

**JUANA PADRON VDA. DE VALENZUELA, ET AL., PETITIONERS, VS.
HON. COURT OF APPEALS AND MANUEL JARA, RESPONDENTS.***G.R. No. 12645. September 15, 1960*

Ponente: REYES, J. B. L., J.

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Appeal by certiorari from a decision of the Court of Appeals, promulgated on January 29, 1957 in C. A.-G. R. No. 18339-R, wherein petitioners herein sought to enjoin the Court of First Instance of Isabela from proceeding with Civil Case No. 938, an action for the annulment of the judgment in Civil Case No. 340 of the same Court. The antecedents of this case appearing on record are as follows:

On June 1, 1951, petitioners brought in the Court of Isabela against Manuel Jara and the Director of Lands Civil Case No. 340, an action for reconveyance of land, and, as alternative remedy, for cancellation of the homestead patent and the corresponding certificate of title issued in favor of Manuel Jara. Said action was based on fraud in securing the patent and the corresponding certificate of title.

After summons was duly issued to the Director of Lands, the latter filed his answer and also a cross-claim against Manuel Jara, alleging that patent No. V-2120 and Original Certificate of Title No. P-491, issued in favor of said Manuel Jara, both dated February 2, 1949, had been issued through false representations, and asked that they be cancelled.

There was some difficulty in serving the summons issued for defendant Manuel Jara in Civil Case No. 340, as it appears that he was not in his known address and other places where he could allegedly be found. Finally, however, the summons for defendant Manuel Jara was served by policeman Mariano Veiasco of Roxas, Isabela, by delivering copy thereof to a certain Teodora Jara, who, according to the return, was the mother of Manuel Jara and living in the latter's house. This notwithstanding, defendant Manuel Jara did not answer either the complaint or the crossclaim filed by the Director of Lands against him; and upon motion of plaintiffs therein (petitioners at bar), the Court declared him in default, the trial of the case thereafter proceeding without his attendance.

On June 19, 1953, the Court of First Instance of Isabela, in Civil Case No. 340, rendered judgment by default against defendant Manuel Jara ordering that Homestead Patent No. V-2120 and Original Certificate of Title No. P-491, Office of the Register of Deeds of Isabela, issued in favor of defendant Jara, be cancelled; and that defendant Jara vacate the land covered thereby, on the finding, among others, that said Homestead Patent and Certificate of Title were obtained through fraud and false representations. On the same day, notice of judgment was sent to defendant Manuel Jara by mail. On June 23, 1953, Manuel Jara filed a motion for dismissal of Civil Case No. 340, and for all the proceedings¹ therein to be declared null and void, on the ground that the Court of First Instance of Isabela did not acquire jurisdiction over his person, as he was not properly served with summons. After a hearing conducted thereon, this motion to dismiss was denied. A motion for reconsideration of the denial was overruled.

Thereafter, Manuel Jara filed in the Court of Appeals a petition for a writ of certiorari, C. A.-G. R. No. 11765-R,

to review the said order of the trial court denying the motion for dismissal in Civil Case No. 340. This was given due course, but after hearing, the Court of Appeals denied it, on the ground that appeal, and not certiorari, was the proper remedy. Manuel Jara appealed from this decision by writ of certiorari to the Supreme Court, but the appeal was likewise dismissed, this time, for "lack of merit".

On September 3, 1955, after the judgment of the Court of First Instance of Isabela had become final and executory, Manuel Jara in turn filed an action, Civil Case No. 938 of the Court of First Instance of Isabela, against petitioners herein asking for the annulment of the judgment in Civil Case No. 340. In that Civil Case No. 938, plaintiff Manuel Jara (now respondent at bar) alleged that the judgment in Civil Case No. 340 is null and void, for the Court which rendered it was without jurisdiction over the person of defendant therein, Manuel Jara, and over the subject matter of the action, and prayed for the alternative remedies of either vacating the judgment, ordering defendants to pay him P4,000.00 as moral and exemplary damages, plus attorney's fees, or, if the judgment in Civil Case No. 340 be held valid, to sentence defendants therein (petitioners at bar) to pay him P4,900.00 as compensation for improvements made by him on the land.

