REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. HON. MAMINDIARA P. MANGOTARA, IN HIS CAPACITY AS PRESIDING JUDGE OF THE REGIONAL TRIAL COURT, BRANCH 1, ILIGAN CITY, LANAO DEL NORTE...

G.R. No. 170375. October 13, 2010

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Gentlemen

On July 7, 2010, the First Division of this Court promulgated its Decision in seven consolidated Petitions, with the following dispositive portion:

> WHEREFORE, premises considered, the Court renders the following judgment in the Petitions at bar:
>
> 1) In G.R. No. 170375 (Expropriation Case), the Court GRANTS the Petition for Review of the Republic of the Philippines. It REVERSES and SETS ASIDE the Resolutions dated July 12, 2005 and October 24, 2005 of theRegional Trial Court, Branch 1 of Iligan City, Lanao del Norte. It further ORDERS the reinstatement of the Complaint in Civil Case No. 106, the admission of the Supplemental Complaint of the Republic, and the return of the original record of the case to the court of origin for further proceedings. No costs.
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> 2) In G.R. Nos. 178779 and 178894 (Quieting of Title Case), the Court DENIES the consolidated Petitions for Review of Landtrade Realty Corporation, Teofilo Cacho, and/or Atty. Godofredo Cabildo for lack of merit. It AFFIRMS the Decision dated January 19, 2007 and Resolution dated July 4, 2007 of the Court of Appeals in CA-G.R. CV. No. 00456, affirming in toto the Decision dated July 17, 2004 of the Regional Trial Court, Branch 3 of Iligan City, Lanao del Norte, in Civil Case No. 4452. Costs against Landtrade Realty Corporation, Teofilo Cacho, and Atty. Godofredo Cabildo.
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> 3) In G.R. No. 170505 (The Ejectment or Unlawful Detainer Case - execution pending appeal before the Regional Trial Court), the Court DENIES the Petition for Review of Landtrade Realty Corporation for being moot and academic given that the Regional Trial Court, Branch 1 of Iligan City, Lanao del Norte had already rendered a Decision dated December 12, 2005 in Civil Case No. 6613. No costs.
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> 4) In G.R. Nos. 173355-56 and 173563-64 (The Ejectment or Unlawful Detainer Case - execution pending appeal before the Court of Appeals), the Court GRANTS the consolidated Petitions for Certiorari and Prohibition of the National Power Corporation and National Transmission Corporation. It SETS ASIDE the Resolution dated June 30, 2006 of the Court of Appeals in CA-G.R. SP Nos. 00854 and 00889 for having been rendered with grave abuse of discretion amounting to lack or excess of jurisdiction. It further ORDERS the Court of Appeals to issue a writ of preliminary injunction enjoining the execution of the Decision dated December 12, 2005 of the Regional Trial Court, Branch 1 of Iligan City, Lanao del Norte, in Civil Case No. 6613, while the same is pending appeal before the Court of Appeals in CA-G.R. SP Nos. 00854 and 00889. It finally DIRECTS the Court of Appeals to resolve without further delay the pending appeals before it, in CA-G.R. SP Nos. 00854 and 00889, in a manner not inconsistent with this Decision. No costs.
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> 5) In G.R. No. 173401 (Cancellation of Titles and Reversion Case), the Court GRANTS the Petition for Review of the Republic of the Philippines. It REVERSES and SETS ASIDE the Orders dated December 13,

> 2005 and May 16, 2006 of the Regional Trial Court, Branch 4 of Iligan City in Civil Case No. 6686. It further ORDERS the reinstatement of the Complaint in Civil Case No. 6686 and the return of the original record of the case to the court of origin for further proceedings. No costs.[1]

In a Resolution[2] dated August 25, 2010, the Court denied with finality the separate motions for reconsideration filed by [1] Teofilo Cacho (Teofilo) and Atty. Godofredo Cabildo (Atty. Cabildo); [2] Land Trade Realty Corporation (LANDTRADE); and [3] Demetria Vidal (Vidal), Azimuth International Development Corporation (AZIMUTH), and Maria Cristina Fertilizer Corporation (MCFC), considering that the basic issues were already passed upon and there was no substantial argument to warrant a modification of the previous judgment of the Court.

Also in the August 25, 2010 Resolution, the Court denied the joint motion of Vidal, AZIMUTH, and MCFC to refer the cases to the Court En Banc because per SC Circular No. 2-89 dated February 7, 1989, as amended by the Resolution dated November 18, 1993, the Court En Banc is not an appellate court to which decisions or resolutions of the Divisions may be appealed. It is for this same reason that the Court is now similarly denying the Motion [To Refer to Court En Banc G.R. Nos. 178779 and 178894, G.R. Nos. 170505, 173355-56, 173562-64 (sic) and G.R. No. 173401] of LANDTRADE.

