

BISHOP NICOLAS M. MONDEJAR, PETITIONER, VS. HON. ROBERTO S. JAVELLANA, PRESIDING JUDGE, REGIONAL TRIAL COURT, BRANCH 59, SAN CARLOS CITY, NEGROS OCCIDENTAL, AND DR. OSCAR BROCE, ...

G.R. No. 116883. September 22, 1998

Ponente: MARTINEZ, J.

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MARTINEZ, J.:

This petition for certiorari and mandamus filed by Bishop Nicolas M. Mondejar seeks to annul and set aside the Order[1] of the Regional Trial Court of San Carlos City, Negros Occidental, Branch 59, dated February 1, 1994, dismissing Cadastral Case No. RTC-280, and the Order[2] of August 1, 1994 denying the motion for reconsideration of the order of dismissal.

The antecedent facts of this case are as follows:

In the public auction sale conducted on December 7, 1989 at San Carlos City by the Regional Sheriff of the Regional Arbitration Branch No. IV of the National Labor Relations Commission (NLRC), Bacolod City, private respondent Oscar Broce's real properties covered by TCT Nos. T-10093-A, T-10094-A, (T-16387) 377-A, 7139-A, 7140-A, 7141-A, 7142-A, 7143-A, 7144-A, 7145-A, (T-8603), 188-A, (T-8602) 187-A, and (T-7284) 161-A, all of the San Carlos Cadastre, were sold.

The auction sale was held to satisfy the judgment rendered by the Regional Arbitration Branch of the NLRC against private respondent in RAB VI Case Nos. 0252-82, 0328-82 and 0329-82, entitled "Feliciano Samillano, et al. vs. Central Negros College/Dr. Oscar Broce, et al." The Roman Catholic Bishop of San Carlos City, Inc. (RCBSCCI) was the highest bidder. Thus the properties were awarded to petitioner by virtue of a Certificate of Sale executed by the sheriff on December 8, 1989. On December 8, 1990, the one (1) year period of redemption expired. On December 21, 1990, for failure of private respondent to redeem the property, the sheriff executed the Final Deed of Sale in favor of RCBSCCI.

On February 27, 1991, RCBSCCI, through Bishop Nicolas M. Mondejar, filed with the Regional Trial Court, Branch 59, San Carlos City, Negros Occidental, a "Petition For The Surrender of Certificates Of Title"[3] against Dr. Oscar T. Broce and the Philippine National Bank, San Carlos City Branch, docketed as Cadastral Case No. RTC-280, alleging that as absolute owner of the properties it acquired through the auction sale, RCBSCCI is entitled to have the titles thereof transferred in its name, and that the certificates of title of the subject properties are in the possession of the private respondent and the Philippine National Bank, San Carlos City Branch, both of which refused to surrender the titles to the Register of Deeds of San Carlos City in order to effect the issuance of new certificates of title in its own name. The respondent court set the case for hearing on May 7, 1991. The petition was later amended to implead the Development Bank of the Philippines (DBP) and Rural Bank of San Carlos City, said banks having in their possession other certificates of title. A copy of said amended petition, which was set for hearing on June 4, 1991, was received by private respondent, but the latter did not oppose the

same.

On September 16, 1991, petitioner filed a motion seeking the cancellation of Certificates of Title Nos. T-7139, T-10093 and T-10094 and praying for the issuance of new transfer certificates of title in the name of Bishop Nicolas Mondejar. Private respondent was furnished a copy of the motion by registered mail but, again, he did not file any comment/opposition thereto. During the hearing of the motion, the respondent court noticed the error in naming petitioner Bishop Mondejar as the purchaser in the final deed of sale. Accordingly, an urgent motion to amend the final deed of sale was filed by petitioner, which motion was granted by Executive Judge Mariano Y. Basa, Jr. in an order[4] dated October 22, 1991, to wit:

"Since the mistake in the name of purchaser has been acknowledged and admitted by the petitioner himself, the Regional Sheriff, Enrico Y. Paredes is hereby ordered to execute within 5 days from today an amended final Deed of Sale with the Roman Catholic Bishop of San Carlos, Inc., as the real and true purchaser instead of MSGR. Nicolas M. Mondejar, Roman Catholic Bishop of the Diocese of San Carlos City, Negros Occidental."