Petitioners herein move for dismissal of Civil Case No. 938, on the ground that the Court lacked jurisdiction and that the action is barred by a prior judgment. The trial court, presided over by the Hon. Judge Manuel Arranz, denied this motion.

Hence, petitioners instituted an action in the Court of

Appeals (C.A.-G. R. No. 18339-R), for Prohibition and Mandamus to enjoin the Court of First Instance of Isabela from proceeding further with Civil Case No. 938 (the action to annul Civil Case No. 340) and to order the said court to dismiss it.

The petitioners in C.A.-45. R. No. 18339-R contended therein that inasmuch as the cause of action in Civil Case No. 938 is based on alleged fraud, lack of jurisdiction of the Court over the subject matter and over the person of Manuel Jara in Civil Case No. 340, which was raised in the latter case by motion of said Manuel Jara and adjudicated adversely against him, and since the judgment in Civil Case No. 340 is already final, the matter is now *res adjudicata* and cannot be invoked in support of an action to the judgment therein rendered.

On the other hand, respondent therein Manuel Jara, contended that inasmuch as the Court of First Instance of Isabela, in Civil Case No. 340, did not acquire jurisdiction over the person of Manuel Jara, defendant therein, because of the irregularities in the service of the summons, and over the subject matter of the action, because being an action to annul a homestead patent, it was filed only after two (2) years from the issuance of said Patent and Certificate of Title on February 2, 1949, the judgment in that case had been secured through fraud and misrepresentations, and is null and void; and therefore, Manuel Jara has the right to bring an action for the annulment thereof, which he did by instituting Civil Case No. 938.

The Court of Appeals held that the allegations of respondent Manuel Jara that the trial court in Civil Case No. 340 was without jurisdiction over his person, because of irregularities attending the service of the summons issued therein, cannot be a ground for the annulment of the judgment therein rendered. Fraud, to be a ground for nullity of a judgment, must be extrinsic and according to the Court of Appeals, the alleged irregularities in the service of the summons in Civil Case No. 340 is intrinsic and not collateral to the proceedings.

However, the petition for prohibition and mandamus was denied by the Court of Appeals, on the ground that the allegation regarding the lack of jurisdiction over the subject matter of the action in Civil Case No. 340, without expressing its view on its merits, at least makes "good cause of action to annul the judgment". It added that this allegation was a new matter which was not taken up and adjudicated in Civil Case No. 340; likewise observing

that the doctrine of res adjudicata is predicated on a valid judgment, and if the purpose of the action is to annul that judgment, whatever is adjudicated therein cannot be invoked as a bar to the new action.

From this decision of the Court of Appeals, the petitioners interposed in due time this appeal by certiorari.

As gleaned, from the records, the resolution of this appeal hinges on two (2) points, namely: (1) whether the allegation of fraud in the service of summons in Civil Case No. 340 can be invoked as a ground for annulment of the judgment therein rendered, and (2) whether the Court of First Instance of Isabela had jurisdiction over the subject matter of Civil Case No. 340, considering that said case for annulment of homestead patent was filed more than one (1) year from the issuance of the patent and the certificate of title.

We agree with the Court of Appeals that the allegation pertaining to fraud or irregularities in the service of summons in Civil Case No. 340 cannot be urged now as a ground for annulment of the judgment therein rendered, for it does not appear to be in dispute that this very question of fraud or irregularities in the service of summons was already passed upon by the trial court in considering the motion to dismiss filed by Manuel Jara in Civil Case No. 340. In fact, the trial court even conducted a hearing to determine the facts bearing on this particular issue raised by the movant. After reception of evidence on the question, the court made the following finding in the order denying the motion to dismiss:

"* * * it is clear that Manuel Jara has been avoiding summons, for which reason the same has been served upon Teodora Jara, his mother, a person of suitable age and discretion who was residing in his (Manuel Jara) dwelling. Therefore, he was served with summons in accordance with Section 8, Rule 7 of the Rules of Court."

