

**FIDELA R. ANGELES, PETITIONER, VS. THE SECRETARY OF JUSTICE,
THE ADMINISTRATOR, LAND REGISTRATION AUTHORITY, THE
REGISTER OF DEEDS OF QUEZON CITY, AND SENATOR TEOFISTO T.
GUINGO...**

G.R. No. 142549. March 09, 2010

Ponente: VELASCO JR., J.

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VELASCO JR., J.:

The property involved in this case is covered by Original Certificate of Title (OCT) No. 994, which encompasses One Thousand Three Hundred Forty-Two (1,342) hectares of the Maysilo Estate, previously described by this Court En Banc as a "vast tract of land [that] stretches over three cities, comprising an area larger than the sovereign states of Monaco and the Vatican." [1] What we have before us now is touted as "one of the biggest and most extensive land-grabbing incidents in recent history." [2]

The existence of several cases already decided by this Court dealing with this infamous estate has made the job of deciding this particular petition easy, on one hand, as there are cases squarely on point and at the outset, applicable; but complicated, on the other hand, as such applicability must be determined with thoroughness and accuracy to come up with a just, equitable, and fair conclusion to a controversy that has now lasted for almost forty-five (45) years.

Submitted for Decision is a petition for mandamus seeking respondents Secretary of Justice, the Administrator of the Land Registration Authority (LRA), and the Register of Deeds of Quezon City to comply with the Order [3] dated January 8, 1998 issued by the Regional Trial Court (RTC) of Caloocan City in Civil Case No. C-424, entitled *Bartolome Rivera, et al. v. Isabel Gil de Sola, et al.* (the RTC Order), which was issued a Certificate of Finality on March 12, 1998.

On May 3, 1965, petitioner, together with other individuals, all of them claiming to be the heirs of a certain Maria de la Concepcion Vidal, and alleging that they are entitled to inherit her proportional share in the parcels of land located in Quezon City and in the municipalities of Caloocan and Malabon, Province of Rizal, commenced a special civil action for partition and accounting of the property otherwise known as Maysilo Estate covered by OCT No. 994, allegedly registered on April 19, 1917 with the Registry of Deeds of Caloocan City. This was docketed as Civil Case No. C-424 in the RTC of Caloocan City, Branch 120.

Some of said alleged heirs were able to procure Transfer Certificates of Title (TCTs) over portions of the Maysilo Estate. They also had led this Court to believe that OCT No. 994 was registered twice, thus, in *Metropolitan Waterworks and Sewerage Systems (MWSS) v. Court of Appeals*, [4] reiterated in *Heirs of Luis J. Gonzaga v. Court Of Appeals*, [5] the Court held that OCT No. 994 dated April 19, 1917, and not May 3, 1917, was the valid title by virtue of the prior registration rule.

In the RTC Order sought to be implemented, Judge Jaime D. Discaya granted the partition and accounting prayed

for by plaintiffs in that case; directed the respective Registers of Deeds of Caloocan City and Quezon City to issue transfer certificates of title in the names of all the co-owners, including petitioner, for twelve (12) parcels of land with an aggregate area of One Hundred Five Thousand and Nine Hundred Sixty-Nine square meters (105,969 sq. m.), more or less; and ordered that said parcels of land be sold, subject to the confirmation of the Court, and the proceeds be divided among the plaintiffs in proportion to their respective interests in the property.

The dispositive portion of said Order reads as follows:

WHEREFORE, premises considered, the recommendation of the Commissioners in their Joint Commissioners' Report dated October 21, 1997 and Supplemental Commissioners' Report dated December 30, 1997 that the following lots with transfer certificates of title to be issued by the Register of Deeds of Caloocan City in the names of all co-owners be sold and the proceeds thereof divided among themselves in proportion to their respective interest in the property, is approved.

The Register of Deeds of Caloocan City and of Quezon City are hereby directed to issue transfer certificates of title in the names of all the co-owners for the following lots, namely:

x x x x

Any sale of above-mentioned lots shall be subject to confirmation by this Court pursuant to Section 11, Rule 69 of the Rules of Civil Procedure.[6]

Petitioner alleges that the respective Registers of Deeds of Caloocan City and Quezon City refused to comply with the RTC Order because they were still awaiting word from the LRA Administrator before proceeding. Counsel for petitioner then requested the LRA Administrator to direct said Registers of Deeds to comply with the Order.

