

ROGELIO (ROGER) PANOTES (THRU ARACELI BUMATAY, AS SUCCESSOR-IN-INTEREST), PETITIONER, VS. CITY TOWNHOUSE DEVELOPMENT CORPORATION, RESPONDENT.

G.R. NO. 154739. January 23, 2007

Ponente: SANDOVAL-GUTIERREZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-154739/>

SANDOVAL-GUTIERREZ, J.:

For our resolution is the instant Petition for Review on Certiorari assailing the Decision[1] of the Court of Appeals dated January 29, 2002 in CA-G.R. SP No. 52621 and its Resolution[2] dated August 5, 2002 denying the motion for reconsideration.

This case stemmed from a complaint filed with the National Housing Authority (NHA) in April 1979 by Rogelio (Roger) Panotes, petitioner, then president of the Provident Village Homeowners Association, Inc., against Provident Securities Corporation (PROSECOR), owner-developer of the Provident Village in Marikina City. The complaint, docketed as NHA Case No. 4175, alleges that PROSECOR violated Sections 19, 20, 21, 38, and 39 of Presidential Decree (P.D.) No. 957.[3] One of the violations complained of was its failure to provide an open space in the said subdivision.

During the proceedings before the NHA, an ocular inspection showed that the subdivision has no open space. The NHA found, however, that Block 40, with an area of 22,916 square meters, could be utilized as open space. Thus, in its Resolution dated August 14, 1980, the NHA directed PROSECOR to provide the Provident Village an open space which is Block 40.

In a letter of the same date, then NHA Acting General Manager Antonio A. Fernando ordered PROSECOR to “provide Block 40 of the subdivision as open space.”

PROSECOR was served copies of the NHA Resolution and the letter on August 22, 1980.

Considering that PROSECOR did not appeal from the NHA Resolution, it became final and executory.

When Panotes filed a motion for execution of the NHA Resolution, it was found that the records of the case were “mysteriously missing.” Hence, his motion “was provisionally dismissed” without prejudice.

Meanwhile, PROSECOR sold to City Townhouse Development Corporation (CTDC), respondent, several lots in the subdivision. Among the lots sold were those comprising Block 40. CTDC was unaware of the NHA Resolution ordering PROSECOR to have Block 40 utilized as open space of Provident Village.

Eventually, Panotes was succeeded by Araceli Bumatay as president of the Provident Village Homeowners Association, Inc. On July 17, 1990, she filed with the Housing and Land Use Regulatory Board (HLURB) a complaint for revival of the NHA Resolution dated August 14, 1980. Impleaded therein as defendant was CTDC, whom she alleged as successor-in-interest of PROSECOR.

In its answer, CTDC averred, among others, that (1) Araceli Bumatay has no legal personality to file the action for

revival of judgment; (2) there is a pending litigation between CTDC and PROSECOR involving Block 40; and (3) other entities like the Bangko Sentral Ng Pilipinas and Provident Savings Bank have existing liens over Block 40.

On October 15, 1991, the HLURB, through Housing and Land Use Arbitrator Charito M. Bunagan, rendered its Decision in favor of Bumatay, reviving the NHA Resolution and declaring Block 40 of the Provident Village as “open space” for the said subdivision, thus:

WHEREFORE, premises considered, judgment is hereby rendered declaring Block 40 (with an area of 22,916 square meters) of the Subdivision Plan Pcs-5683 of the Provident Villages located at Marikina, Metro Manila as the legally mandated “open space” for said subdivision project; and the Register of Deeds for Marikina is hereby directed to cause the annotation of this fact on the corresponding Torrens Title which describes and covers said open space; said area to be reserved and utilized exclusively in the manner and for the purposes provided for under P.D. NO. 957 and P.D. No. 1216.[4]

Furthermore, let a Cease and Desist Order be, as it is hereby, issued against respondent Provident Securities Corp. and City Townhouse Development Corporation, restraining said respondents, and all persons, agents, or other associations or corporate entities acting on their behalf, from asserting or perpetrating any or further acts of dominion or claim over said Block 40, Pcs-5683, the open space allocated and reserved for the Provident Villages in Marikina, Metro Manila.

IT IS SO ORDERED.

On appeal to the HLURB Board of Commissioners, Arbitrator Bunagan’s Decision was affirmed with modification in the sense that CTDC has the right to recover from PROSECOR “what it has lost.”

After its motion for reconsideration was denied, CTDC then interposed an appeal to the Office of the President (OP). On February 10, 1999, the OP rendered its Decision affirming in toto the judgment of the HLURB Board of Commissioners. CTDC filed a motion for reconsideration, but it was denied in a Resolution dated April 14, 1999.

CTDC then filed with the Court of Appeals a petition for review under Rule 43 of the 1997 Rules of Procedure, as amended, docketed therein as CA-G.R. SP No. 52621.

In a Resolution[5] dated May 10, 1999, the Court of Appeals dismissed CTDC’s petition for its failure to attach thereto a certification against forum shopping. The Court of Appeals also found that the petition was not supported by certified true copies of such material portions of the records and other pertinent papers referred to in the petition.

CTDC filed a motion for reconsideration which was opposed by Bumatay.

On June 10, 1999, CTDC submitted to the Court of Appeals a certification of non-forum shopping as well as the pleadings mentioned in its Resolution.

