HEIRS OF TAMA TAN BUTO, REPRESENTED BY JAYNOL TAMA TAN BUTO, PETITIONERS, VS. ERNESTO T. LUY, RESPONDENT.

G.R. NO. 149609. July 30, 2007

Ponente: NACHURA, J.

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NACHURA, J.:

This is a petition for review on certiorari assailing the Decision[1] dated April 30, 2001 and the Resolution[2] dated August 17, 2001 of the Court of Appeals (CA) in CA-G.R. SP No. 62961.

The Facts

This case involves the ownership of a parcel of land with an area of seven thousand nine hundred eighty-three (7,983) square meters, located at Barrio Makar, General Santos City, and covered by Transfer Certificate of Title (TCT) No. T-35185 presently in the name of Ernesto T. Luy (Luy).

On April 13, 1989, Luy purchased the land from Eligio T. Leyva (Leyva), its then registered owner under TCT No. 34648.[3] On account of the sale, TCT No. T-34648 was cancelled and TCT No. T-35185 was issued to Luy on April 19, 1989.[4]

The land originally formed part of the property described in plan SA-V-5244-D covering an area of fifty-four thousand five hundred fifty-eight (54,558) square meters.[5] On August 11, 1954, Datu Tama Tan Buto (Buto) applied for the registration of the lot under plan SA-V-5244-D in accordance with Section 122 of Act No. 486, in Land Registration Case No. N-62, before the Court of First Instance (CFI) of Cotabato.[6]

Buto claims that he inherited the land from his late father Datu Buto Tumagon who was in possession thereof continuously, publicly and exclusively in the concept of an owner, long before the end of the Spanish regime.[7] The land subject of Buto's application is identical to Lot 3 of the approved Plan No. T3-50 of the Makar Townsite covered by Sales Patent No. V-1113 and Original Certificate of Title (OCT) No. V-160 in the name of Eligio T. Leyva.[8]

The Director of Lands and Leyva opposed the application for registration by Buto. The Director of Lands objected to Buto's application on the ground that the subject property forms part of the public domain. Leyva, for his part, opposed the application because he was the registered owner of the land, as evidenced by OCT No. V-160 issued by the Register of Deeds of Cotabato.[9]

On February 27, 1961, the CFI issued a Decision[10] granting the application for registration of the land in the name of Buto due to the finding of fraud in the procurement of the sales patent by Leyva. The dispositive portion of the trial court's decision reads:

> PREMISES CONSIDERED, the registration and adjudication of the aforementioned parcel of land, with all improvements existing thereon, is hereby decreed in favor of TAMA TAN BUTO, 55 years old, married to Ulana Baliwan, resident of Kindap, Kiamba, Cotabato, Philippines. The Register of Deeds of the Province of Cotabato is hereby directed to cancel Original Certificate of Title No. V-160 in the name of Eligio T. Leyva.

SO ORDERED.[11]

The decision of the trial court was appealed by Leyva to the CA docketed as CA-G.R. No. 30813-R. In a Decision[12] dated March 15, 1968, the CA reversed the decision of the CFI and dismissed the application for registration of Buto. The appellate court ruled that the trial court, sitting as a land registration court, has limited jurisdiction. It has no jurisdiction to take cognizance of the application filed by Buto since the land was already registered in the name of Leyva under OCT No. V-160.[13] The pertinent findings of fact by the CA in the 1968 decision are herein quoted:

> After the requisite investigation conducted by the representatives of the Bureau of Lands of his Sales Application, and the requirements of the law complied with, the land was scheduled to be sold at public auction. At the said auction sale, the applicant and the oppositor Leyva participated. Oppositor was declared the highest bidder and, consequently, the property was awarded to him (Leyva) by the Director of Lands. From this award applicant appealed but his appeal was dismissed. Accordingly, Sales Patent No. V-1113, covering the land in question was finally granted to the oppositor Leyva on October 9, 1954 (Exh. 65) and by virtue of the Sales Patent, Original Certificate of Title No. V-160 (Exh. 65) was issued in favor of the oppositor Leyva.[14]

The 1968 Decision of the appellate court further ruled that Buto failed to pursue the remedies available to him as a person aggrieved by registration of a land under Act No. 496, which is to file a petition for review within one (1) year from the issuance of a decree of registration obtained by fraud; or to institute an ordinary action for the cancellation and/or reconveyance of title. Buto, instead of filing the appropriate remedy provided for by law, instituted an application for registration of land previously registered. Hence, the Land Registration Court has no jurisdiction over the same. Furthermore, Buto's participation in the auction sale is tantamount to his admission that the land belonged to the public domain. Having taken that position, Buto is estopped from taking a stand contrary to it.[15]