The LRA Administrator, Mr. Alfredo R. Enriquez, sent counsel for petitioner a letter-reply[7] dated March 27, 2000, with two attachments: 1) the 1[st] Indorsement[8] dated September 22, 1997 (the 1[st] Indorsement) issued by then Department of Justice (DOJ) Secretary Teofisto T. Guingona, Jr. (respondent Guingona), and 2) LRA Circular No. 97-11[9] issued to all Registers of Deeds. The letter-reply reads in part:

We regret to inform you that your request cannot be granted in view of the directive of the Department of Justice in its 1[st] Indorsement dated 22 September 1997, copy enclosed, as a result of the inquiry conducted by the Composite Fact-Finding Committee (created under DOJ Department Order No. 137) finding that there is only one OCT No. 994 which was issued by the Rizal Register of Deeds on 3 May 1917 (and not on 19 April 1919) pursuant to Decree No. 36455 in Land Registration Case No. 4429. Pursuant to this DOJ directive, this Authority issued LRA Circular No. 97-11 to all Registers of Deeds, copy attached, stating the following:

x x x x

In compliance with the DOJ directive, this Authority, in its 1[st] Indorsement dated 27 March 1998, x x x had recommended to the Office of the Solicitor General the filing of an appropriate pleading relative to the said Order dated 8 January 1998.

The findings of the DOJ on OCT No. 994 are in fact sustained by the Senate Committee on Justice and Human Rights and Urban Planning in its Senate Committee Report No. 1031 dated 25 May 1998 x x x.[10] (Emphasis ours.)

The LRA Administrator likewise wrote that in Senate Committee Report No. 1031 dated May 25, 1998, the Senate Committees on Justice and Human Rights and Urban Planning came up with the following findings:

- i. There is only one Original Certificate of Title (OCT) No. 994 and this was issued or registered on May 3, 1917[.]

ii. The [OCT] No. 994 dated April 19, 1917 is non-existent. It was a fabrication perpetrated by Mr. Norberto Vasquez, Jr., former Deputy Registrar of Deeds of Caloocan City.

iii. The alleged surviving heirs could not have been the true and legal heirs of the late Maria de la Concepcion Vidal as government findings showed the physical and genetic impossibility of such relationship[.]

iv. Mr. Norberto Vasquez, Jr., former Deputy Registrar of Deeds of Caloocan City, acted maliciously, fraudulently and in bad faith, by issuing "certifications" and/or written statements to the effect that OCT No. 994 was issued or registered on April 19, 1917 when in truth and in fact it was issued or registered on May 3, 1917.

v. Atty. Yolanda O. Alfonso, Registrar of Deeds of Caloocan City, likewise acted maliciously, fraudulently and in bad faith, when she signed the TCTs issued in the name of Eleuteria Rivera which bear a wrong date of the registration of OCT No. 994. Malice was evident because she had previously issued certificates of title in the names of other individuals which were derived from OCT No. 994 dated May 3, 1917 and she had in fact questioned the falsity of April 19, 1917 as the correct date of the registration of OCT No. 994.[11] (Underscoring in the original.)

The letter-reply further stated that OCT No. 994 was intact and was being kept in the LRA "to prevent its alteration and tampering." We quote the last portion of said letter-reply:

As found by the Senate Committees, the mess caused by the former Register of Deeds and Deputy Register of Deeds in making it appear that OCT No. 994 was issued in 19 April 1917, thus giving the wrong impression that there were two (2) OCT No. 994, resulted in the double, if not multiple, issuance of transfer certificates of title covering the subdivided portions of the Maysilo Estate, including the parcels of land mentioned in the subject Order dated 8 January 1998. Our Authority, as the protector of the integrity of the Torrens title is mandated to prevent anomalous titling of real properties and put a stop to further erode the confidence of the public in the Torrens system of land registration.

