

**LINA VILLANUEVA, PETITIONER, VS. GENEROSO YAP AND THE  
HONORABLE REGIONAL TRIAL COURT, OF GENERAL SANTOS CITY,  
BRANCH 37 PRESIDED BY HON. MONICO G. CABALES, RESPONDENTS.**

*G.R. No. 145793. June 10, 2004*

Ponente: CALLEJO, SR., J.

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**CALLEJO, SR., J.:**

This is a petition for review on certiorari of the Decision[1] of the Regional Trial Court of General Santos City, Branch 37, in Civil Case No. 4825 ordering the petitioner to vacate the subject property.

**The Antecedents**

On April 30, 1987, respondent Generoso Yap filed a complaint against petitioner Lina Villanueva, docketed as Civil Case No. 3551, for recovery of possession of real properties, with a plea for a writ of preliminary injunction over two parcels of land, Lots 614-A and 614-L, located in General Santos City. Each lot had an area of 122,903 square meters and was covered by Original Certificate of Title (OCT) No. P-3176.

The respondent alleged, inter alia, that he purchased the said parcels of land from Concepcion G. Malonjao for P100,000.00 on January 23, 1987. He averred that the petitioner had been in possession of one side of the property since 1985, without any color of title or right thereto. The petitioner refused to vacate the property upon demand and, on April 27, 1987, even enlarged the portion of the property she occupied; she harvested the bananas on the adjacent areas, and placed her hogs therein.

The respondent prayed that, after due proceedings, judgment be rendered in his favor, thus:

WHEREFORE, it is most respectfully prayed of the Honorable Court that before the issuance of the writ of preliminary injunction, and (sic) injunction be issued, which can only be granted on notice and hearing, that the Honorable Court issues a temporary restraining order, commanding the defendant to desist from further committing acts of dispossession, and that after hearing, that a writ of injunction and writ of preliminary injunction be issued commanding the defendant to vacate her unlawful occupancy of the subject hut, and that judgment be rendered making said injunction permanent with costs against the defendant and for her to pay the attorney's fees of P10,000.00.

Plaintiff further prays for such other reliefs as are just and equitable under the premises.[2]

The case was docketed as Civil Case No. 3551 and was raffled to Branch 23 of the RTC. In her answer to the complaint, the petitioner alleged that Concepcion Malonjao designated her as caretaker of the property in 1974. She then built a hut on a portion of the property, where she and her family resided and planted a variety of plants. She further alleged that on June 2, 1978, Malonjao appointed her, in writing, as timekeeper and capataz in the property. Malonjao mortgaged the property to a certain Mr. Manansala in 1983, and her services as capataz were retained. The respondent informed her of his plan to buy the property and to terminate her employment in 1986. Malonjao finally terminated her services in February 1987, but failed to pay her separation pay. This impelled her to file a complaint against her employer in the NLRC, docketed as ROXI Case No. MC-032-65-87, for illegal

dismissal and reinstatement with money claims. Thereafter, Malonjao, through her son Rufino Malonjao, offered to settle the case for P10,000.00. The petitioner was told that the amount was with the respondent, but before she could receive the same, the respondent's counsel, in the company of armed men, ordered her to remove her hut from the property.

The petitioner interposed counterclaims. For the respondent's failure to appear for trial, his complaint was dismissed and the petitioner was allowed to adduce evidence, *ex parte*, on her counterclaims.

On February 24, 1989, the court rendered judgment dismissing the complaint and ordering the respondent to pay damages to the petitioner on her counterclaims. The decretal portion of the decision reads:

WHEREFORE, judgment is hereby rendered in favor of the defendant ordering plaintiff to pay defendant as follows:

- a) P3,000.00 as moral damages;
- b) P3,000.00 as exemplary damages;
- c) P1,000.00 as temperate damages; and
- d) cost of the suit.

SO ORDERED.[3]

Both parties appealed the decision to the Court of Appeals, and the appeal was docketed as CA-G.R. CV No. 23979. On October 16, 1991, the CA rendered judgment affirming the decision of the trial court. The decision of the Court of Appeals became final and executory after the plaintiff's petition for review on certiorari, docketed as G.R. No. 104466, was dismissed by this Court in a Resolution dated January 22, 1992. Entry of judgment of the resolution was made of record on May 6, 1992.