The CA decision dated March 15, 1968 became final and executory on April 6, 1968 and was accordingly entered in the book of judgments.[16]

In 1999, the heirs of Buto inquired with the CA if an appeal was made on the decision of the trial court dated February 27, 1961.[17] On September 10, 1999, the Chief of the Judicial Records Division of the CA issued a Certification[18] to this effect:

> This is to certify that Land Reg. Case No. N-62, LRC Record No. 8541 of the Regional Trial Court (CFI), 12[th] Judicial Region of Cotabato City entitled "APPLICATION FOR REGISTRATION OF LAND/TAMA TAN BUTO," was not received on appeal by this Court as per verification from our records of appealed civil case.[19]

In view of the above-cited certification, the heirs of Buto filed a Motion for Execution of the February 27, 1961 decision of the trial court.[20] On May 12, 2000, the trial court[21] in Registration Case No. N-62, entitled "Heirs of Tama Tan Buto, represented by Jaynol Tama v. Heirs of Eligio T. Leyva, represented by Emmanuel Leyva & Conception Leyva Cornelio, and the Director of Lands," issued an Order[22] granting the writ of execution. The dispositive portion of the Order reads:

> WHEREFORE, let a writ of execution be issued against private respondents, his heirs, and assigns, and successors-in-interests.
>
> SO ORDERED.[23]

On December 14, 2000, a Resolution[24] was issued by the Regional Trial Court (RTC), Branch 22, General Santos City, ordering the cancellation of Luy's certificate of title and directed the issuance of a writ placing the

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heirs of Buto in possession of the subject land. The dispositive portion of the Resolution reads:

> WHEREFORE, PREMISES CONSIDERED, the Court hereby orders the cancellation of the remaining titles of Eligio Leyva and all derivative titles of certain persons/entities listed above from the fraudulent title of Eligio Leyva. The Register of Deeds of General Santos [City] is directed to cancel the titles listed in this resolution and in lieu thereof, he/she should issue titles in the name of the Heirs of TAMA TAN BUTO. Collaterally, let a writ of possession be issued in favor of petitioner and his heirs against all occupants of the lands, and the Sheriff is directed to place the Heirs of TAN BUTO in actual possession of the land.
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> SO ORDERED.[25]

Luy filed a petition for certiorari and prohibition, docketed as CA-G.R. SP No. 62961, seeking to annul the RTC Resolution dated December 14, 2000. Luy alleged the lack of jurisdiction of the judge who issued the same citing the decision of the CA dated March 15, 1968 in CA-G.R. No. 30813-R.[26]

On April 30, 2001, the CA decided the case[27] granting the petition of Luy. The pertinent portions of the decision read:

> Considering that, as repeatedly stated, the decision of the registration court was the subject of an earlier reversal via the decision of this court promulgated on March 15, 1968, the resolution of [the] respondent judge issued on December 14, 2000, which ordered the cancellation of petitioner's certificate of title and issuance of a writ to place private respondents in possession of the premises, is obviously without legal basis. Put a little differently, respondent judge did not have any jurisdiction to issue the same as in fact the whole registration proceedings have effectively been voided and set aside.
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> It may be stated in this connection that a sales patent issued in accordance with the Public Land Act and registered in conformity with the provisions of the Land Registration Act (Act No. 496) becomes irrevocable and enjoys the same privileges as Torrens title issued thereunder (Samonte v. Sambillon, 107 Phil. 198 [1960]). A certificate of title cannot be the subject of collateral attack (Trinidad v. Intermediate Appellate Court, 204 SCRA 524 [1991]).
>
> WHEREFORE, the petition is GRANTED. The resolution of respondent judge dated December 14, 2000 and [the] writ of possession dated January 9, 2001, and writ of demolition which may have been subsequently issued, are hereby SET ASIDE. Respondent Sheriff and respondent heirs of Tama Tan Buto, and all persons acting for and in their behalf, are hereby ENJOINED from entering petitioner's property, blockading or barring people or any kind of motor vehicle from entering or leaving the same, and disturbing the business activities of petitioner therein. Respondent Register of Deeds is enjoined from canceling TCT No. T-35185 of petitioner and from issuing, in lieu thereof, a transfer certificate of title to the heirs of Tama Tan Buto. Costs against private respondents.
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> SO ORDERED.[28]

A motion for reconsideration was timely filed by the heirs of Buto. However, the same was denied in a Resolution[29] dated August 17, 2001. Hence, this recourse.