Pursuant to the above-quoted order, the NLRC sheriff executed an amended final deed of sale designating the RCBSCCI as the vendee.

On October 30, 1991, Judge Basa issued an order[5] for the surrender of private respondent's certificates of title, thus:

"WHEREFORE, the Court hereby GRANTS the petition and orders:

"1. Dr. Oscar Broce to surrender to the Register of Deeds of San Carlos City within five (5) days from receipt of this order the owner's duplicates of TCT 7139, TCT 10093 and TCT 10094 in his possession, otherwise if he should fail or refuse to do so, the Court hereby orders the cancellation of said titles which shall be thereafter considered null and void.

"2. The Register of Deeds of San Carlos City, Negros Occidental upon receipt of the owner's duplicates of these three titles to cancel the same and issue new titles in the name of the Roman Catholic Bishop of San Carlos City, Inc. after payment of all legal fees.

"3. The Register of Deeds to cancel the owner's duplicates of the three times not surrendered to her by Dr. Oscar Broce as herein ordered by the court within the time frame required, to reconstitute the same on the basis of the original title on file in her office and proceed to issue the new titles to the name of the Roman Catholic Bishop of San Carlos City, Inc.

"SO ORDERED."

This time, private respondent filed a motion for reconsideration of the aforequoted order alleging that he has no interest in the lots covered by the certificates of title mentioned in the order; hence, he could not comply with the same. He then prayed that the said order be reconsidered to exclude the lots covered by the certificates of title mentioned therein. The respondent court denied the motion in an order[6] dated December 12, 1991.

Consequently, the Register of Deeds of San Carlos City, canceled TCT Nos. T-10093, T-10094 and T-7139 and, in lieu thereof, issued TCT Nos. T-11056, T-11057 and T-11055, respectively.[7]

Petitioner followed this up with a "Motion For A Writ Of Possession" dated January 24, 1992, praying for the issuance of a writ of possession over the three (3) aforementioned properties. Private respondent opposed the motion on the ground that his wife has filed an action for Annulment of the Sale, Recovery of Ownership and Damages.

On April 8, 1992, the court a quo, through Judge Rodolfo S. Layumas, issued an Order[8] granting the petition

and directing the (a) sheriff "to place the petitioner or his representative in possession of the properties above-described," and the (b) private respondent or representative "to peacefully deliver possession of the properties to the petitioner." When private respondent moved for a reconsideration of this order, the trial court denied it in an order[9] of May 5, 1992.

Private respondent appealed the April 8, 1992 order to the Court of Appeals, but his appeal was dismissed on the ground that the appealed order was in the nature of a writ of execution issued pursuant to the order dated October 30, 1991 which granted the main petition, and which order had become final and executory as no appeal therefrom was interposed by him.

On June 25, 1992, petitioner filed a "Request for Issuance of Writ of Possession"[10] of Lot Nos. 20-A, 20-B and 1, covered by TCT Nos. 11056, 11057 and 11055, respectively.

Meanwhile, on July 2, 1992, private respondent, dissatisfied with the dismissal of his appeal, elevated the case to this Court via a petition for review of certiorari, docketed as G.R. No. UDK-11045, but the same was rejected outright in a Resolution dated August 3, 1992[11] for: (a) being filed out of time, (b) failure to pay the docket fee and other legal fees, and (c) failure to submit the affidavit of service and the certified true copy of the other assailed order dated May 5, 1992.

On July 22, 1992, petitioner moved for the issuance of a writ of possession of the Central Negros College (CNC) lots covered by TCT Nos. T-7140, T-7141, T-8603, T-8602 and T-7284."[12] On December 14, 1992, Judge Rolindo D. Beldia, Jr. granted[13] the motion. Pursuant to this order, the OIC Branch Clerk of Court issued the writ of possession[14] dated December 21, 1992.