Earlier, on May 22, 1992, the respondent had filed a complaint against the petitioner in the Regional Trial Court of General Santos City for recovery of possession of property with a prayer for a writ of preliminary injunction. The case was docketed as Civil Case No. 4825 and was raffled to the RTC, Branch 37. Except for the allegation in his complaint that Civil Case No. 3551 had been previously dismissed, and the inclusion of Lot 614-J as the subject of his complaint, the material allegations therein were similar to those in Civil Case No. 3551.

The petitioner filed a motion to dismiss the complaint on the ground of *res judicata*, but the court denied the same. The court, likewise, denied the petitioner's motion for reconsideration of the said order.

In her answer to the complaint, the petitioner alleged that the complaint was barred by *res judicata*. She also pointed out that she was a caretaker of the subject property and, as such, it was the DARAB, not the trial court, which had jurisdiction over the action.

Meanwhile, the writ of execution issued by the trial court for the enforcement of its decision in Civil Case No. 3551 was satisfied by the respondent, per the Sheriff's Return dated November 20, 1992.

On August 24, 1994, the court rendered judgment in Civil Case No. 4825 in favor of the respondent, the dispositive portion of which reads:

WHEREFORE, in view of the fact that the defendant's occupation of the subject land is illegal, the defendant is hereby ordered to vacate the subject land and deliver possession thereof to plaintiff. Defendant is, likewise, ordered to pay plaintiff the sum of P30,000.00 as moral damages; P20,000.00 as attorney's fees; P10,000.00 as exemplary damages.

SO ORDERED.[4]

The petitioner appealed the decision to the Court of Appeals, docketed as CA-G.R. CV No. 48126, alleging as follows:

- That the Trial Court below erred in not dismissing the plaintiff-appellee's complaint on the ground of res judicata;
- That the Trial Court below erred in not considering the defendant-appellant as tenant over the land in question;
- That the Trial Court below erred in assuming jurisdiction over the subject matter of the complaint;
- That the Trial Court below erred in treating the defendant-appellant as possessor in bad faith of the land in question.[5]

On July 26, 1999, the appellate court rendered judgment[6] affirming the appealed decision. The court also denied the petitioner's motion for the reconsideration of the decision. Entry of judgment was made of record on February 4, 2000. The respondent's motion for a writ of execution was granted by the court on July 24, 2000.

On August 31, 2000, the respondent filed, in Civil Case No. 3551, a verified pleading for revival of judgment and issuance of an alias writ of execution with a prayer for a writ of preliminary injunction to enjoin the enforcement of the decision in Civil Case No. 4825. On September 11, 2000, the RTC, Branch 23 issued an Order in Civil Case No. 3551, refusing to take cognizance of the pleading, holding that the respondent should file a new case and not a mere motion to revive its judgment.

On August 29, 2000, the petitioner filed a petition against the respondent in the Court of Appeals, docketed as CA-G.R. SP No. 60812, to annul the judgment of the RTC, Branch 37 in Civil Case No. 4825. The appellate court issued a Resolution dated September 29, 2002 dismissing the petition. The resolution of the CA became final and executory.

Meanwhile, in Civil Case No. 4825, the petitioner filed a motion to stay execution. On September 27, 2000, the court issued an Order directing the petitioner to post a supersedeas bond of P50,000.00 pending its resolution of her motion to stay execution.[7]

On October 12, 2000, the court issued an order in Civil Case No. 4825 denying the petitioner's motion to stay execution. On November 28, 2000, the Sheriff submitted his report in Civil Case No. 4825 on the enforcement of the decision of the court, stating that it was partially enforced in that the petitioner had been evicted from the property, but that she had not paid the damages due under the decision because she was impoverished.

