

FELICISSIMA GALINDO, NESTOR GALINDO, BEATRIZ GALINDO, CATALINA GALINDO, DANILO GALINDO, LIBRADA GALINDO, CESAR GALINDO, JUANITA GALINDO RIVERA AND/OR THE REGISTER OF DEEDS OF ME...*G.R. NO. 147969. January 17, 2005*

Ponente: CALLEJO, SR., J.

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When Marciano A. Roxas died intestate on June 4, 1950, he was survived by his widow, Cirila Roxas and their nine children, namely, Maximiano, Virginia, Benjamin, Eleazar, Elisa, Prescilla, Fortunato, Lydia and Uriel, all surnamed Roxas; and the children of their son Vicente, who predeceased Marciano, namely, Rosalinda, Vicente, Jr. and Sergio, all surnamed Roxas.

On April 14, 1955, the said heirs filed an action for specific performance against the heirs of Gregorio Galindo, namely, Florencio, Felisa, Mercedes and Urbano, all surnamed Galindo, including his grandson Federico de Guzman, with the then Court of First Instance (CFI) of Bulacan to compel the latter to execute a deed of absolute sale over Lot 1048 located in Sta. Maria, Bulacan. The said lot had an area of 48,089 square meters and was covered by Transfer Certificate of Title (TCT) No. T-2145. The case was docketed as Civil Case No. 1067. After the trial, the following facts emerged:

Lot 1048 which formed part of the Sta. Maria de Pandi Estate was possessed by the late Gregorio Galindo who, during his lifetime, had been paying rentals thereon to the government. On July 5, 1911, the Government of the Philippines, through the then Acting Director of Lands, agreed to sell to Gregorio Galindo the said Lot 1048 for the sum of P859.50 payable in annual installments of P42.00 (Exhibit "F"). On July 4, 1916, Gregorio Galindo died intestate leaving as his only heirs his children Florencio, Felisa, Mercedes and Urbano, all surnamed Galindo, and a grandson Federico de Guzman. Subsequently on December 1, 1916, Florencio, Felisa, Mercedes, all surnamed Galindo, and Federico de Guzman, represented by his father Luis de Guzman, sold whatever rights and interests Gregorio Galindo had in Lot 1048 in favor of Marciano A. Roxas (Exhibit "B," deposition). Urbano Galindo, being then a minor, did not sign the document. In the said document, the signatories thereto obligated themselves to transfer the land to Marciano A. Roxas as soon as it would become feasible to do so, and as security that Urbano Galindo would ratify the same upon reaching the age of majority, Florencio Galindo ceded to Marciano A. Roxas title to Lot 833. Since the execution of the document Exhibit "B"-deposition, possession and enjoyment of Lot 1048 were immediately transferred to Marciano A. Roxas but the possession and enjoyment of Lot 833, although given as security by Florencio Galindo, remained in the latter. On May 23, 1931, Urbano Galindo, who was a minor at the time of the execution of the first document, executed an affidavit signifying his conformity to the sale executed by his brother and sisters. Since Marciano A. Roxas took possession of Lot 1048 he had been religiously paying the installments due to the government (Exhibits "G," "G-1" to "G-10"). While the receipts for payment of the installments due to the government were issued in the name of Gregorio Galindo, yet the property had been declared for tax purposes in the name of Marciano A. Roxas who paid the real estate taxes thereon during his lifetime. On February 13, 1948, Transfer Certificate of Title No. T-2145 covering the property in question was issued by the Register of Deeds

of Bulacan in the name of the legal heirs of Gregorio Galindo. This, on account of the fact that the sale of the right of Gregorio Galindo made by his heirs in favor of Marciano A. Roxas was not registered with the Bureau of Lands because of the minority of Urbano Galindo at the time.

