 19 SCRA 494. The *Olarte* opinion in turn finds support in *Fernando v. Crisostomo*, 90 Phil. 595 [1951]; *Padilla v. Paterno*, 93 Phil. 884 [1953]; *Samahang Magsasaka, Inc. v. Chua Guan*, 96 Phil. 974 [1955]; *People v. Penuila*, 103 Phil. 992 [1958], and *Pomeroy v. Director of Prisons*, 107 Phil. 50 [1960]) Recently, in *Bueno Industrial and Development Corporation v. R.C. Aquino Timber and Plywood Co., Inc.*, (99 SCRA 209) it was noted how steadfast this Court has been in relying on such concept. (Cf. *Libudan v. Gil*, 45 SCRA 17; *Palad v. Governor of Quezon Province*, 46 SCRA 354; *Rodriguez v. Director of Prisons*, 47 SCRA 153; *Mangayao v. De Guzman*, 55 SCRA 540; *National Shipyard and Steel Corporation v. CIR*, 57 SCRA 642; *Cosmos Foundry Shop Workers Union v. Lo Bu*, 63 SCRA 313; *National Mines and Allied Workers Union v. Luna*, 83 SCRA 607; *Villanueva v. WCC*, 84 SCRA 423; *Gokongwei, Jr. v. Securities and Exchange Commission*, 89 SCRA 336.)"

In *Tugade v. Court of Appeals* (85 SCRA 226), we had occasion to remind all lower courts and, in fact, all practitioners that when the Supreme Court has rendered a decision, it is this Tribunal, not the trial court or the appellate court, that speaks authoritatively. We stated:

"x x Respondent Court of Appeals really was devoid of any choice at all. It could not have ruled in any other way on the legal question raised. This Tribunal having spoken, its duty was to obey. It is as simple as that. There is relevance to this excerpt from *Barrera v. Barrera* (34 SCRA 98). 'The delicate task of ascertaining the significance that attaches to a constitutional or statutory provision, an executive order, a procedural norm or a municipal ordinance is committed to the judiciary. It thus discharges a role no less crucial than that appertaining to the other two departments in the maintenance of the rule of law. To assure stability in legal relations and avoid confusion, it has to speak with one voice. It does so with finality, logically and rightly, through the highest judicial organ, this Court. What it says then should be definitive and authoritative, binding on those occupying the lower ranks in the judicial heirarchy. They have to defer and to submit.' (The opinion of Justice Laurel in *People v. Vera*, 65 Phil. 56 [1937] was cited) The ensuing paragraph of the opinion in *Barrera* further emphasizes the point: 'Such a thought was reiterated in an opinion of Justice J.B.L. Reyes and further emphasized in these words: 'Judge Gaudenio Cloribel need not be reminded that the Supreme Court, by tradition and in our system of judicial administration, has the last word on what the law is; it is the final arbiter of any justifiable controversy. There is only one Supreme Court from whose decisions all other courts should take their bearings.' (Justice J.B.L. Reyes spoke thus in *Albert v. Court of First Instance of Manila* [Br. VI], 23 SCRA 948, 961)."

We agree with the petitioners that under the circumstances of this petition, the payment of lawyer's fees are justified and which fees we award in the amount of P3,000.00.

WHEREFORE, the petition is granted and the questioned decision and orders of the respondent court are hereby nullified and set aside insofar as Lots Nos. 1896, 1914 and 1913 are concerned. The private respondent is also ordered to pay P5,000.00 attorney's fees and costs.

SO ORDERED.

Teehankee (Chairman), Melencio-Herrera, Plana, and Relova, JJ., concur.

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