The Issue

The sole issue in this case is whether or not the heirs of Buto are barred by res judicata.

The Ruling of the Court

We rule in the affirmative.

The heirs of Buto can no longer question the decision of the CA dated March 15, 1968 which has long become final and executory. The judgment by a court of competent jurisdiction operates as res judicata and bars

subsequent cases filed by the same parties and their successors-in-interest, involving the same subject matter and cause of action.

The requisites of res judicata are: (a) The former judgment must be final; (b) it must have been rendered by a court having jurisdiction over the subject matter and the parties; (c) it must be a judgment on the merits; and (d) there must be, between the first and the second actions, identity of parties, of subject matter, and of cause of action.[30]

In this case, there is a concurrence of all these requisites.

The present petition assails the Decision dated April 30, 2001 and the Resolution dated August 17, 2001 of the CA in CA-G.R. SP No. 62961. While the aforesaid decision and resolution are not yet final, what is ultimately challenged in the present case is the decision of the CA dated March 15, 1968 in CA-G.R. No. 30813-R which already attained finality on April 6, 1968.[31]

As mentioned above, the CA Decision dated April 6, 1968 is an offshoot of the decision of the CFI in LRC Case No. N-62 dated February 27, 1961. Based on a finding of fraud, the trial court cancelled OCT No. V-160 in the name of Leyva, and adjudicated the land to Buto. On appeal, the CA reversed the decision of the trial court. The CA pronounced that the finding of fraud by the trial court in the procurement of registration of the subject parcel of land was unfounded. The appellate court ruled that the participation of Buto in the auction sale conducted by the Bureau of Lands is acquiescence by him that the land belonged to the public domain. Due to Buto's participation in the said auction sale, he was placed in estoppel and may no longer insist on his claim of ownership over the land.

There is also no denying the identity of the parties in this petition and in the previous case decided with finality by the CA in CA-G.R. No. 30813-R. Although the name of Luy does not appear in LRC No. N-62 and in CA-G.R. No. 30813-R,[32] there is still identity of parties. Luy, as successor-in-interest and as the new owner of the land covered by TCT No. T-35185, is the legal substitute of Leyva. As previously pronounced by this Court, there is identity of parties not only where the parties are identical, but also when the parties are in privity with them such as between their successors-in-interest by title subsequent to the commencement of the action, litigating for the same thing, under the same title, and in the same capacity.[33]

The requirement of identity of cause of action is met in the present petition. The heirs of Buto are invoking the same ground of fraud to nullify Sales Patent No. V-1113 which was the basis for the issuance of OCT No. V-160 in the name of Leyva. As previously stated, the parcel of land consisting of 7,983 square meters in TCT No. T-35185 in the name of Luy, was part of the 54,558 square meters of land covered by OCT No. V-160 in the name of Leyva. Leyva subdivided the land in OCT No. V-160, and had transfer certificates of title covering the subdivided lots issued in his name. By virtue of a valid contract of sale between Leyva and Luy, TCT No. T-34648 in the name of Leyva was cancelled, and thereafter, TCT No. T-35185 was issued to Luy.

As all the requisites of res judicata are present in this case, the heirs of Buto can no longer question the March 15, 1968 Decision of the CA. The motions for the issuance of writ of execution, writ of possession, and cancellation of derivative titles from OCT No. V-160 filed by the heirs of Buto in RTC, Branch 22, General Santos City, are barred by this principle, and the subsequent grant of said motions by the trial court are without force and effect for being inconsistent with the rules of procedure established by this Court. It is clear that the trial court no longer had jurisdiction to act on these motions of the heirs of Buto because the decision of the CA regarding the parcel of land in question is already final. A final judgment or order on the merits by a court having jurisdiction over the subject matter and over the parties, is conclusive between the same parties and their successors-in-interest litigating on the same issue.[34]

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The heirs of Buto argue that due process was not accorded to them in CA-G.R. No. 30813-R. They claim that they were unaware of the CA decision. They also claim that the notices from the court regarding the filing of briefs were not sent to them. They further assert that the decision is of doubtful validity since the justices who promulgated the same appear to have used the same pen in signing their names in the decision.[35]

All these allegations of the heirs of Buto cannot be sustained. They are merely conjectures unsupported by evidence. The findings of facts of the CA are deemed conclusive upon this Court. Any question with regard to the findings of the appellate court should have been timely brought on appeal or other appropriate remedy provided for by law. Any question as to the soundness or validity of a decision of any court of this land which has already attained finality may no longer be reviewed by this Court.