With due respect, the Order dated 8 January 1998 which directs the issuance of transfer certificates of title as direct transfer from OCT No. 994, suffers from certain deficiencies, to wit: OCT No. 994 had long been cancelled totally by the issuance of various certificates of title in the names of different persons; and that the plan and descriptions of the lands were not based on a subdivision plan duly approved by the proper government agency but merely sketch plans, in violation of Section 50 of PD 1529. Obviously, compliance with the Order will result to duplication of certificates of title covering land previously registered in the names of other persons. Besides, in *MWSS vs. CA*, the Supreme Court did not declare the nullity of the certificates of title which emanated from OCT No. 994 issued on 3 May 1917. It merely invalidates the title of *MWSS* and recognizes as valid the title of Jose B. Dimson. There was no such declaration as to the various transfer certificates of title emanating from OCT No. 994. Under the law, there must be a separate action in court for the declaration of nullity of certificates of title pursuant to the due process clause of the Constitution.

As observed by the Supreme Court in *Republic vs. Court of Appeals* (94 SCRA 874), "there are too many fake titles being peddled around and it behooves every official of the government whose functions concern the issuance of legal titles to see to it that this plague that has made a mockery of the Torrens system is eradicated right now through their loyalty, devotion, honesty and integrity, in the interest of our country and people at large." [12]

Petitioner avers that respondent Guingona, in issuing the 1st Indorsement,[13] made a substantive modification of the ruling made by this Court in *MWSS v. Court of Appeals* and *Heirs of Luis Gonzaga v. Court of Appeals*. She further avers that "[n]ot even the Secretary of Justice has the power or authority to set aside or alter an established ruling made by the highest Court of the land." According to petitioner, respondent Guingona claimed to have made his own finding that there is only one OCT No. 994 which was issued by the Register of Deeds of

Rizal on May 3, 1917, and not on April 19, 1917, and this finding is a reversal of the decisions of this Court on "what is the valid OCT No. 994." Petitioner contends that "[t]he rule is well settled that once a decision becomes final[,] the Court can no longer amend, modify, much less set aside the same" and that respondent Guingona usurped judicial functions and did a prohibited act which rendered the Order of no effect.[14]

Petitioner claims that respondent Guingona was the one who caused the issuance by the LRA Administrator of Circular No. 97-11 dated October 3, 1997, which had the same legal effect on other cases similarly situated without hearing or notice to the parties-in-interest, and that this was contemptuous and contumacious and calls for "condemnation and reproof of the highest degree." [15]

Petitioner alleges that compliance with a final judicial order is a purely ministerial duty, that she and her co-plaintiffs in Civil Case No. C-424 cannot avail of the benefits granted to them by the Order, and that she has no "plain, speedy and adequate remedy in the ordinary course of law, other than this action."

In his Comment,[16] respondent Guingona raises the following grounds for denial of the petition:

- Petitioner has no cause of action against respondent Guingona in that the latter is no longer the Secretary of Justice.
- The issuance of the 1st Indorsement dated September 22, 1997 was pursuant to the report dated August 27, 1997 made by the committee created by Department Order No. 137 dated April 23, 1997 after conducting an independent fact-finding investigation. It did not in any way alter or modify any judgment of this Honorable Court.
- Petitioner was not denied due process as her rights, if any, under the Order dated January 18, 1998 were not yet in existence at the time the 1st Indorsement was issued.
- Mandamus is not the appropriate remedy to enforce claims of damages.[17]

Respondent Guingona contends that he was no longer the Secretary of Justice, therefore, he did not anymore possess the mandatory duties being compelled to be performed in this case by way of a writ of mandamus; he had no more duty resulting from the said position and could not perform an act that pertained to said duty, even if he wanted to; and since he did not have the powers and duties of the Secretary of Justice, he was therefore not a real party-in-interest in this case.