#### The Present Petition

In the meantime, on November 20, 2000, the petitioner filed before this Court a petition for certiorari under Rule 65 of the Rules of Court, with a motion for a writ of preliminary injunction against the respondent, for the reversal of the decision of Branch 37 of the RTC in Civil Case No. 4825, on the ground that the DARAB, not the RTC, had jurisdiction over the complaint of the respondent, as ruled by the RTC, Branch 23 in Civil Case No. 3551.

On November 29, 2000, the Court resolved to issue a writ of temporary restraining order enjoining the respondents from enforcing the RTC Decision, as well as its Orders of August 24, 1994 and July 24, 2000.

The petitioner contends that the action of the respondent in the court a quo in Civil Case No. 4825 was barred by the decision in Civil Case No. 3551. The petitioner further asserts that the respondent is guilty of forum shopping in filing his complaint in Civil Case No. 4823. She claims that as held in Civil Case No. 3551, she and the private

respondent had a tenancy relationship, and that such finding could not be reversed by the ruling of the RTC, Branch 37 in Civil Case No. 4825. The petitioner posits that the court a quo erred in ordering the issuance of a writ of execution for her eviction, as it would disturb the tenancy relationship between her and the respondent.

#### The Ruling of the Court

The petition is denied for utter lack of merit.

First. The decision of Branch 37 of the RTC in Civil Case No. 4825 was affirmed in toto by the Court of Appeals on July 26, 1999 in CA-G.R. CV No. 48126. The appellate court resolved the issue of whether the action of the respondent was barred by res judicata and the trial court's lack of jurisdiction over the action, thus:

While it is indubitable that the first case operates as a bar to the present case, the court is inclined to agree with the trial court that res judicata should not be made to operate in the present case. Res judicata is merely a technical rule and has been held by no less than the Supreme Court that technical rules should not be rigidly applied if its application would amount to a denial of substantial justice (*Suarez v. Court of Appeals*, 193 SCRA 183 [1991]). As succinctly put by the Supreme Court in *Santiago v. Ramirez* (8 SCRA 157 [1963]).  
“x x x. The dispensation of justice and the vindication of legitimate grievance should not be barred by technicalities. (8 SCRA 162)

In a line of cases, the Supreme Court held that res judicata, a mere technical rule, should be disregarded if its application would involve the sacrifice of justice to technicality (*Islamic Directorate of the Philippines v. Court of Appeals*, 272 SCRA 454 [1997]; *Zaldarriaga v. Court of Appeals*, 255 SCRA 254 [1996]; *Republic v. De los Santos*, 159 SCRA 264 [1988]). Thus, in *Ronquillo v. Marasigan* (5 SCRA 304 [1962]), it was held that:

“x x x. To deny this appeal on the principles of res judicata and/or estoppel by judgment would be sacrificing justice to technicality. Their application to the case, under the particular facts obtaining, would amount to denial of justice and/or a bar to a vindication of a legitimate grievance. In cases like the one under consideration, a liberal interpretation of the rules becomes imperative and technicalities should not be resorted to in derogation of the indetermination of a litigation. There is no vested right in technicalities (*Alonzo v. Villamor*, 16 Phil. 315)” (5 SCRA at 312).

As pointed out in the above-quoted Order of the trial court, defendant-appellant's only basis for holding on to the property in question is her alleged illegal dismissal. Although workers have rights which ought to be protected, land owners (sic) likewise have rights which should receive the same protection from the law.

As to the defendant-appellant's second assignment of error, we find no reason (sic) overturn the trial court's finding that there was no tenancy relationship between the parties.

In the defendant's Answer, dated 16 November 1992, she has expressly admitted the allegations contained in paragraphs 4 to 7 of the complaint. Said paragraphs of the complaint alleged that defendant-appellant admitted in a prior case that she filed a labor case against the former owner, to wit:

“5. That after demands made for defendant to vacate the said land were ignored, plaintiff filed a complaint, Civil Case No. 3551 for Recovery of Possession, Injunction with Writ of Preliminary Injunction;

“6. That in her answer, defendant claimed that she was employed as timekeeper by Concepcion Malonjao over the latter's workers in the banana plantation and that she was terminated so that she filed a case for illegal dismissal, 13th month pay differential, Unpaid Living Allowance and Reinstatement with the Office of the Ministry of Labor and Employment, General Santos City.”