Again, on March 13, 1993, petitioner filed an "Ex-Parte Motion for Cancellation of Entry/Notation on T-11056 and T-11057 for lots 20-A & B of the Registry of Deeds of San Carlos City."[15]

After all these proceedings were had, private respondent filed a "Motion to Dismiss"[16] dated August 9, 1993, contending that the case is an incident of the execution of the decision in the labor case rendered by the Regional Arbitration Branch of the NLRC and, therefore, the latter has exclusive jurisdiction over the case. Petitioner opposed the motion invoking the principle of estoppel and laches.[17]

In an Order[18] dated February 1, 1994, Judge Roberto S. Javellana dismissed the case for lack of jurisdiction, sustaining the theory of the private respondent. The said order likewise declared the orders dated October 22 and 30, 1991 of Judge Basa, and the April 8, 1992 order of Judge Layumas, in the aforesaid case, null and void. Petitioner's motion for reconsideration[19] was also rejected in an order dated August 1, 1994.[20]

Hence, this petition.

Petitioner asserts that respondent court gravely abused its discretion amounting to lack or in excess of jurisdiction, in dismissing the case. He contends that private respondent's failure to oppose the main petition and in voluntarily submitting to the jurisdiction of the respondent court by actively participating in the proceedings of the case amount to a waiver of private respondent's right to question that same jurisdiction. Petitioner argues that private respondent is barred by estoppel/laches in raising the issue of jurisdiction at a very late date.

In his comment,[21] private respondent countered that the petition should be dismissed on the grounds that the proper remedy of petitioner from the assailed order of dismissal is an ordinary appeal to the Court of Appeals; and that even if the present petition for certiorari is the proper remedy, still it has not shown sufficient ground for the issuance of such writ.

We find the petition meritorious.

It is true, as contended by private respondent Oscar Broce, that the petition filed by petitioner Bishop Nicolas Mondejar with the respondent Regional Trial Court, entitled "Petition For The Surrender Of Certificate Of Title," is merely an offshoot or incident in the execution proceedings in the labor case which originated in the Regional Arbitration Branch of the NLRC. This is so because the purpose of said petition is to finish up the proceedings arising from the execution sale, of which petitioner Bishop Mondejar was the highest bidder, and to place him in possession of the properties he bought in said sale. Under the NLRC Manual on Execution of Judgment, Section 15 of Rule VII (Sale of Property on Execution) provides:

"SECTION 15. Deed and Possession to be Given at Expiration of Redemption Period. By Whom Executed or Given.- If no redemption to be made within twelve (12) months after the sale, the purchaser or his assignee, is entitled to a conveyance and possession of the property; or if so redeemed whenever sixty (60) days have elapsed and no other redemption has been made, and notice thereof given, and the time of redemption has expired, the last redemptioner, or his assignee, is entitled to the conveyance and possession, but in all cases the losing party shall have the entire period of twelve (12) months from date of the registration of the sale to redeem the property. This deed shall be executed by the sheriff making the sale or by his successor in office, and in the latter case, shall have the same validity as though the sheriff making the sale had continued in office and executed it.

"Upon the execution and delivery of said deed the purchaser, or redemptioner, or his assignee, shall be substituted to and acquire all the right, title, interest and claim of the losing party to the property as of the time of levy, except against the losing party in possession, in which case the substitution shall be effective as of the date of the deed. The possession of the property shall be given to the purchaser or the last redemptioner by the same sheriff unless a third party is actually holding the property adversely to the losing party." (Emphasis supplied)

It can be deduced from the above-quoted rule that the Regional Arbitration Branch of the NLRC, not the respondent court, has the jurisdiction to resolve said petition. The jurisdiction of the NLRC does not end after the judgment has been satisfied by the full payment to the judgment creditor. Such jurisdiction extends until the highest bidder in the execution sale has been placed in physical possession of the subject properties by the same executing sheriff, as in this case. This can be gleaned from the wording of the aforesaid law which emphasizes that "unless a third party is actually holding the property adversely to the losing party."