Respondent Guingona avers that he was prompted to issue DOJ Department Order No. 137 dated April 13, 1997 creating a committee due to several complaints received by the Office of the Secretary of Justice in February 1997. Among others, the complaints prayed for the investigation of certain actions taken by the LRA officials and personnel in connection with transactions involving the Maysilo Estate. According to him, the committee was tasked for the purpose of initiating a fact-finding inquiry:

"(1) to ascertain the circumstances surrounding the issuance of original Certificate(s) of Title (OCT) No. 994 of the Registry of Deeds of Rizal purporting to cover a mass of land encompassing Malabon, Caloocan City and Quezon City as well as the issuance and regularity of Transfer Certificates of Titles (TCTs) derived therefrom; (2) in the event of a finding of the irregular issuance of any such [TCTs], (a) to determine the involvement of and to recommend the actions to be taken against person(s) and/or officials and employees of this Department or its agencies who may appear to have participated therein, and (b) to recommend the administrative and/or judicial actions, if any, that may directly be undertaken by this Department, the Office of the Solicitor General, the Land Registration Authority, and other units and attached agencies of this Department, with respect to such irregularly issued Transfer Certificates of Title, taking into account the final decisions of the courts affecting the Maysilo Estate." [18]

Respondent Guingona contends that it can be gleaned from the purpose of the creation of the committee that its fact-finding investigation was merely administrative to formulate and recommend policies, procedures and courses of action which the DOJ, the LRA, the Office of the Solicitor General and other agencies of the DOJ can adopt with regard to the problem of the proliferation of fake land titles, including those that relate to the Maysilo Estate. He alleges that based on this committee's report dated August 27, 1997, he issued the subject 1[st] Indorsement which spelled out the policies, procedures, and courses of action which the LRA, an agency under the DOJ, must follow not only with respect to OCT No. 994 and its derivative titles covering the Maysilo Estate but to all other original or transfer certificates of title as well. He contends that the 1[st] Indorsement was merely an administrative issuance of the DOJ; thus, it could not be said that it altered or supplanted any judgment of this Court.

Respondent Guingona further states that the 1[st] Indorsement dated September 22, 1997 was issued long before the Order dated January 18, 1998, thus it could not be said that petitioner was denied due process as her rights and interests were non-existent at that time. Furthermore, respondent Guingona alleges that petitioner was accorded due process when the LRA Administrator gave an opportunity to petitioner's counsel to present petitioner's case to the LRA legal staff. Respondent Guingona claims that such opportunity to be heard satisfies the requirements of due process, as the essence of due process is simply the opportunity to be heard. [19]

With regard to the claim for damages, respondent Guingona argues that it is a factual issue which the petitioner must prove in the course of a trial where petitioner's claim for damages can be fully litigated. This Honorable Court, however, is not a trier of facts. Such being the case, it is inappropriate for petitioner to include in her petition for mandamus a claim for damages the amount of which she did not even specify. As it is, such claim should be denied by this Honorable Court. There is also no showing that petitioner paid the required docket fees for her claims for damages. On this score alone, such a claim should be outrightly dismissed.[20]

In her Reply,[21] petitioner contends that former DOJ Secretary Guingona has to be named as private respondent because he was the cause of public respondents' failure to comply with their ministerial duty. A private respondent is "the person interested in sustaining the proceedings in the court; and it shall be the duty of such private respondent to appear and defend, both in his own behalf and in behalf of the public respondents affected by the proceedings x x x." He is not charged with any improper act, but he is a necessary party as the grant of relief prayed for by petitioner shall require private respondent's active participation. [22]

Anent private respondent's argument that the 1[st] Indorsement did not in any way alter or modify any judgment of this Honorable Court, petitioner counters that the 1[st] Indorsement and "pertinent acts of private respondent x x x resulted in the altering or supplanting of a judgment of this Court." The complaints praying that an investigation be conducted on the irregular issuance of titles in the Maysilo Estate were made to the private respondent by parties who held titles derived from OCT No. 994 on May 3, 1917, after the Supreme Court had rendered its decision in *MWSS v. Court of Appeals* and *Heirs of Gonzaga v. Court of Appeals*.

Petitioner argues that contrary to private respondent's claim, she is entitled to file a petition for mandamus as she and her co-plaintiffs in Civil Case No. C-424 has been suffering from damages and losses incapable of quantification, because of the wrongful act of the respondents. Petitioner cites the following provisions of the Rules of Court in support of her argument:

RULE 65

x x x x

SECTION 9. Service and enforcement of order or judgment. -- A certified copy of the judgment rendered in accordance with the last preceding section shall be served upon the court, quasi-judicial agency, tribunal,

corporation, board, officer or person concerned in such manner as the court may direct, and disobedience thereto shall be punished as contempt. An execution may issue for any damages or costs awarded in accordance with Section 1 of Rule 39.