In the light of the facts and circumstances surrounding this case, the Court is convinced that plaintiffs are entitled to the title over Lot 1048. Plaintiffs' Exhibit "B"-deposition which is the "Documento de Compromiso" clearly states that the signatories thereto sold whatever rights they have to the property in favor of plaintiffs' predecessor Marciano A. Roxas, obligating themselves to execute the final deed of sale must have been occasioned by the minority of Urbano Galindo who was not made a signatory to the document. But on May 23, 1931, when Urbano Galindo was already of age, he ratified the actuation of his brother and sisters by executing an affidavit whereby he signified that he was agreeable thereto. Since 1931 up to the date of the filing of the complaint, 24 years had elapsed without any of the defendants having taken any step to nullify the two documents aforementioned.

Florencio Galindo's testimony contained in his deposition taken at the instance of plaintiffs is quite enlightening to the mind of the Court. He had acknowledged in all sincerity that he and his brother and sisters have, indeed, sold their rights to Lot 1048 in favor of Marciano A. Roxas. Without prejudice, therefore, to defendants taking the necessary legal steps to recover title to Lot 833 which admittedly was only placed as guarantee that defendant Urbano Galindo would ratify the sale made by his brother and sisters.[1]

On August 12, 1965, the trial court rendered judgment[2] in favor of the plaintiffs. The fallo of the decision reads:

WHEREFORE, judgment is hereby rendered in favor of plaintiffs, ordering the defendants to execute in favor of the heirs of Marciano A. Roxas a deed of absolute sale transferring to the latter Lot 1048 of the Sta. Maria de Pandi Estate.

Without costs.

SO ORDERED.[3]

The defendants appealed to the Court of Appeals (CA) which docketed the appeal as CA-G.R. No. 37697-R. The CA rendered judgment[4] on February 5, 1973, affirming the decision of the CFI. The decision became final and executory. However, the said decision was not enforced under Section 10, Rule 39 of the Rules of Court.

In the meantime, Urbano Galindo died intestate. On December 16, 1997, Felicissima, the widow of Urbano, and their children, Nestor, Juanita, Beatriz, Catalina, Danilo, Librada and Cesar, all surnamed Galindo, executed an "Extrajudicial Settlement of the Estate of the Deceased Urbano Galindo and/or the Deceased Gregorio Galindo with Waiver of Rights"[5] in which they adjudicated unto themselves, as owners, the undivided rights and interests which they claimed Urbano had over Lot 1048. In the said deed, they also waived their respective claims over the lot in favor of Juanita Galindo Rivera. The latter, as one of the legal heirs of Gregorio, undertook to preserve the property left by the said deceased and, thereafter, executed an affidavit of loss of the owner's copy of TCT No. T-2145[6] and, on the basis thereof, secured TCT No. 335593(M) over the property in her name on September 8, 1998.[7]

On April 7, 1999, a complaint was filed by the Heirs of Marciano Roxas, through Reginald S. Roxas, as plaintiffs, against Juanita Galindo Rivera in the Regional Trial Court (RTC) of Bulacan, for annulment of documents, cancellation of title and damages with prayer for a writ of preliminary injunction. The complaint alleged, inter alia, that: Reginald S. Roxas was the representative of the heirs of Marciano Roxas who died on June 4, 1950, namely, Maximiano Roxas, Benjamin Roxas, Eleazar Roxas, Lydia Roxas, Prescilla Roxas-de Perio, Virginia Roxas-Santos and Uriel Roxas, now all deceased; and Elisa Roxas Medina and Fortunato Roxas; Reginald Roxas was one of the eight children of the deceased Eleazar Roxas; the extrajudicial settlement of the estates of the deceased Gregorio and Urbano Galindo executed in favor of the defendant, the affidavit of loss executed by her

and TCT No. 335593(M) issued by the Register of Deeds are null and void for being contrary to the decision of the CFI in Civil Case No. 1067 declaring Marciano Roxas to be the lawful owner of the property, which was affirmed by the CA in CA-G.R. No. 37697-R and had long become final and executory.