Thus, any controversy in the execution of the judgement should be referred to the tribunal which issued the writ of execution since it has the inherent power to control its processes in order to enforce its judgment and orders. To hold otherwise would be to divided the jurisdiction of the appropriate forum in the resolution of incidents arising in execution proceedings. Splitting of jurisdiction, as we have emphasized in *Balais, et al., vs. Velasco, et al.*,^[22] "is obnoxious to the orderly administration of justice." We reiterate what we said in *Balais* and in the other cases cited therein, thus:

"Jurisprudence is replete with the rule that a case in which an execution has been issued is considered as still pending so that all proceedings on the execution are proceedings in the suit (*Paper Industries Corporation of the Philippines v. Intermediate Appellate Court*, 151 SCRA 161 [1987]; *Darwin v. Tokonaga*, 197 SCRA 442 [1991]). Moreover, there is no dispute with the view that the tribunal which rendered the decision or award has a general supervisory control over the process of its execution, and this includes the power to determine every question of fact and law which may be involved in the execution (*Vda. De Paman v. Senerio*, 115 SCRA 709 [1982]). x x x.

"Considering in totality the facts of the present case, it is clear that said proceeding, placed in proper perspective, is essentially an offshoot or incident in the enforcement of the final award or decision of the voluntary arbitrator.

"Hence, it is the voluntary arbitrator, from whom the alias writ of execution originated, which has the jurisdiction to determine whether petitioners exceeded their authority in implementing the alias writ of execution and whether there was already a complete delivery of the personal properties indicated in the Notice of Levy to petitioner Lotilla.

"Well-settled is the principle that regular courts have no jurisdiction to hear and decide questions which arise and are incidental to the enforcement of decisions, orders or award rendered in labor cases by appropriate officers and tribunals of the Department of Labor and Employment (*Medado v. Court of Appeals*, 185 SCRA 80 [1990]; *New Pangasinan Review, Inc. v. National Labor Relations Commission*, 196 SCRA 56 [1991]). To hold otherwise, is to sanction split jurisdiction which is obnoxious to the orderly administration of justice (*National Union Bank Employees v. Lazaro*, 157 SCRA 123 [1988]). As this rule has ripened into dogma, it, thus, commands adherence not breach by the parties concerned." (emphasis supplied)

But be that as it may, we believe however, that the continuation of the execution proceedings conducted by the respondent court can no longer be nullified on the ground for lack of jurisdiction at this very late stage.

Under the principle of estoppel by laches, private respondent is now barred from impugning the respondent court's jurisdiction. As we have declared in *Tijam, et al. vs. Sibonghanoy, et al.*:^[23]

"A party may be estopped or barred from raising a question in different ways and for different reasons. Thus we speak of estoppel in pais, or estoppel by deed or by record, and of estoppel by laches.

"Laches, in general sense, is failure to neglect, for an unreasonable and unexplained length of time, to do that which, by exercising due diligence, could or should have been done earlier; it is negligence or omission to assert a right within a reasonable time, warranting a presumption that the party entitled to assert it either has abandoned it or declined to assert it.

"The doctrine of laches or of 'stale demands' is based upon grounds of public policy which requires, for the peace of society, the discouragement of stale claims and, unlike the statute of limitations, is not mere question of time but is principally a question of the inequity or unfairness of permitting a right or claim to be enforced asserted." (emphasis supplied)

It should be stressed that private respondent, despite notice, did not oppose the "Petition For The Surrender Of Certificates Of Title" filed by petitioner with the respondent court on February 27, 1991, Instead he actively participated in subsequent proceedings of the case. When the said petition was granted in an order dated October 30, 1991, private respondent filed a motion praying that the said order be reconsidered. When petitioner moved for a writ of possession, private respondent opposed the same and asked the respondent court to deny it. And when the writ of possession was granted in the order of April 8, 1992, again, private respondent entreated the respondent court to reconsider its order. He suffered repeated setbacks and appealed the adverse orders of the respondent court first to the Court of Appeals, then to this Court, where he likewise was rebuffed. It was only after the writ of possession on the subject properties was issued by the respondent court and after the petitioner filed a motion to cancel the entry/annotation of T-11056 and T-11057 that the private respondent filed a motion to dismiss date August 9, 1993, or more than two (2) years and five (5) months after the institution of the case on February 27, 1991, on the ground that the respondent court lacked jurisdiction over the same.