RULE 39

SECTION 1. Execution upon final judgments or orders. -- Execution shall issue as a matter of right, on motion, upon a judgment or order that disposes of the action or proceeding upon the expiration of the period to appeal therefrom if no appeal has been duly perfected.

If the appeal has been duly perfected and finally resolved, the execution may forthwith be applied for in the court of origin, on motion of the judgment obligee, submitting therewith certified true copies of the judgment or judgments or final order or orders sought to be enforced and of the entry thereof, with notice to the adverse party.

The appellate court may, on motion in the same case, when the interest of justice so requires, direct the court of origin to issue the writ of execution.

Petitioner avers that private respondent seemed to assume a function that did not belong to the Executive Department, because he had caused the issuance of an LRA Circular that forbade compliance with a court order that had already become final and executory. Petitioner likewise avers that the doctrine of separation of powers called for each branch of government to be left alone to discharge its functions within its jurisdiction, as it saw fit.[23]

Public respondents Secretary of Justice, the Administrator of the Land Registration Authority, and the Register of Deeds of Quezon City filed their Comment[24] on November 16, 2000. Public respondents claim that petitioner and her co-plaintiffs are not the rightful owners of the property subject of said complaint for partition. Their allegation in the complaint that they are the heirs and successors-in-interest of the late Maria de la Concepcion Vidal, co-owner of the parcels of land described in OCT No. 994, and are therefore entitled to the proportionate share, ownership, and possession of the parcels of land described in paragraphs XI to XV of the complaint, is an untrue statement made with intent to deceive. This is because the findings embodied in the Report of the Fact Finding Committee created by the DOJ, which are the result of the joint undertaking of the Department proper, the Office of the Solicitor General, and the LRA, support the conclusion that petitioner and her co-plaintiffs are not entitled to the issuance of new transfer certificates of title in their names.[25]

Public respondents claim the following as facts:

The DOJ Report became the subject of [a] Senate investigation. On May 25, 1998, the Honorable Senate of the Tenth Congress of the Republic of the Philippines reached the conclusion that petitioner and her co-plaintiffs are not and cannot be true heirs of the late Maria de la Concepcion Vidal (par. 3, p. 33, Senate Report). x x x.

As early as 1917, subject property of the instant case had already been partitioned and divided among the true owners, namely, Gonzalo Tuason y Patino, Jose Rato y Tuason, Luis Vidal y Tuason, Concepcion Vidal y Tuason, Pedro Baños, Maria de la Concepcion Vidal, Trinidad Jurado, Bernardino Hernandez, Esperanza Tuason Chua Jap, Isabel Tuason Chua, Juan Jose Tuason de la Paz, Maria Teresa Tuason y de la Paz, Mariano Severo Tuason y de la Paz, Demetrio Asuncion Tuason y de la Paz, Augusto Hoberto Tuason y de la Paz, Maria Soterrana Tuason y de la Paz, Benito Legarda y de la Paz, Consuelo Legarda y de la Paz, Rita Legarda y de la Paz, Benito Legarda y Tuason, Emilia Tuason y Patiño, Maria Rocha de Despujols, Sofia O'Farrell y Patiño, German Franco y Gonzales, Concepcion Franco y Gonzales, Domingo Franco y Gonzales, Guillerma Ferrer y Tuason, Vicente Ferrer y Tuason, Josefa Tuason vda. de Flores, and heirs of Filemon Tuazon in proportion to their respective shares, as evidenced by the document entitled PROYECTO DE PARTICION DE LA HACIENDA DE MAYSILO (PARTITION PLAN OF HACIENDA MAYSILO) consisting of fifty-two

(52) pages which is attached as Annex "D", and its faithful translation into English consisting of forty-nine (49) pages attached as Annex "E", and both made integral parts hereof.

As a result of said partition, transfer certificates of titles covering the same subject parcels of land were legally issued in the names of above-enumerated true owners.

The Register of Deeds of Quezon City and Caloocan City, through the undersigned counsel, filed the aforestated Motion for Reconsideration of the questioned Order of the lower court.