Another reason why we can no longer entertain the present petition is because after the expiration of one (1) year from the issuance of the decree of registration, the certificate of title serves as evidence of an indefeasible title to the property in favor of the person whose name appears thereon.[36] The certificate of title that was issued to Leyva on November 27, 1953,[37] attained the status of indefeasibility one year after its issuance. The attack on its validity on the ground of fraud was reversed by the CA in the March 15, 1968 decision. From the finality of said decision, any other attack on the certificate of title issued to Leyva must fail. In Duran v. Olivia,[38] it was enunciated that:

> The primary and fundamental purpose of the Torrens System of registration is to finally settle the titles to land and put to stop any question of legality of title thereto. That being the purpose of the law, there would be no end to litigation if every property covered by torrens title may still be relitigated in a subsequent land registration proceedings. Pursuant to this purpose, a homestead patent once registered under the Land Registration Act, can not be the subject matter of a cadastral proceeding, and any title issued thereon is null and void. The same may be said of a sales patent. Once a certificate of title is issued under the Land Registration Act in lieu of a sales patent, the land is considered registered under the Torrens system and the title of the patentee become indefeasible.
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> A Court of First Instance has no jurisdiction to decree again the registration of land already decreed in an earlier land registration case and a second decree for the same land is null and void. This is so, because when once decreed by a court of competent jurisdiction, the title to the land thus determined is already a res judicata binding on the whole world, the proceeding being in rem. The court has no power in a subsequent proceeding (not based on fraud and within the statutory period) to adjudicate the same title in favor of another person. Furthermore, the registration of the property in the name of the first registered owner in the Registration Book is a standing notice to the world that said property is already registered in his name. Hence, the latter applicant is chargeable with notice that the land he applied for is already covered by a title so that he has no right whatsoever to apply for it. To declare the later title valid would defeat the very purpose of the Torrens system which is to quiet title to the property and guarantee its indefeasibility. It would undermine the faith and confidence of the people in the efficacy of the registration law. (Rojas, et al., v. The City of Tagaytay, et al., 106 Phil., 512; 60 Off. Gaz., 820.)[39]

WHEREFORE, premises considered, the Petition is hereby DENIED. Cost against petitioners.

SO ORDERED.
Ynares-Santiago, (Chairperson), Austria-Martinez, and Chico-Nazario, JJ., concur.

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[1] Penned by Associate Justice Oswaldo D. Agcaoili, with Associate Justices Cancio C. Garcia (now Associate Justice of the Supreme Court) and Elvi John S. Asuncion, concurring; rollo, pp. 26- 30.

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[2] Id. at 32-35.

[3] Deed of Absolute Sale; rollo, p. 257.

[4] Transfer Certificate of Title No. T-35185 issued by the Register of Deeds of General Santos City; id. at 211-212.

[5] Rollo, pp. 159-168.

[6] Id.

[7] Id.

[8] Id.

[9] Id.

[10] Penned by District Judge Juan A. Sarenas; rollo, pp. 261-275.

[11] Id. at 275.

[12] Penned by Associate Justice Nicasio Yatco, with Associate Justices Salvador V. Esguerra and Eulogio S. Serrano, concurring; rollo, pp. 159-168.

[13] Rollo, p. 167.

[14] Id. at 161.

[15] Id.

[16] Entry of Judgment issued by the Court of Appeals; id. at 169.

[17] Rollo, pp. 540-553.

[18] Id. at 335.

[19] Id.

[20] The then Court of First Instance of Cotabato, First Branch; id. at 540-553.

[21] Regional Trial Court, Branch 22, General Santos City.

[22] Penned by Acting Presiding Judge Jose S. Majaducon; rollo, pp. 359-362.

[23] Id.

[24] Id. at 495-498.

[25] Rollo, p. 498.

[26] Id. at 508-533.

[27] Id. at 26-30.

[28] Id. at 29-30.

[29] Id. at 32-35.

[30] San Diego v. Cardona, 70 Phil. 281, 283 (1940).

[31] Rollo, p. 169.

[32] In CA-G.R. No. 30813-R, the case is entitled "Tama Tan Buto v. Director of Lands and Eligio T. Leyva."

[33] Filinvest Land, Inc. v. Court of Appeals, G.R. No. 142439, December 6, 2006.

[34] Rollo, pp. 32.35.

[35] Id. at 540-553.

[36] Ybañez v. Intermediate Appellate Court, G.R. No. 68291, March 6, 1991, 194 SCRA 743.

[37] OCT No. V-160 in the name of Eligio T. Leyva, rollo, p. 437.

[38] 113 Phil. 144 (1961).

[39] Id. at 148-149.

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