The defendant filed a motion to dismiss the complaint on the following grounds:

- THAT THE PLAINTIFFS HAVE NO LEGAL CAPACITY TO SUE.
- THAT THE CAUSE OF ACTION IS BARRED BY STATUTE OF LIMITATIONS.

On the first ground, the defendant alleged that there was no allegation in the complaint that the heirs of Marciano Roxas had authorized Reginald S. Roxas to file the complaint against her in their behalf.

On the second ground, the defendant alleged that the plaintiffs' cause of action based on the decision of the CFI dated August 12, 1965 and affirmed by the CA, on February 5, 1973, not having been enforced was barred by the statute of limitations. Citing Article 1144 of the New Civil Code, the defendant argued that the plaintiffs should have filed their complaint within ten years from the finality of the said decision of the CFI. The defendant, likewise, cited the decision of this Court in *Heirs of Juan Sindiong v. Committee on Burnt Areas and Improvements of Cebu*[8] to support her submission that a final and executory decision must be enforced within ten years from the finality thereof.

The trial court issued an Order denying the motion on September 7, 1999. It ruled that based on the plaintiffs' allegation in the complaint that they were the legitimate children of the deceased Marciano Roxas, such plaintiffs are the real parties-in-interest. On the second ground, the trial court ruled that the complaint of the plaintiffs was an action for quieting of title, the prescriptive period for which commenced only in 1998.

In her motion for the reconsideration of the order, the defendant averred, this time, that the action of the plaintiffs was one for the enforcement of a constructive trust which prescribed in ten years. The defendant also reiterated her original submission that the complaint was one to enforce the decision of the CFI which was affirmed by the CA; hence, it prescribes within ten years from the finality of the said decision. She also maintained that the action was barred by the decision of the RTC and the CA.

The trial court denied the motion of the defendant in its Order[9] dated November 26, 1999.

The defendant, now the petitioner, joined by Felicissima, Nestor, Beatriz, Catalina, Danilo, Librada and Cesar, all surnamed Galindo, filed a petition for certiorari in the CA, assailing the September 7, 1999 and the November 26, 1999 Orders of the trial court. However, the CA rendered judgment[10] on April 4, 2001, denying due course and dismissing the petition, on the ground that the petitioners failed to show that the RTC committed a grave abuse of discretion in denying the motion to dismiss. The appellate court, likewise, ruled that even if the assailed orders of the RTC were erroneous, the same were merely errors of judgment, correctable through an appeal by writ of error.

The petitioners now seek relief from the Court via a petition for review on certiorari, contending that the CA erred in denying due course and dismissing their petition for certiorari. In support of their petition at bar, the petitioners reiterated the same grounds and arguments which they raised in the CA.

In their comment on the petition, the respondents assert that the petitioners, except petitioner Juanita Galindo Rivera, were not parties in the RTC and the CA; hence, are not proper parties as petitioners. They also aver that the grounds raised by the petitioners in their petition are factual, besides being matters of defense which should be threshed out and resolved only after trial.

The issues for resolution are the following: (1) whether Felicissima, Nestor, Beatriz, Catalina, Danilo, Librada and Cesar, all surnamed Galindo, are proper parties as petitioners in this case; and (b) whether the trial court

committed a grave abuse of its discretion in denying petitioner Juanita Galindo Rivera's motion to dismiss on the ground that Reginald S. Roxas had no legal capacity to sue for and in behalf of the heirs of Marciano Roxas, and that the action of the respondents had already prescribed when they filed their complaint on April 7, 1999.

On the first issue, the respondents aver that of the eight petitioners in this case, only petitioner Juanita Galindo Roxas was the petitioner in the CA and the sole defendant-movant in the RTC. The seven other petitioners were not parties in the CA and in the RTC. Hence, the respondents aver, the said seven petitioners are not bound by the orders of the trial court; as such, they are not the proper parties in this case as petitioners.