The resolution of said motion and other incidents in related cases pending before the lower court has been held in abeyance to await the resolution by higher courts of other cases involving the Maysilo Estate.[26]

We are thus faced with the issue of whether public respondents unlawfully neglected to perform their duties by their refusal to issue the questioned transfer certificates of title to petitioner and her co-plaintiffs (in Civil Case No. C-424) or have unlawfully excluded petitioner from the use and enjoyment of whatever claimed right, as would warrant the issuance of a writ of mandamus against said public respondents.

Considering the factual background and recent jurisprudence related to this controversy as will be discussed below, we find that it was not unlawful for public respondents to refuse compliance with the RTC Order, and the act being requested of them is not their ministerial duty; hence, mandamus does not lie and the petition must be dismissed.

Rule 65 of the 1997 Rules of Civil Procedure provides:

SECTION 3. Petition for mandamus. -- When any tribunal, corporation, board, officer or person unlawfully neglects the performance of an act which the law specifically enjoins as a duty resulting from an office, trust, or station, or unlawfully excludes another from the use and enjoyment of a right or office to which such other is entitled, and there is no other plain, speedy and adequate remedy in the ordinary course of law, the person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered commanding the respondent, immediately or at some other time to be specified by the court, to do the act required to be done to protect the rights of the petitioner, and to pay the damages sustained by the petitioner by reason of the wrongful acts of the respondent.

It is settled that mandamus is employed to compel the performance, when refused, of a ministerial duty, but not to compel the performance of a discretionary duty. Mandamus will not issue to enforce a right which is in substantial dispute or to which a substantial doubt exists.[27] It is nonetheless likewise available to compel action, when refused, in matters involving judgment and discretion, but not to direct the exercise of judgment or discretion in a particular way or the retraction or reversal of an action already taken in the exercise of either.[28]

Therefore, we must look into the alleged right of petitioner and see if compliance with the RTC Order is compellable by mandamus; or, in the alternative, find out if substantial doubt exists to justify public respondents' refusal to comply with said Order. Did public respondents have sufficient legal basis to refuse to grant petitioner's request?

In this regard, we find our discussion in *Laburada v. Land Registration Authority*[29] instructive, to wit:

That the LRA hesitates in issuing a decree of registration is understandable. Rather than a sign of negligence or nonfeasance in the performance of its duty, the LRA's reaction is reasonable, even imperative. Considering the probable duplication of titles over the same parcel of land, such issuance may contravene the policy and the purpose, and thereby destroy the integrity, of the Torrens system of registration.

x x x x

x x x Likewise, the writ of mandamus can be awarded only when the petitioners' legal right to the performance

of the particular act which is sought to be compelled is clear and complete. Under Rule 65 of the Rules of Court, a clear legal right is a right which is indubitably granted by law or is inferable as a matter of law. If the right is clear and the case is meritorious, objections raising merely technical questions will be disregarded. But where the right sought to be enforced is in substantial doubt or dispute, as in this case, mandamus cannot issue.[30] (Emphasis ours.)

As can be gleaned from the above discussion, the issuance by the LRA officials of a decree of registration is not a purely ministerial duty in cases where they find that such would result to the double titling of the same parcel of land. In the same vein, we find that in this case, which involves the issuance of transfer certificates of title, the Register of Deeds cannot be compelled by mandamus to comply with the RTC Order since there were existing transfer certificates of title covering the subject parcels of land and there was reason to question the rights of those requesting for the issuance of the TCTs. Neither could respondent LRA Administrator be mandated by the Court to require the Register of Deeds to comply with said Order, for we find merit in the explanations of respondent LRA Administrator in his letter-reply that cites the 1st Indorsement issued by respondent Guingona, LRA Circular No. 97-11, and Senate Committee Report No. 1031, as reasons for his refusal to grant petitioner's request.[31] There was, therefore, sufficient basis for public respondents to refuse to comply with the RTC Order, given the finding, contained in the cited documents, that OCT No. 994 dated April 19, 1917, on which petitioner and her co-plaintiffs in the civil case clearly anchored their rights, did not exist.

