

**EUFEMIA VILLANUEVA VDA. DE BARROGA AND SATURNINA
VILLANUEVA VDA. DE PADACA, OPPOSITORS-APPELLANTS, VS.
ANGEL ALBANO, ARSENIO ALBANO, ENCARNACION ALBANO,
ROSALIA ALBANO, ASSISTED...**

G.R. No. L-43445. January 20, 1988

Ponente: NARVASA, J.

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NARVASA, J.:

On November 24, 1925 judgment was promulgated by this Court in *Manlapas, et al. v. Llorente, etc., et al.*,^[1] ruling that: (1) a party in whose favor a decree of registration is issued by a cadastral court in accordance with the Torrens Act (Act No. 496), or his successor-in-interest, has “a perfect right not only to the title of the land, but also to its possession”; (2) he has the right, too, under Section 17 of the same Act, to a writ of possession as against any “party to the registration proceeding and who is directly and personally affected and reached by the decree” (or “who had been served with process therein but had not appeared nor answered”);^[2] and (3) his right to obtain a writ of possession is not subject to the provisions of the Code of Civil Procedure regarding execution of judgments,^[3] since the decree “is to exist forever.” These doctrines have since been reiterated and reaffirmed.

“The fundamental rule,” the Court said some forty-three years later,^[4] “is that a writ of possession can be issued not only against the original oppositors in a land registration case and their representatives and successors-in-interest, but also against any person unlawfully and adversely occupying said lot at any time before and up to the issuance of the final decree.” It also pointed out that neither laches nor the statute of limitations applies to a decision in a land registration case, citing *Sta. Ana v. Menla, et al.*^[5] to the following effect:

We fail to understand the arguments of the appellant *** except insofar as it supports his theory that after a decision in a land registration case has become final, it may not be enforced after the lapse of a period of 10 years, except by another proceeding to enforce the judgment *** (Sec. 6, Rule 39). This provision of the Rules refers to civil actions and is not applicable to special proceedings, such as a land registration case. This is so because a party in a civil action must immediately enforce a judgment that is secured as against the adverse party, and his failure to act to enforce the same within a reasonable time as provided in the Rules makes the decision unenforceable against the losing party. In special proceedings the purpose is to establish a status, condition or fact; in land registration proceedings, the ownership by a person of a parcel of land is sought to be established. After the ownership has been proved and confirmed by judicial declaration, no further proceedings to enforce said ownership is necessary, except when the adverse or losing party had been in possession of the land and the winning party desires to oust him therefrom.

Furthermore, there is no provision in the Land Registration Act similar to Sec. 6, Rule 39, regarding the execution of a judgment in a civil action, except the proceedings to place the winner in possession by virtue of a writ of possession. The decision in a land registration case, unless the adverse or losing party is in possession, becomes final without any further action, upon the expiration of the period for perfecting an appeal. ***

“ *** there is nothing in the law that limits the period within which the court may order or issue a decree. The

reason is .. that the judgment is merely declaratory in character and does not need to be asserted or enforced against the adverse party. Furthermore, the issuance of a decree is a ministerial duty both of the judge and of the Land Registration Commission; failure of the court or of the clerk to issue the decree for the reason that no motion therefor has been filed can not prejudice the owner, or the person in whom the land is ordered to be registered.”

The Court restated those same principles in *Lucero v. Loot*[6] some months later and took occasion to stress that in *Marcelo v. Mencias*, decided in 1960, the Court had gone “so far as to hold that ‘if the writ of possession issued in a land registration proceeding implies the delivery of possession of the land to the successful litigant therein,... a writ of demolition must, likewise, issue, especially considering that the latter writ is but a complement of the former which, without said writ of demolition, would be ineffective.”

The appeal at bar entails nothing more than the application of these established jurisprudential precepts to the undisputed facts.