We have ruled again in *Tijam* that a party cannot invoke the jurisdiction of a court by voluntarily submitting a cause to secure affirmative relief against his opponent and, after obtaining or failing to obtain such relief, repudiate or question that same jurisdiction.^[24] This is exactly what private respondent did in the present case, and we cannot tolerate such conduct simply because of its inequity or unfairness, an act which is against public policy.

Were we to sanction private respondent's conduct, we would in effect be declaring as useless all the proceedings had in the court below and compel the petitioner, to borrow the words in Tijam, "to go up (his) Calvary once more. The inequity and unfairness of this is not only patent but revolting." [25] To give our stamp of approval to respondent judge's assailed order would result in the nullity of the certificates of title issued in favor of RCBSCCI and the latter being physically dispossessed of the lots which were never redeemed by private respondent. The reason for the doctrine of estoppel by laches enunciated in Tijam and the cases subsequent to its rationcinated by this Court, to wit:

"x x x the question whether the court had jurisdiction either of the subject matter of the action or of the parties was not important in such cases because the party is barred from such conduct not because the judgment or order of the court is valid and conclusive as adjudication, but because such practice cannot be tolerated for reasons of public policy." [26] (emphasis supplied)

In Aragon v. Court of Appeals, et al., [27] we also ruled that:

"In the case of Tijam v. Sibonghanoy (23 SCRA 29 [1968]), respondent Surety company did question the jurisdiction of the trial court but it did so late on appeal. Even if we found that the trial court had no jurisdiction over the case, we still ruled that the proceedings conducted therein was valid based on the doctrine of laches.x x x." (Emphasis supplied)

Private respondent's submission that petitioner's remedy is an ordinary appeal from the assailed order of dismissal does not meet our concurrence. As we have stated earlier, the petitioner's petition before the respondent court is merely an incident or continuation of the execution proceedings which originated from the Regional Arbitration Branch of the NLRC. Thus, the assailed order of dismissal is not one which dismisses an action or complaint. It must be noted that the merits of the main labor case was already decided by the said Regional Arbitration Branch, whose decision has already become final. In fact, execution proceedings had already been commenced before the aforesaid Arbitration Branch.

Petitioner has chosen this speedy recourse of certiorari under Rule 65 of the Revised Rules of Court because the private respondent's filing of the motion to dismiss the case for lack of jurisdiction was a move obviously intended to frustrate the completion of the execution of the decision rendered in the labor case. We emphasize with the petitioner. Thus, we are constrained to take cognizance of the present petition.

We find that the respondent court committed grave abuse of discretion when it nullified the proceedings below, despite the fact that private respondent is clearly guilty of estoppel by laches.

WHEREFORE, the petitioner is hereby GRANTED. The assailed orders dated February 1, 1994 and August 1, 1994 issued by the respondent Regional Trial Court of San Carlos City, Negros Oriental, Branch 59, in Cadastral Case No. RTC-280, are hereby NULLIFIED. The case is REMANDED to the respondent court for further proceedings.

SO ORDERED.

Puno and Mendoza, JJ., concur.

Regalado, J., (Chairman), on leave.

Melo, J., Please see concurring and dissenting opinion.

[1] Annex "A", Petition; Rollo, pp. 21-29.

[2] Annex "B", *ibid.*; rollo, p. 30.

- [3] Annex "C", Petition; rollo, pp. 31-35.
- [4] Petition, p. 5; rollo, p. 7.
- [5] Petition, pp. 5-7; rollo, pp. 7-9.
- [6] Petition, p. 7; rollo, p. 9.
- [7] Petition, p. 8; rollo, p. 10.
- [8] Ibid.
- [9] Petition, p. 9; rollo, p. 11.
- [10] Rollo, p. 25.
- [11] Annex "D," Petition; Rollo, pp. 11 & the unnumbered page between pp. 36 & 37.
- [12] Rollo, p. 25.
- [13] Ibid.
- [14] Rollo, pp. 25-27.
- [15] Rollo, p. 27.
- [16] Annex "E," Petition; Rollo, pp. 37-40.
- [17] Annex "F," *ibid.*; Rollo, pp. 41-44.
- [18] Annex "A," *ibid.*; Rollo, pp. 21-29.
- [19] Annex "G," *ibid.*; Rollo, pp. 45-51.
- [20] Annex "B," *ibid.*; Rollo, p. 30.
- [21] Rollo, pp. 66-74.