It is important to emphasize at this point that in the recent case resolved by this Court En Banc in 2007, entitled *Manotok Realty, Inc. v. CLT Realty Development Corporation*[32] (the 2007 Manotok case), as well as the succeeding resolution[33] in the same case dated March 31, 2009 (the 2009 Manotok case), the controversy surrounding the Maysilo Estate and the question of the existence of another OCT No. 994 have been finally laid to rest. All other cases involving said estate and OCT No. 994, such as the case at bar, are bound by the findings and conclusions set forth in said resolutions.

As stated earlier, petitioner anchors her claim on previous cases decided by this Court[34] which have held that there are two existing OCT No. 994, dated differently, and the one from which she and her co-plaintiffs (in Civil Case No. C-424) derived their rights was dated earlier, hence, was the superior title. Regrettably, petitioner's claim no longer has a leg to stand on. As we held in the 2007 Manotok case:

The determinative test to resolve whether the prior decision of this Court should be affirmed or set aside is whether or not the titles invoked by the respondents are valid. If these titles are sourced from the so-called OCT No. 994 dated 17 April 1917, then such titles are void or otherwise should not be recognized by this Court. Since the true basic factual predicate concerning OCT No. 994 which is that there is only one such OCT differs from that expressed in the *MWSS* and *Gonzaga* decisions, said rulings have become virtually *functus officio* except on the basis of the "law of the case" doctrine, and can no longer be relied upon as precedents.[35]

Specifically, petitioner cannot anymore insist that OCT No. 994 allegedly issued on April 19, 1917 validly and actually exists, given the following conclusions made by this Court in the 2007 Manotok case:

First, there is only one OCT No. 994. As it appears on the record, that mother title was received for transcription by the Register of Deeds on 3 May 1917, and that should be the date which should be reckoned as the date of registration of the title. It may also be acknowledged, as appears on the title, that OCT No. 994 resulted from the issuance of the decree of registration on [19] April 1917, although such date cannot be considered as the date of the title or the date when the title took effect.

Second. Any title that traces its source to OCT No. 994 dated [19] April 1917 is void, for such mother title is inexistent. The fact that the *Dimson* and *CLT* titles made specific reference to an OCT No. 994 dated [19] April 1917 casts doubt on the validity of such titles since they refer to an inexistent OCT. x x x.

Third. The decisions of this Court in *MWSS v. Court of Appeals* and *Gonzaga v. Court of Appeals* cannot apply to the cases at bar, especially in regard to their recognition of an OCT No. 994 dated 19 April 1917, a title which we now acknowledge as inexistent. Neither could the conclusions in *MWSS* or *Gonzaga* with respect to an OCT No. 994 dated 19 April 1917 bind any other case operating under the factual setting the same as or similar to that at bar.[36] (Emphases supplied.)

To be sure, this Court did not merely rely on the DOJ and Senate reports regarding OCT No. 994. In the 2007 *Manotok* case, this Court constituted a Special Division of the Court of Appeals to hear the cases on remand, declaring as follows:

Since this Court is not a trier of fact[s], we are not prepared to adopt the findings made by the DOJ and the Senate, or even consider whether these are admissible as evidence, though such questions may be considered by the Court of Appeals upon the initiative of the parties. x x x The reports cannot conclusively supersede or overturn judicial decisions, but if admissible they may be taken into account as evidence on the same level as the other pieces of evidence submitted by the parties. The fact that they were rendered by the DOJ and the Senate should not, in itself, persuade the courts to accept them without inquiry. The facts and arguments presented in the reports must still undergo judicial scrutiny and analysis, and certainly the courts will have the discretion to accept or reject them.

There are many factual questions looming over the properties that could only be threshed out in the remand to the Court of Appeals. x x x.

x x x x

The Special Division is tasked to hear and receive evidence, conclude the proceedings and submit to this Court a report on its findings and recommended conclusions within three (3) months from finality of this Resolution.[37]

Thus, in the 2009 *Manotok* case, this Court evaluated the evidence engaged in by said Special Division, and adopted the latter's conclusions as to the status of the original title and its subsequent conveyances. This case affirmed the earlier finding that "there is only one OCT No. 994, the registration date of which had already been decisively settled as 3 May 1917 and not 19 April 1917" and categorically concluded that "OCT No. 994 which reflects the date of 19 April 1917 as its registration date is null and void."