Defendant-appellant herself anchors much of her argument in her present appeal to the (sic) Civil Case No. 3551, and the Court notes that in said case, defendant's Answer admitted she is an employee of Concepcion Malonjao

and that after her services were terminated, she filed a case with the NLRC, to wit:

“3.2. In 1974, the defendant was hired by Concepcion Malonjao, owner of Lot No. 614, to serve as caretaker of said lot with full authority to introduce improvements thereon and adopt such measures as would provide protection against would-be intruders and trespassers into the property. In consequence thereof, defendant erected a hut herself and her children on a portion of the said lot and began planting a variety of plants and crops in the premises to augment her meager means in support of her family.

“3.3. Subsequently, Lot 614 was utilized and devoted by Concepcion Malonjao to the planting of banana trees in accordance with a growership agreement entered into by her with STANFILCO; whereupon, defendant, in a Notice of Appointment dated June 2, 1978, was designated and officially employed by Concepcion Malonjao as timekeeper and “capataz” over her workers in the banana plantation.

“3.4. In 1983, Lot 614 was mortgaged by Concepcion Malonjao to a certain Mana[n]sala who, while assuming the operation and collection of the proceeds from the banana plantation as consequence of the mortgage, retained the services of the defendant as such “capataz” in the plantation. Neither was she disturbed, during all these times, by the original owner, Concepcion Malonjao, the mortgagee, Manansala, nor by the other person, in her occupancy and or possession of the premises used by her and their family for habitation.

“3.5. Sometime in the middle part of 1986, plaintiff approached the defendant and informed her of an impending plan on his part to purchase Lot No. 614 and his intention to terminate the employment of the defendant in the banana plantation.

“3.6. Thereafter, or in (sic) February 1987, defendant’s employment was terminated by Concepcion Malonjao, presumably upon representation made by the plaintiff, Generoso Yap, the proposed vendee of Lot No. 614.

“3.7. In view of the fact that she was not given her separation pay nor any form of financial assistance, defendant filed ROXI Case No. MC-032-65-87 for Illegal Dismissal, 13th month pay differential, Unpaid Living Allowance and Reinstatement with the Office of the Ministry of Labor and Employment, General Santos City, which scheduled the date for hearing on April 21, 1987. However, Concepcion Malonjao or any of her agents or representatives, failed to appear on the date of the scheduled hearing.” (Emphasis supplied)

Having admitted that she herself went to the NLRC claiming to be an employee of the former owner, she should not be allowed to play a mockery of justice by later claiming (after losing her case in the NLRC) to claim that she is a tenant and not an employee.

In *Prudential Bank v. Gapultos*, (181 SCRA 159 [1990]), the Supreme Court have ruled that for tenancy to exist, the following must concur: [a] the parties are the landowner[s] and the tenant[s]; [b] the subject is agricultural land; [c] there is consent; [d] the purpose is agricultural production; [e] there is personal cultivation; and [f] there is sharing of harvests. The same case held that if a person fails to establish that he has all the said requisites, he is not entitled (sic) claim coverage of the agrarian reform laws, to wit:

“x x x. All these requisites must concur in order to create a tenancy relationship between the parties. The absence of one does not make an occupant of a parcel of land, or a cultivator thereof, or a planter thereon, a de jure tenant. Unless a person has established his status as a de jure tenant, he is not entitled to security of tenure nor is he covered by the Land Reform Program of the government under existing tenancy laws. x x x.” (181 SCRA at 169).

By defendant-appellant’s own admission, there was a “growership agreement” between the former owner and STANFILCO (Petition, page 3), thus, negating the possibility of there ever having been crop sharing between the former owner and herein defendant. As pointed out above, the sharing of harvests is one of the requisites for the existence of a tenancy relation.

It is, therefore, clear that the trial court did not err when it ruled that there was no tenancy relations between the parties in this case.

The Court further notes that the land involved in the present case is less than three hectares. This fact is not controverted by defendant-appellant. This being the case, the land in question is not within the purview of the (sic) RA 6657. There is no basis for defendant-appellant to claim coverage of the said law.