While we agree with the respondents' premise that the petitioners herein, except petitioner Juanita Galindo Rivera, were not parties-defendants in the RTC and parties-petitioners in the CA, and, as a general rule, are not proper parties as petitioners in this case, the Court finds and so holds that they are indispensable parties and should be impleaded as parties-petitioners in this case.

The general rule is that only those parties in a case and their privies and successors-in-interest are bound by the order or decision of the trial court. Persons or entities who are not parties to the case are not and should not be bound or adversely affected by the said order or decision; otherwise, they will be deprived of their right to due process. Since the petitioners, except petitioner Juanita Galindo Rivera, were not parties in the RTC and in the CA, they are not bound by the assailed orders of the RTC and the decision of the CA against petitioner Juanita Galindo Rivera; hence, they are not the proper parties to appeal from and assail the said orders of the RTC and the decision of the CA.

It bears stressing, however, that the respondents, the plaintiffs in the RTC, sought the nullification of the "Extrajudicial Settlement of the Estate of the Deceased Urbano Galindo and/or the Deceased Gregorio Galindo with Waiver of Rights" executed by all the petitioners in which they adjudicated unto themselves as co-owners thereof the rights and interests which they claimed the deceased Urbano Galindo had over Lot 1048 covered by TCT No. 335593(M) which was issued to and under the name of petitioner Juanita Galindo Rivera on the basis of the said deed, and the retention of TCT No. T-2145 under the names of the heirs of Gregorio Galindo. Thus, all the petitioners, who executed the said deed, are indispensable parties as parties-defendants in the RTC and as parties-petitioners in the CA under Section 7, Rule 3[11] of the Rules of Court, and should have been impleaded by the respondents in their complaint. Without the presence of the said petitioners as defendants, the trial court could not validly render judgment and grant relief to the respondents. The failure of the respondents to implead all the petitioners as parties-defendants constituted a legal obstacle to the trial court and the appellate court's exercise of judicial power over the said cases and rendered any orders or judgments rendered therein a nullity.[12] The absence of an indispensable party renders all subsequent actions of the court null and void for want of authority to act, not only as to the absent parties but even as to those present.[13] The RTC should have ordered the dismissal of the complaint.[14]

The petitioners themselves must have realized the need to join petitioner Juanita Galindo Rivera as a party-petitioner without waiting for the court to order the same because they eventually joined petitioner Juanita Galindo Rivera as such party.

The respondents even failed to implead the seven brothers/sisters of respondent Reginald Roxas, all of whom inherited the undivided share of their father Eleazar Roxas in the property subject of the deed of extrajudicial settlement, as well as the children of their uncle Vicente Roxas, namely, Rosalinda, Vicente, Jr. and Sergio, all surnamed Roxas. Respondent Reginald Roxas, his siblings and the children of Vicente Roxas were co-owners of the property; hence, they are, likewise, indispensable parties as plaintiffs in the RTC.[15] Their absence warranted the dismissal of the complaint as well.

On the second issue, we agree with the petitioners that the RTC committed a grave abuse of its discretion amounting to excess or lack of jurisdiction in denying their motion to dismiss the complaint on the ground of the respondents' failure, as plaintiffs, to sufficiently allege in their complaint and prove that Reginald Roxas had the representative capacity to sue as such representative of all the heirs of the deceased Marciano Roxas.