In the case at bar, petitioner is the last surviving co-plaintiff in Civil Case No. C-424 originally filed on May 3, 1965. The records bear several attempts of different individuals to represent her as counsel, a matter that could be attributed to her advanced age and potential access to a vast sum of money, should she get a favorable decision from this case. It appears, however, that the partition and accounting of a portion of the Maysilo Estate that she and her co-plaintiffs prayed for can no longer prosper because of the conclusive findings quoted above that the very basis of their claim, a second, albeit earlier registered, OCT No. 994, does not exist.

The requirements under Rule 65 for the issuance of the writ of mandamus not having been proven by petitioner to exist, we dismiss the petition for lack of merit.

WHEREFORE, premises considered, the petition is hereby DISMISSED.

SO ORDERED.

Puno, C.J., (Chairperson), Carpio Morales, Bersamin, and Villarama, Jr., JJ., concur.

[1] *Manotok Realty, Inc. v. CLT Realty Development Corporation*, G.R. No. 123346, December 14, 2007, 540

SCRA 304, 319.

[2] Rollo, p. 500.

[3] Id. at 15-33.

[4] G.R. No. 103558, 17 November 1992, 215 SCRA 783.

[5] 330 Phil. 8 (1996).

[6] Rollo, pp. 22-33.

[7] Id. at 9-11.

[8] Id. at 12-13.

[9] Id. at 14.

[10] Id. at 9-10.

[11] Id. at 10.

[12] Id. at 10-11.

[13] The 1st Indorsement reads:

Respectfully transmitted x x x the attached report of the fact-finding committee constituted pursuant to Department Order No. 137, to conduct inquiry relative to the irregularly issued transfer certificates of title affecting the Maysilo Estate, calling attention to the committee's recommendations insofar as our office is concerned. In pursuance thereof, you are hereby directed:

1. Consistent with the rationale of Opinion No. 239, s. 1982 to immediately issue a directive instructing the Registry officials concerned, to annotate on the originals of the questioned titles a memorandum to the effect that the Report dated August 28, 1997 of the Composite Fact-Finding Committee created under Department of Justice DO 137, questioning the regularity of the titles has been forwarded to the Office of the Solicitor General for evaluation,

x x x x

3. To promulgate the following issuances:

x x x x

e. An Administrative Order requiring the Registrars of Deeds to elevate en consulta to the Administrator, for possible referral to the Office of the Solicitor General for judicial action, court orders directing the issuance of titles even after the court's attention has been called by the Registrar to an overlapping with an existing one or to any other irregularity in the title ordered to be issued. (Rollo, pp. 12-13.)

[14] Rollo, pp. 4-5.

[15] Id. at 5.

[16] Id. at 39-49.

[17] Id. at 41-42.

[18] Id. at 54.

[19] Id. at 45-46, citing *Conti v. National Labor Relations Commission*, 337 Phil. 560, 566 (1997); *Philippine National Construction Corporation v. Court of Appeals*, 338 Phil. 691, 704 (1997).

[20] Rollo, p. 47.

[21] Id. at 122-132.

[22] Id. at 123-124.

[23] Id. at 128-129.

[24] Id. at 144-165.

[25] Id. at 148.

[26] Id. at 149-150.

[27] *Go v. Court of Appeals*, 322 Phil. 613, 616 (1996).

[28] *Angchangco, Jr. v. Ombudsman*, 335 Phil. 766, 771-772 (1997); citing *Martin, Rules of Court in the Philippines*, Volume III (4th Ed.), p. 233.

[29] 350 Phil. 779, 789-793 (1998).

[30] Id. at 792-794.

[31] Rollo, pp. 9-11.

[32] *Supra* note 1.

[33] 582 SCRA 583.

[34] *Metropolitan Waterworks and Sewerage Systems v. Court of Appeals*, *supra* note 4; *Heirs of Luis J. Gonzaga v. Court of Appeals*, *supra* note 5.

[35] *Manotok Realty, Inc. v. CLT Realty Development Corporation*, *supra* note 1 at 341.

[36] Id. at 348-349.

[37] Id. at 353-355.

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