[22] 252 SCRA 707, 721 [1996].

[23] 23 SCRA 29, 35 (1968).

[24] 23 SCRA 35-36 citing *Dean vs. Dean*, 136 Or. 694, 86 A.L.R. 79

[25] 23 SCRA 37.

[26] *Aragon v. Court of Appeals, et al.* 270 SCRA 611 (1997).

[27] 270 SCRA 603, 610 (1997).

CONCURRING AND DISSENTING OPINION

MELO, J.:

While I agree in the result that the petition should be granted and that, the assailed orders dated February 1, 1994 and August 1, 1994 issued by Branch 59 of the Regional Trial Court of San Carlos City, Negros Oriental, in Cadastral Case No. RTC-280 should be nullified, I would like to take exception to the majority's basis thereof.

It may be duly noted that, indeed, the action filed by petitioner with the regional trial court was an offshoot of the labor case in the petitioner participated in the auction sale of the judgment was completely satisfied as a consequence of full payment received by the prevailing party on account of the consummated sale on execution conducted by the sheriff of the Regional Arbitration Branch concerned, where the aforesaid pieces of property levied on execution were bought by petitioner, a juridical entity not a party to the case. The jurisdiction of the National Labor Relations Commission Arbitration Branch ended when judgment in favor of the prevailing party was fully satisfied upon the payment of the proceeds of the execution sale to said party. When judgment in favor of the judgment creditor is fully and completely satisfied, the reason for which the court's tribunal's jurisdiction has been invoked and thereafter exercised, ceases to exist and there is nothing more to be done. Hence, the court's or tribunal jurisdiction must be deemed terminated. In the present case, therefore, even as the controversy may be said to have been an offshoot of the execution sale conducted by the NLRC Regional Arbitration Branch in a labor dispute, the labor tribunal's limited jurisdiction may not be further invoked.

Strictly speaking, there can be no splitting of cause of action under the present circumstances even as petitioner invokes the rightful jurisdiction of the regular court. Complaints' cause of action in the labor case ceased to exist as soon as their cause had been completely satisfied with the full payment of judgment in their favor. Logically, a non-existent cause of action is incapable of being split. The present case should be distinguished from one where the prevailing party also turns out to be the highest bidder in the execution sale. There is no full and complete satisfaction of judgement in such latter case until and unless title is duly transferred to the actual possession delivered to the prevailing party. Moreover, it is worth noting that petitioner, the highest bidder in the execution sale, is not even a party to the subject labor case. It can be easily gleaned therefore, that petitioner's cause of action is a new one altogether and it cannot be considered to be a continuation of the labor dispute falling within the jurisdiction of the labor tribunal.

Even granting that the labor tribunal has the general supervisory control over the process the execution of its judgments, including the power to determine every question of fact and law which may be involved in the execution (*Balais vs. Velasco*, 252 SCRA 707 [1996]), the labor tribunal lacks ample power and jurisdiction to grant full and complete relief to petitioner in this case. The most that the labor tribunal can do is to compel private respondent, under pain of contempt, to surrender the owner's duplicate copies of the certificates of title to the registry of deeds. In the present case, private respondent stubbornly refused to deliver said copies of the certificates of title unless ordered by the said courts. It would be inutile for petitioner to seek relief from the labor tribunal because the said tribunal cannot order the register of deeds to cancel the outstanding certificates of title of private respondents unless the owner's duplicate copies thereof are surrendered. Instead, the Land Registration Law (Act No. 496) directs the aggrieved party to apply by petition to the court because it is the court which has the power to decree the annulment of the same and to order the issuance of a new certificate of title, to wit:

SEC 111. In every case where the clerk or any register of deeds is requested to enter a new certificate pursuant of an instrument purporting to be executed by the registered owner, or by reason of any instrument or proceedings which divest the title of the registered owner against his consent, if the outstanding owner's duplicate certificate is not presented for cancellation when such request is made, the clerk or register of deeds shall not enter a new certificate, but the person claiming to be entitled thereto may apply petitioner to the court. The court, after hearing, may order the registered owner or any person withholding the duplicate copy to surrender the same, and direct the entry of a new certificate title upon such surrender.