Section 1, Rule 3[16] of the Rules of Court provides that only persons or juridical persons or entities authorized by law may be parties in a civil action. Section 4, Rule 8[17] of the said Rules further provides that facts showing the capacity of a party to sue or be sued or the authority of a party to sue or be sued in a representative capacity must be averred in the complaint. In order to maintain an action in a court of justice, the plaintiff must have an actual legal existence, that is, he or she or it must be a person in law and possessed of a legal entity as either a natural or an artificial person, and no suit can lawfully be prosecuted in the name of that person.[18] The party bringing suit has the burden of proving the sufficiency of the representative character that he claims. If a complaint is filed by one who claims to represent a party as plaintiff but who, in fact, is not authorized to do so, such complaint is not deemed filed and the court does not acquire jurisdiction over the complaint. An unauthorized complaint does not produce any legal effect.[19] Corollary, the defendants can assail the facts alleged in the complaint through a motion to dismiss on the ground that the plaintiff has no capacity to sue under Section 1(d) of Rule 16 of the Rules of Court, that is, that he does not have the representative he claims.[20]

Section 1, Rule 7[21] of the Rules of Court, likewise, provides that the names of the parties should be included in the caption of the original complaint.

In this case, the caption of the complaint of the respondents states that the "Heirs of Marciano Roxas," represented by Reginald S. Roxas, are the plaintiffs. The following were, likewise, alleged in the body of the complaint:

1. That plaintiffs' representative, Reginald S. Roxas, is of legal age, married, and a resident of 36 Narcisus St., Roxas District, Quezon City; whereas, defendant is of legal age, married, and a resident of Alley Guevarra St., Pag-asa, Obando, Bulacan, where she may be served with summons and other processes of this Court;
2. That the Register of Deeds of Meycauayan, Bulacan, is impleaded in his official capacity to accord complete relief where it may be served with summons at its office address at Meycauayan, Bulacan;
3. That plaintiffs are the legitimate children of the late Marciano A. Roxas, namely: Maximiano Roxas (deceased), Benjamin Roxas (deceased), Eleazar Roxas (deceased), Lydia Roxas, Prescilla Roxas-De Perio (deceased), Elisa Roxas-Medina, Virginia Roxas-Santos (deceased), Uriel Roxas (deceased) and Fortunato Roxas; plaintiffs' representative, Reginald S. Roxas, is one of the eight (8) children of the said deceased Eleazar Roxas;
4. That the said late Marciano A. Roxas (died on June 4, 1950) is an owner of a parcel of land consisting of 48,089 sq.m., more or less, under Lot No. 1048 of the Sta. Maria de Pandi Estate situated at Sta. Maria, Bulacan, as evidenced by a Decision dated August 12, 1965 rendered by the then Court of First Instance of Malolos, Bulacan, under Civil Case No. 1067 and billed as "Heirs of M. Roxas vs. F. Galindo, et al." for Specific Performance, copy of a certified xerox copy of the same is attached hereto and marked as Annex "A" and submarkings.[22]

As gleaned from the averments of the complaint, of the nine plaintiffs, six are already deceased, namely, Maximiano Roxas, Benjamin Roxas, Eleazar Roxas, Prescilla Roxas-de Perio, Virginia Roxas-Santos and Uriel Roxas. There is no allegation in the complaint that a special proceeding to settle the estate of the said deceased had been filed and was pending. Indeed, neither a dead person nor his estate may be a party-plaintiff in a court action.[23] As explained by this Court:

... A deceased person does not have such legal entity as is necessary to bring action so much so that a motion to substitute cannot lie and should be denied by the court. An action begun by a decedent's estate cannot be said to have been begun by a legal person, since an estate is not a legal entity; such an action is a nullity and a motion to amend the party plaintiff will not, likewise, lie, there being nothing before the court to amend. Considering that capacity to be sued is a correlative of the capacity to sue, to the same extent, a decedent does not have the capacity to be sued and may not be named a party defendant in a court action.[24]

In fine, the deceased Maximiano, Benjamin, Eleazar and Uriel, all surnamed Roxas, Prescilla Roxas-de Perio and Virginia Roxas-Santos have no capacity to sue and may not be sued as parties-plaintiffs. Neither does respondent Reginald Roxas have the capacity to represent the said deceased as party-plaintiff, nor is there any allegation in the complaint that Lydia Roxas, Elisa Medina and Fortunato Roxas are of legal age and have the capacity to sue.