In Cadastral Proceeding No. 44 (LRC Rec. No. 1203) of the then Court of First Instance of Ilocos Norte, a decision was rendered on July 31, 1941 adjudicating a parcel of land known as Lot No. 9821 in favor of Delfina Aquino.[7] One of the oppositors was Ruperta Pascual, who was declared in default.[8] However, for reasons not disclosed by the record, but as to which no sinister or prejudicial character is imputed by the appellants, the decree of registration did not issue except until after the lapse of fourteen (14) years or so, or on October 14, 1955; and it was only after twenty-four (24) years had passed, or on November 17, 1979, that an original certificate of title (No. C-2185) was issued in Delfina Aquino's name.[9]

On August 11, 1970, after the decree of registration had been handed down but before title issued in Delfina Aquino's favor, the children and heirs of Ruperta Pascual — appellants Eufemia Barroga and Saturnina Padaca — brought suit in the same Court of First Instance against the children and heirs of Delfina Aquino — appellees Angel Albano, et al.[10] Said appellants alleged that they, and their mother, Ruperta Pascual, had been in possession of Lot 9821 since 1941 and were the real owners thereof; and they prayed that Delfina Aquino's title be voided and cancelled, that the defendants be commanded to reconvey the land to them, and that a new title be made out in their names.[11]

It appears, parenthetically, that Delfina Aquino's title encroached upon a 4 -square-meter portion of an adjoining lot, No. 9822, belonging to a Cesar Castro. So, Castro filed, with leave of court, a complaint in intervention on February 22, 1987 for the recovery thereof.

After trial on the merits, judgment was rendered dismissing the Barroga's and Padaca's complaint, and declaring intervenor Castro owner of the 4-square-meter portion overlapped by Delfina Aquino's title.[12]

The correctness of this judgment cannot be gainsaid in light of the recorded facts. The familiar doctrine of res adjudicata operated to blot out any hope of success of Barroga's and Padaca's suit for recovery of title Lot No. 9821. Their action was clearly barred by the prior judgment in the cadastral proceeding affirming Delfina Aquino's ownership over the property, and in which proceeding the former's predecessor- in-interest, Ruperta Pascual, had taken part as oppositor but had been declared in default. The judgment of the cadastral court was one “against a specific thing” and therefore “conclusive upon the title to the thing.”[13] It was a judgment in rem, binding generally upon the whole world, inclusive of persons not parties thereto,[14] and particularly upon those who had actually taken part in the proceeding (like the appellants' predecessor, Ruperta Pascual, who had intervened therein as an oppositor) as well as “their successors-in-interest by title subsequent to the commencement of the action or special proceeding, litigating for the same thing and under the same title and in the same capacity.”[15]

The judgment became final and executory, the appeal taken therefrom to the Court of Appeals by Barroga and Padaca having been dismissed because of their failure to file brief, and this Court having thereafter refused to set aside that dismissal on certiorari. Thereafter, at the instance of defendants Angel Albano, et al., the Court of First Instance ordered execution of the judgment on December 6, 1973. Plaintiffs Barroga and Padaca moved to quash the writ of execution, on December 22, 1973. They argued that there was nothing to execute since the verdict was simply one of dismissal of the complaint; they moreover invoked Section 11, Rule 51 of the Rules of Court.¹⁶ But here the matter apparently ended. No further development anent this case appears in the record.

What the record does show is that on August 8, 1975, the Cadastral Court promulgated an Order in Case No. 44, LRC Rec. No. 1203, granting the motion of Angel Albano, et al., for a writ of possession as regards Lot No. 9821; and pursuant thereto, a writ of possession dated August 28, 1975 was issued. Again Barroga and Padaca sought to frustrate acquisition of possession by Angel Albano, et al. They filed a “Motion to Nullify Order to Lift Writ of Execution Issued and to Revoke Writ of Possession Issued” under date of September 23, 1975.¹⁷ Their argument was that as possessors of the lot in question, they could not be ejected therefrom by a mere motion for writ of possession.

The motion was heard on October 24, 1975, at which time the parties and their counsel stipulated upon the following facts, to wit:

“1. That the claimants-petitioners Angel Albano, Arsenio Albano, Encarnacion Albano, Rosalia Albano, Rosita Albano, Miguel Albano, Jr., Charito Albano, Federico Albano, Jr. and Pedrito Albano are the children-heirs and successors of Delfina Aquino, who is the registered owner of Lot No. 9821 covered by O.C.T. No. O-2185, which decree was issued on July 31, 1941, marked Exh. A for the petitioners-claimants;

2. That movants-oppositors Eufemia Villanueva de Barroga and Saturnina Vda. de Pacada are the children-heirs and successors of Ruperta Pascual, who was an oppositor in Lot No. 9821, Cad. Case No. 44, LRC Rec. No. 1203, and who was defaulted in said cadastral case, and decided on July 31, 1941 as follows: ‘Lote No. 9821 — Por incomparecencia injustificada de la opositora Ruperta Pascual, se desestima su contestacion. Se adjudica este Lote No. 9821, con las mejoras en el existentes, en nombre de Delfina Q. Aquino, fHipina, mayor de edad, viuda y residente del municipio de Lauag de la provincia de Ilocos Norte.’