Since the ruling just quoted was not appealed (as the Court of Appeals decided in G. R. No. 11765-R that it should have been), and, inasmuch as the period for appeal from said order has long ago elapsed, that matter is now final and res judicata on the parties. It is of no moment that the cause of action in Civil Case No. 340 was for reconveyance and/or annulment of a Homestead Patent while Civil Case No. 938 is for annulment of a judgment; for, definitely, there is identity of issue, so far as the alleged fraud in the service of summons is concerned. Although the relief sought be different in the second action, the principle of res judicata, applies, if the question at issue upon which the relief depends is the same. (Tan vs. Del Rosario, 57 Phil., 411; 31 Off. Gaz. 3834). Extrinsic fraud cannot be a ground to annul a judgment when it is a matter that has been pleaded and passed upon in the principal case in motions for reconsideration and other kinds of petition incidental or special, because it is then res judicata (La O vs. Dee, et al., L-3890, Jan. 23, 1952).

But the Court of Appeals declined to enjoin further proceedings in Civil Case No. 938 of the Court of First Instance of Isabela, on the ground that the lack of jurisdiction over the subject matter in the preceding Civil Case No. 340, as alleged in the complaint, is "a good cause of action to annul the judgment" rendered in said case No. 340, that ordered the annulment of the Homestead Patent and the corresponding Certificate of Title in favor of respondent Manuel Jara. The reason given is that Case No. 340 was filed only on June 1, 1951, way beyond one year from and after the issuance of the Patent and the Certificate of Title in February 2, 1949, in violation of section 38 of Act 496 (Land Registration Act). We find this conclusion not tenable. The Court of Appeals itself stated in its decision, and it is not disputed, that the prior Civil Case No. 340 of Isabela against Jara was an action for reconveyance, and alternatively, for cancellation of the homestead patent. Unquestionably, the Court of First Instance had jurisdiction to entertain such an action for reconveyance of the land in question by Manuel Jara, who obtained the patent through fraud upon the petitioners, even if more than one year had elapsed from the issuance of the homestead patent; and the fact that the Court ordered the cancellation of the patent, instead of requiring the patentee, Manuel Jara, to reconvey the land to the petitioners, constitutes, at the most, an erroneous judgment, but not one that is void for lack of jurisdiction. The remedy against such error was appeal, and not certiorari, as it was

correctly held in C. A. G. R. 11765-R. Not having appealed, Manuel Jara is definitely bound by the judgment rendered in Case No. 340, since the Court's grant of the wrong remedy, while a reversible error, could not operate to deprive the Court of the jurisdiction over the case, duly acquired upon the allegation made in the complaint. "The authority to decide a cause at all, and not the decision rendered therein, is what makes up jurisdiction" (Herrera vs. Barreto, 25 Phil., 245, 251; and cases cited therein).

"When a court has jurisdiction it has a right to decide every question that may arise in the cause; and whether its decisions be correct or not, its judgment, until reversed, is regarded as binding in every other court: (Manson vs. Ducanson, 166 U. S. 583).

Wherefore, it appearing clearly that the Court of First Instance of Isabela, in its Civil Case No. 340, had jurisdiction over the parties and the subject matter of the action, its judgment rendered therein may not be subsequently attacked by respondent Manuel Jara, and it is conclusive upon him.

In view of the foregoing, the decision of the Court of Appeals in case C. A.-G. R. No. 18339-R is reversed and set aside, and the Court of First Instance of Isabela is enjoined from further proceeding with its Civil Case No. 938. Costs against respondent herein, Manuel Jara. So ordered.

Paras, C. J., Bengzon, Padilla, Bautista Angelo, Labrador, Concepcion, Barrera, and Gutierrez David, JJ., concur.

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