We agree with the ruling of the trial court that the action of the respondents against petitioner Juanita Galindo Rivera was one for quieting of title under the second paragraph of Rule 63 of the Rules of Court[25] and not one for the enforcement of the decision of the CFI in Civil Case No. 1067. It bears stressing that the nature of an action and the court which has jurisdiction over the case are determined by the material allegations of the complaint, the law existing at the time of the filing of the action and the character of the relief prayed for by the plaintiff irrespective of whether or not the plaintiff is entitled to such relief prayed for. The jurisdiction of the court cannot be made to depend upon the consent or waiver of the parties.[26] Neither is the caption of the complaint determinative of the nature of an action.

In this case, the respondents alleged the following in the complaint:

1. That plaintiffs' representative, Reginald S. Roxas, is of legal age, married, and a resident of 36 Narcisus St., Roxas District, Quezon City; whereas, defendant is of legal age, married, and a resident of Alley Guevarra St., Pag-asa, Obando, Bulacan, where she may be served with summons and other processes of this Court;
2. That the Register of Deeds of Meycauayan, Bulacan, is impleaded in his official capacity to accord complete relief where it may be served with summons at its office address at Meycauayan, Bulacan;
3. That plaintiffs are the legitimate children of the late Marciano A. Roxas, namely: Maximiano Roxas (deceased), Benjamin Roxas (deceased), Eleazar Roxas (deceased), Lydia Roxas, Prescilla Roxas-De Perio (deceased), Elisa Roxas-Medina, Virginia Roxas-Santos (deceased), Uriel Roxas (deceased) and Fortunato Roxas; plaintiffs' representative, Reginald S. Roxas, is one of the eight (8) children of the said deceased Eleazar Roxas;
4. That the said late Marciano A. Roxas (died on June 4, 1950) is an owner of a parcel of land consisting of 48,089 sq. m., more or less, under Lot No. 1048 of the Sta. Maria de Pandi Estate situated at Sta. Maria, Bulacan, as evidenced by a Decision dated August 12, 1965 rendered by the then Court of First Instance of Malolos, Bulacan, under Civil Case No. 1067 and billed as "Heirs of M. Roxas vs. F. Galindo, et al." for Specific Performance, copy of a certified xerox copy of the same is attached hereto and marked as Annex "A" and submarkings;
5. That the said Decision (Annex "A" of the complaint) was affirmed by the Court of Appeals in its Decision on February 5, 1973, copy of a certified xerox copy the latter decision is attached hereto and marked as Annex "B" and submarkings;
6. That in the said Decision (Annex "A" of the Complaint), defendants therein, F. Galindo, et al., were ordered to execute in favor of the plaintiffs therein, heirs of Marciano A. Roxas, a deed of absolute sale transferring to the latter Lot No. 1048 of the Sta. Maria de Pandi Estate;
7. That the said parcel of land was previously registered under T.C.T. No. T-2145 under the name of the legal Heirs of Gregorio Galindo but the same was not cancelled as the defendants in the said civil case, despite

demands were made, failed and refused to execute the deed of absolute sale in favor of the plaintiffs therein, copy of a certified xerox copy of said title is attached hereto and marked as Annex "C" and submarkings;

8. That in 1998, plaintiffs discovered that the said parcel of land is now under the name of the defendant under T.C.T. No. T-335593(M), copy of a certified xerox copy of which is attached hereto and marked as Annexes "D" and "D-1";

9. That after verification was made in the Register of Deeds of Meycauayan, Bulacan, plaintiffs discovered that the defendant had submitted a document billed as "Extra-Judicial Settlement of Estate of the Deceased Urbano Galindo and/or the Deceased Gregorio Galindo with Waiver of Rights" purportedly executed in 1997 by the heirs of Urbano Galindo and by defendant herself, despite the existence of the said decision (Annex "A" of the Complaint) copy of said settlement as well as supporting documents thereto are attached hereto and marked as Annex "E" and submarkings;