If in any case the person withholding the duplicate certificates is amenable to the process of the court or if for any reason the outstanding owner's duplicate certificate cannot be delivered up, the court may by decree annul the same, and order a new certificate of title to be entered. Such new certificate and all duplicates thereof shall contain a memorandum of the annulment for the outstanding duplicate.

If in any case an outstanding mortgagee's or lessee's duplicate certificate is not produced and surrendered when a mortgage is discharged or extinguished or the lease is terminated, like proceedings may be held to obtain registration as in the case of non-production of an owner's duplicate. (Amended by P.D. 1529, Sec. 107; Emphasis supplied.)

From the foregoing provision, it is my humble submission that petitioner, who logically wants full and complete relief, is left with the sole recourse of proceeding to the regular court and not the labor tribunal. To reiterate, only a regular court has jurisdiction to hear and determine disputes relating to entries of a certificate of title in the registration book, and thereafter order the entry of a new certificate of title, the entry or cancellation of a memorandum upon a certificate, or grant any other relief upon such terms and conditions, as it may deem proper. This should be done by filing the petition in the original case in which the decree of registration was entered, i.e., in the original cadastral case. This is expressly provided for in Section 112, of the Land Registration Act (Act No. 496), to wit:

SEC. 112. No erasure, alteration, or amendment shall be made upon the registration book after the entry of a certificate of title or memorandum thereon and the attestation of the same by the clerk or any register of deeds, except by order of the court. Any registered owner or other person in interest may at any time apply by petition to the court, upon the ground that registered interest of any description, whether vested, contingent, expectant, or inchoate, have terminated and ceased; or that the new interest have arisen or been created which do not appear upon the certificate, or that any error or omission, or mistake was made in entering a certificate; or that the name of any person on the certificate has been changed; or that the registered owner has been married; or, if registered as married, that the marriage has been terminated; or that a corporation which owned registered land and has been dissolved has not conveyed the same within three years after dissolution; or upon any other reasonable ground; and the court shall have jurisdiction to hear and determine the petition after notice to all parties in interest, and may order the entry of a new certificate, the entry or cancellation of a memorandum upon a certificate, or grant any other relief upon such terms and conditions, requiring security if necessary, as it may deem proper: Provided, however, that this section shall not be construed to give the court authority to open the original decree of registration, and that nothing shall be done or ordered by the court which shall impair the title or other interest of a purchaser holding a certificate for value and in good faith, or his heirs or assigns, without his or their written consent.

Any petition filed under this section and all petitions and motions filed under the provisions of this Act after original registration shall be filed and entitled in the original case in which the decree of registration was entered. (Emphasis supplied)

The regional trial court, to my mind, therefore, had jurisdiction to grant the relief sought for by petitioner therein. Respondent court committed grave abuse of discretion when it dismissed the case on the ground of lack of jurisdiction.

Incidentally, it may likewise be significantly noted that respondent regional trial court also committed grave abuse of discretion when it declared the order dated October 22 and 30, 1991 of Judge Basa, and the April 8, 1992 order of Judge Layumas, all of which were already final and executory, and not merely interlocutory orders for they did finally adjudicate the merits of the case. Verily, only the Court of Appeals may annul a final and executory order of a regional trial court on an original action for annulment of judgment (Section 9, Batas Pambansa Bilang 129).

Over and above the ground of estoppel by laches, I vote to grant the petition as the regional trial court committed grave abuse of discretion in dismissing the cadastral case in the present case where petitioner correctly invoked the jurisdiction vested upon the regional trial court by Section 19 of Batas Pambansa Bilang 129, as amended in relation to the above-cited provisions of the Land Registration Act, to consolidate its title to and to obtain full and actual possession of the pieces of property it bought on execution sale and other incidents thereto.

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