On July 27, 1999, the Court of Appeals issued a Resolution granting CTDC’s motion for reconsideration and reinstated its petition.

On January 29, 2002, the appellate court rendered its Decision reversing the Decision of the OP and dismissing the complaint for revival of judgment, thus:

IN VIEW OF ALL THE FOREGOING, finding merit in this petition for review, the assailed Decision of the Office of the President dated February 10, 1999, together with its Resolution dated February 14, 1999 are REVERSED and SET ASIDE, and a new one entered dismissing HLRB Case No. REM-071790-4052 (NHA Case No. 4175; HLRB Case No. REM-A-1089). Costs against the respondent.

SO ORDERED.

The basic issue for our resolution is whether the NHA Resolution dated August 14, 1980 may be enforced against CTDC.

An action for revival of judgment is no more than a procedural means of securing the execution of a previous judgment which has become dormant after the passage of five years without it being executed upon motion of the prevailing party. It is not intended to re-open any issue affecting the merits of the judgment debtor's case nor the propriety or correctness of the first judgment.[6]

Here, the original judgment or the NHA Resolution sought to be revived was between Rogelio Panotes and PROSECOR, not between petitioner Araceli Bumatay and respondent CTDC.

In maintaining that CTDC is bound by the NHA Resolution, petitioner claims that CTDC is the successor-in-interest of PROSECOR and, therefore, assumed the obligations of the latter to provide an open space for Provident Village.

CTDC purchased from PROSECOR Block 40 in the said village, not as an owner-developer like PROSECOR, but as an ordinary buyer of lots. Even after the sale, CTDC did not become an owner-developer. The Deed of Sale executed by CTDC, as buyer, and PROSECOR, as seller, shows that the subject matter of the sale is the unsold lots comprising Block 40 within the subdivision to CTDC. The contract does not include the transfer of rights of PROSECOR as owner-developer of the said subdivision. Clearly, there is no basis to conclude that CTDC is the successor-in-interest of PROSECOR.

It bears stressing that when CTDC bought Block 40, there was no annotation on PROSECOR's title showing that the property is encumbered. In fact, the NHA Resolution was not annotated thereon. CTDC is thus a buyer in good faith and for value, and as such, may not be deprived of the ownership of Block 40. Verily, the NHA Resolution may not be enforced against CTDC.

Section 2 of P.D. No. 1216 provides:

Section 2. Section 31 of Presidential Decree No. 957 is hereby amended to read as follows:

Section 31. Roads, Alleys, Sidewalks and Open Spaces. – The owner or developer of a subdivision shall provide adequate roads, alleys and sidewalks. For subdivision projects of one (1) hectare or more, the owner shall reserve thirty percent (30%) of the gross area for open space.

xxx xxx xxx.

Clearly, providing an open space within the subdivision remains to be the obligation of PROSECOR, the owner-developer and the real party-in-interest in the case for revival of judgment. As aptly held by the Court of Appeals:

Quintessentially, the real party-in-interest in the revival of NHA Case No. 4175 is PROSECOR and not CTDC. PROSECOR was the lone defendant or respondent in that case against whom judgment was rendered. To insist that CTDC is a successor-in-interest of PROSECOR may have some truth if we are talking about the ownership of the lots sold by PROSECOR in favor of CTDC as a result of a civil action between the two. But then, to hold CTDC as the successor-in-interest of PROSECOR as the developer of the subdivision, is far from realty. CTDC is simply on the same footing as any lot buyer-member of PVHIA. x x x.

Furthermore, strangers to a case, like CTDC, are not bound by the judgment rendered by a court. It will not divest the rights of a party who has not and never been a party to a litigation. Execution of a judgment can be issued only against a party to the action and not against one who did not have his day in court.[7]

WHEREFORE, we DENY the petition and AFFIRM the assailed Decision and Resolution of the Court of Appeals in CA-G.R. SP No. 52621. Costs against petitioner.

SO ORDERED.

Puno, C.J., (Chairperson), Corona, Azcuna, and Garcia, JJ., concur.

[1] Rollo, pp. 37-48. Per Associate Justice Conrado M. Vasquez, Jr., and concurred in by Associate Justice Andres B. Reyes, Jr., and Associate Justice Amelita G. Tolentino.

[2] Id., p. 50.

[3] The Subdivision and Condominium Buyers Protective Decree, promulgated on July 12, 1976.

[4] The Decree is entitled “Defining ‘Open Space’ in Residential Subdivisions and Amending Section 31 of Presidential Decree No. 957 Requiring Subdivision Owners To Provide Roads, Alleys, Sidewalks, and Reserve Open Space For Parks or Recreational Use.”

[5] Rollo, pp. 145-146.

[6] *Azotea v. Blanco*, 85 Phil. 90 (1949); *Filipinas Investment and Finance Corporation v. Intermediate Appellate Court*, G.R. Nos. 66059-60, December 4, 1989, 179 SCRA 729.

[7] *St. Dominic Corporation v. Intermediate Appellate Court*, No. L-70623, June 30, 1987, 151 SCRA 577; *Salamat Vda. de Medina v. Cruz*, No. L-39272, May 4, 1988, 161 SCRA 36; *Buazon v. Court of Appeals*, G.R. No. 97749, March 19, 1993, 220 SCRA 182; *Matuguina Integrated Wood Products, Inc. v. Court of Appeals*, G.R. No. 98310, October 24, 1996, 263 SCRA 490.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.