10. That the said settlement (Annex "E" of the Complaint) is of no legal force and effect as the parties thereto, including the defendant, were fully aware of infirmity or flaw in their title by virtue of the said final decision (Annex "A" of the Complaint);

11. That plaintiffs also found out that defendant had executed an Affidavit of Loss on February 3, 1998 purportedly to support the said settlement (Annex "E") and, consequently, to cancel the previous title (Annex "C") and a new one be issued (Annex "D") in her name, all of which were employed by her in violation of law; copy of the certified xerox copy of said Affidavit is attached hereto and marked as Annex "F";

12. That all the allegations stated by the defendant in her affidavit (Annex "F") were all lies and surreptitiously made to render ineffective the said decision (Annex "A") to the damage and prejudice of the plaintiffs;

13. That TCT No. T-335593(M) (Annex "D" of the Complaint) is, likewise, null and void, being a resultant of an invalid document;

14. That, by reason of the foregoing unlawful acts of the defendant, plaintiffs suffered sleepless nights, serious anxiety and similar feelings the amount of which, if quantified in terms of money, would be not less than P50,000.00 as moral damages;

15. That to give other persons similarly inclined as that of the defendant, the amount of P50,000.00 shall be awarded by way of exemplary damages;

16. That by reason of the foregoing unlawful acts of the defendant, plaintiffs were constrained to hire the services of the undersigned for an agreed amount of P20,000.00 as acceptance fee plus P2,000.00 per court appearance.[27]

The respondents, thereafter, prayed that, after due hearing, they be granted the following reliefs:

WHEREFORE, premises considered, it is most respectfully prayed, after due hearing and judgment, that:

a) Upon filing of the complaint, a temporary restraining order be issued directing defendant and all persons acting in her behalf to refrain from selling the subject property;

b) After due hearing, a writ of preliminary injunction be issued;

c) Annulling the Extrajudicial Settlement of the Estate of the Deceased Urbano Galindo and/or the Deceased Gregorio Galindo with Waiver of Rights (Annex "E" of the Complaint), and the Affidavit of Loss dated February 3, 1998 executed by the defendant (Annex "F" of the Complaint);

d) Cancelling TCT No. T-335593(M) issued in the name of the defendant (Annex "D" of the Complaint);

e) Restoring TCT No. T-2145 under the name of the legal Heirs of Gregorio Galindo (Annex "C" of the

Complaint); and

f) To pay plaintiffs the amount of P50,000.00 as moral damages; P50,000.00 as exemplary damages; P20,000.00 plus P2,000.00 per court appearance and attorney's fees and the cost of this suit.

Plaintiffs further pray for such other reliefs just and equitable under the premises.[28]

As gleaned from the averments of the complaint, the respondents herein, who were the plaintiffs in the RTC, sought to quiet their ownership over the property and remove any cloud thereon caused by (a) the Deed of Extrajudicial Settlement of the Estate of Gregorio and Urbano Galindo executed by the petitioners; (b) the Affidavit of Loss executed by petitioner Juanita Galindo Rivera; and (c) the issuance of TCT No. 335593(M) in favor of the latter.

While it may be true that the respondents prayed, in their complaint, that the said deed and TCT No. 335593(M) be nullified by the court, it cannot thereby be concluded that the action of the respondents was for the enforcement of the decision of the CFI in Civil Case No. 1067. The respondents, in fact, did not pray, in their complaint, that the petitioners be ordered to execute a deed of absolute sale over the property as decreed in the decision of the CFI in Civil Case No. 1067; that the property covered by the said title be reconveyed to them; or that a new title over the property be issued to under their names as owners thereof. The plea of the respondents for the nullification of the said deed and title is but the consequences of and incidental to their plea that their ownership over the lot be not clouded by the contrary claim of the petitioners. It must be stressed that an action to quiet title is imprescriptible.[29]

IN LIGHT OF ALL THE FOREGOING, the petition is GRANTED. The Decision of the Regional Trial Court and the assailed Decision of the Court of Appeals are REVERSED AND SET ASIDE. The Regional Trial Court of Bulacan is ordered to dismiss the complaint. No costs.