Considering the Court's ruling regarding the second assignment of error, we further hold that since there was no tenancy relationship between the parties, the DARAB does not have jurisdiction over the present case and, therefore, the trial court did not err in taking cognizance of the present case. The third assignment of error, therefor, has no leg to stand on.

With regards to the fourth assignment of error, defendant-appellant claims that her status as a tenant negates the possibility of her ever acting in bad faith. She anchors her argument on the findings in Civil Case No. 3551 where she claims the trial court found that she was a tenant of Concepcion Malonjao. However, the findings in the said case is not conclusive as to her status as a tenant, because as pointed out above, *res judicata* should not apply in the present case. Moreover, the matter of tenancy, which was merely incidentally touched upon in said decision, was not among issue (sic) resolved. In *Esquivias v. Court of Appeals* (272 SCRA 803 [1977]), the Supreme Court held:

“Consequently, the judgment on the disbarment proceedings, which incidentally touched on the issue of the validity of the deed of sale, cannot be considered conclusive in another action where the validity of the same deed of sale is merely one of the main issues. At best, such judgment may only be given weight when introduced as evidence, but in no case does it bind the court in the second action.” (272 SCRA at 813) (Emphasis supplied).

The findings in Civil Case No. 3551 cannot, therefore, be the basis for the defense of good faith. Furthermore, as discussed above, defendant-appellant's admissions showed she was aware that she was an employee and not a tenant. She cannot claim good faith in continuing to hold on the subject property because agricultural employees do not enjoy tenurial rights over the land.[8]

The decision of the Court of Appeals has become final and executory. This Court in this case is bereft of jurisdiction to annul a decision of the Court of Appeals affirming in toto a decision of the trial court which has attained finality. The assailed decision, whether right or wrong, has become immutable.[9] The writ of execution issued by the trial court is but an enforcement of its decision. The well-entrenched rule is that it is the ministerial duty of the trial court to enforce its final and executory decision.

Second. Under Rule 45 of the Rules of Court, a petition for review on certiorari must be filed with this Court within fifteen (15) days from notice of the judgment sought to be reversed. The trial court rendered judgment in Civil Case No. 4825 on August 24, 1994. The petition at bar was filed in this Court on November 20, 2000, long after the lapse of the period under the said rule.

Third. The petitioner filed a petition in the Court of Appeals docketed as CA-G.R. SP No. 60812 to annul the decision of the RTC, Branch 37 in Civil Case No. 4825. However, the Court of Appeals dismissed the petition on September 29, 2000, and such dismissal became final and executory on November 2, 2000. The petition in this case is but another futile attempt to obtain relief in this Court, which the petitioner failed to obtain from the Court of Appeals in CA-G.R. SP No. 60821. As we held in *Toledo-Banaga, et al. vs. Court of Appeals*:[10]

... The decision in that case bars a further repeated consideration of the very same issue that has already been settled with finality. To once again re-open that issue through a different avenue would defeat the existence of our courts as final arbiters of legal controversies. Having attained finality, the decision is beyond review or

modification even by this Court.[11]

IN LIGHT OF ALL THE FOREGOING, the petition is DENIED DUE COURSE and is hereby DISMISSED. Costs against the petitioner.

**SO ORDERED.**

Puno, (Chairman), Quisumbing, Austria-Martinez, and Tinga, JJ., concur.

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[1] Penned by Judge Teodoro A. Dizon, Jr.

[2] Records, p. 3 (Civil Case No. 3551).

[3] Records, pp. 181-182 (Civil Case No. 3551).

[4] Records, p. 97 (Civil Case No. 4825).

[5] Rollo, p. 96.

[6] Penned by Associate Justice Andres B. Reyes, Jr., with Associate Justices Corona Ibay-Somera and Oswaldo D. Agcaoili, concurring.

[7] Records, p. 164 (Civil Case No. 4825).

[8] Records, pp. 106-112 (Civil Case No. 4825).

[9] Toledo-Banaga vs. Court of Appeals, 302 SCRA 331 (1996).

[10] Ibid.

[11] Id. at 341.

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