3. That the heirs of Ruperta Pascual, namely, Eufemia Villanueva de Barroga and Saturnina Vda. de Padaca, are in possession of the lot in question since 1941 up to the present time.”[18]

The motion was thereafter denied by the Court a quo, by Order dated September 22, 1975. The Court stated that the writ of possession could properly issue despite the not inconsiderable period of time that had elapsed from the date of the registration decree, since the right to the same does not prescribe pursuant to the rulings in *Heirs of Cristobal Marcos v. de Banuvar* and *Lucero v. Loot*,^[19] It also declared that the segregation of the 4-square-meter portion from Lot 9821 and its restoration as integral part of Lot 9822, had no effect whatever on the Albanos¹ right to the writ of possession, which was the appropriate process for the enforcement of the judgment in the cadastral case. Barroga and Padaca moved for reconsideration. When this proved unavailing, they appealed to this Court.

The inevitable verdict should by now be apparent. Conformably with the established axioms set out in the opening paragraphs of this opinion, the appellees, Angel Albano, et al., must be declared to be entitled to a writ of possession over Lot No. 9821 in enforcement of the decree of registration and vindication of the title issued in favor of their predecessor-in- interest, Delfina Q. Aquino; the writ may correctly be enforced against the appellants, Barroga and Padaca, as successors-in-interest of Ruperta Pascual, who was a party in the registration proceedings which resulted in the declaration of Delfina Q. Aquino as the owner of the land subject thereof; and the appellees are entitled to said writ of possession, despite the lapse of many, many years, their right thereto

being imprescriptible at least as against the persons who were parties to the cadastral case or their successors-in-interest.²⁰ The appellants, it must be said, have succeeded in prolonging the controversy long enough. They should no longer be allowed to continue doing so.

WHEREFORE, the appeal taken by appellants Eufemia Villanueva Vda. de Barroga and Saturnina Villanueva Vda. de Padaca is DISMISSED, and the Orders of the Court a quo dated August 8, 1975, September 22, 1975 and March 17, 1976 are AFFIRMED, as being in accord with the facts and the law. This decision is immediately executory, and no motion for extension of time to file a motion for reconsideration will be entertained.

Teehankee, C.J., Cruz, Paras,* and Gancayco, JJ., concur.

[1] 48 Phil. 298, 306-308.

[2] The Pasay Estate Co., Ltd. v. The Hon. Simplicio del Rosario, et al., 11 Phil. 391, 392.

[3] The counterpart provision in the present Rules of Court is Section 6, Rule 39 entitled Execution by motion or by independent action, which provides that, "A judgment may be executed on motion within five (5) years from the date of its entry or from the date it becomes final and executory. After the lapse of such time, and before it is barred by the statute of limitations, a judgment may be enforced by action."

[4] Heirs of Cristobal Marcos v. De Banuvar, 25 SCRA 316, 323, citing Demorar v. Ibanez, et al., 97 Phil. 72, 74, and advertent, too, to Sorongon v. Makalintal, 80 Phil. 259, 260-261, Abulocion, et al. v. CFI of Iloilo, et al, 100 Phil. 554, 561-562.

[5] 1 SCRA 1297-1298 [1961].

[6] 25 SCRA 687. 691.

[7] Rollo, p. 65.

[8] Id.

[9] Id., p. 74.

[10] Docketed as Civil Case No. 4573.

[11] Rollo, p. 45.

[12] id., p. 46.

[13] Sec. 49 (a). Rule 39, Rules of Court.

[14] See Moran, Comments on the Rules of Court, 1979 ed.. Vol. 2, pp. 347- 348, citing Manalo v. Paredes, 47 Phil. 938; In re Estate of Johnson. 39 Phil. 156. '

[15] Sec. 49 (b). Rule 39; See. e.g., Vda. de Sta Romano v. PCIB. 118 SCRA 330. Geralde v. Sabido, 115 SCRA 839.

[16] Id., p. 47

[17] Id., p. 47

[18] Id., pp. 65-66.

[19] See footnotes 2, p. 2 and footnote 1, p.3, supra.

[20] See Heirs of Cristobal Marcos v. De Banuvar. 25 SCRA 316, 322-324, supra.

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