SO ORDERED.

Puno, (Chairman), Tinga, and Chico-Nazario, JJ., concur.

Austria-Martinez, J., no part. Participated in CA Decision.

[1] Rollo, pp. 61-63.

[2] Id., at 53-63.

[3] Id., at 63.

[4] Id., at 64-76.

[5] Id., at 84-86.

[6] Id., at 87.

[7] Id., at 83.

[8] 10 SCRA 715 (1964).

[9] Rollo, p. 107.

[10] Penned by Associate Justice Jose L. Sabio, Jr., with Associate Justices Ma. Alicia Austria-Martinez (now an Associate Justice of the Supreme Court) and Hilarion L. Aquino (retired), concurring; Rollo, pp. 257-261.

[11] Sec. 7. Compulsory joinder of indispensable parties. – Parties-in-interest without whom no final determination can be had of an action shall be joined either as plaintiffs or defendants.

[12] *Lozano v. Ballesteros*, 195 SCRA 681 (1991).

[13] *Arcelona v. Court of Appeals*, 280 SCRA 20 (1997).

[14] *Ibid.*,

[15] *Id.*,

[16] Section 1. Who may be parties; plaintiff and defendant. – Only natural or juridical persons, or entities authorized by law may be parties in a civil action. The term “plaintiff” may refer to the claiming party, the counter-claimant, the cross-claimant, or the third (fourth, etc.) – party plaintiff. The term “defendant” may refer to the original defending party, the defendant in a counterclaim, the cross-defendant, or the third (fourth, etc.) – party defendant.

[17] Sec. 4. Capacity. – Facts showing the capacity of a party to sue or be sued or the authority of a party to sue or be sued in a representative capacity or the legal existence of an organized association of persons that is made a party, must be averred. A party desiring to raise an issue as to the legal existence of any party or the capacity, shall do so by specific denial, which shall include such supporting particulars as are peculiarly within the pleader’s knowledge.

[18] *Ventura v. Militante*, 316 SCRA 226 (1999).

[19] *Neil Tamondong v. Court of Appeals and World War II Veterans Legionnaires of the Philippines, Inc.*, G.R. No. 158397, November 26, 2004.

[20] *Regalado, Remedial Law Compendium*, 6th ed., Vol. I, p. 89, cited in *Workers of Antique Electric Cooperative, Inc. v. NLRC*, 333 SCRA 181 (2000).

[21] Section 1. Caption. – The caption sets forth the name of the court, the title of the action, and the docket number if assigned.

The title of the action indicates the names of the parties. They shall all be named in the original complaint or petition; but in subsequent pleadings, it shall be sufficient if the name of the first party on each side be stated with an appropriate indication when there are other parties.

Their respective participation in the case shall be indicated.

[22] *Rollo*, pp. 77-78.

[23] *Ventura v. Militante*, *supra*.

[24] *Id.*, at 234.

[25] Section 1. Who may file petition. – Any person interested under a deed, will, contract or other written instrument, whose rights are affected by a statute, executive order or regulation, ordinance, or any other governmental regulation may, before breach or violation thereof, bring an action in the appropriate Regional Trial Court to determine any question of construction or validity arising, and for a declaration of his rights or duties, thereunder.

An action for the reformation of an instrument, to quiet title to real property or remove clouds therefrom, or to consolidate ownership under Article 1607 of the Civil Code, may be brought under this Rule.

[26] Serdoncillo v. Benolirao, 297 SCRA 448 (1998).

[27] Rollo, pp. 77-80.

[28] CA Rollo, p. 35.

[29] Ordoñez v. Court of Appeals, 188 SCRA 109 (1990).

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