Thus, the only other matter left for determination of this Court is the Motion for Leave to File and Admit Attached Motion for Clarification, with the appended Motion for Clarification, of the Republic of the Philippines (Republic). The Republic is concerned that the pronouncements of this Court as regards the Quieting of Title Case (G.R. Nos. 178779 and 178894) would effectively bar or limit the prosecution of the Cancellation of Titles and Reversion Case (G.R. No. 173401) and Expropriation Case (G.R. No. 170375). Hence, the Republic seeks the following reliefs from this Court:

> WHEREFORE, it is respectfully prayed that a clarification be made confirming that:
>
> 1. The pronouncement in G.R. Nos. 178779 and 178894 that: "Azimuth is the successor-in-interest of Demetria Vidal to the extent of 23 hectares" is without prejudice to the final disposition of Civil Case No. 6686 for reversion; and,
>
> 2. The pronouncement in G.R. Nos. 178779 and 178894, on Demetria Vidal Confesor's heirship vis-à-vis her supposed right to transfer title to Azimuth, is without prejudice to the outcome of Civil Case No. 106 (Expropriation) where the government may present eveidence (sic) to belie the aforestated heirship andor (sic) Demetria Confesor Vidal's entitlement to just compensation.
>
> Other reliefs deemed just and equitable under the premises are likewise prayed for.[3]

The Court only partly grants the Motion for Clarification of the Republic.

In the Quieting of Title Case, the Court held:

> Thus, the Court of Appeals did not err when it affirmed in toto the judgment of the RTC-Branch 3 which declared, among other things, that (a) Vidal is the sole surviving heir of Doña Demetria, who alone has rights to and interest in the subject parcels of land; (b) AZIMUTH is Vidal's successor-in-interest to portions of the said properties in accordance with the 1998 Memorandum of Agreement and 2004 Deed of Conditional Conveyance; (c) Teofilo is not the son or heir of Doña Demetria; and (d) Teofilo, Atty. Cabildo, and their transferees/assignees, including LANDTRADE, have no valid right to or interest in the same properties. (Emphasis supplied.)[4]

Of the total land area of 38.23 hectares covered by Original Certificate of Title (OCT) Nos. 0-1200 (a.f.) and 0-1201 (a.f.), in the name of Doña Demetria Cacho (Doña Demetria), Vidal transferred her rights to and interests

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in a portion thereof, measuring 23 hectares, to AZIMUTH by virtue of the aforementioned 1998 Memorandum of Agreement and 2004 Deed of Conditional Conveyance. However, it should be stressed that the main issue in the Quieting of Title Case was who between Vidal and Teofilo had valid title to the subject properties as Doña Demetria's rightful surviving heir. The extent or area of the properties inherited was not put into question in said case.

Moreover, the Court also ordered in its July 7, 2010 Decision that the Cancellation of Titles and Reversion Case be reinstated before the Regional Trial Court, Branch 4 (RTC-Branch 4) of Iligan City, Lanao del Norte. It is the main contention of the Republic in said case that OCT Nos. 0-1200 (a.f.) and 0-1201 (a.f.) are null and void because they covered parcels of land beyond those granted by the land registration court to Doña Demetria in GLRO Record Nos. 6908 and 6909. Should the RTC-Branch 4 affirm the nullity of the two OCTs, then it can order the cancellation of said certificates of title and the reversion to the Republic of the parcels of land unlawfully included therein.

The Court agrees with the Republic that necessarily, the rights to and interests in the entire 38.23 hectares, covered by OCT Nos. 0-1200 (a.f.) and 0-1201 (a.f.), claimed by Vidal as the declared sole heir of Doña Demetria in the Quieting of Title Case, should be without prejudice to the outcome of the Cancellation of Titles and Reversion Case yet to be heard by the RTC-Branch 4. As Vidal's successor-in-interest to the 23 hectares of the subject properties, AZIMUTH only stepped into the former's shoes in so far as said portion is concerned. No one can acquire a right greater than what the transferor himself has. As the saying goes, the spring cannot rise higher than its source.[5] As a consequence, the rights to and interests in the 23-hectare portion of the subject properties, acquired by AZIMUTH under the 1998 Memorandum of Agreement and 2004 Deed of Conditional Conveyance, referred to by this Court in the Quieting of Title Case, are likewise dependent on the final judgment in the Cancellation of Titles and Reversion Case.

As to whether the Republic may still challenge Vidal's heirship in the Expropriation Case, this is an issue not raised in any of the Petitions resolved by this Court in its July 7, 2010 Decision. It involves legal and factual matters that need to be argued and established in the Expropriation Case, which was ordered reinstated by this Court before the RTC-Branch 1. Thus, it is beyond the ambit of this Court to determine by mere motion for clarification of the Republic.

WHEREFORE, premises considered, the Court hereby RESOLVES:

(1) TO DENY WITH FINALITY the Motion [To Refer to Court En Banc G.R. Nos. 178779 and 178894, G.R. Nos. 170505, 173355-56, 173562-64 (sic) and G.R. No. 173401] of Land Trade Realty Corporation;

(2) TO PARTLY GRANT the Motion for Clarification of the Republic of the Philippines by declaring that the rights to and interests in the 23-hectare portion of the subject properties, transferred by Demetria Vidal to Azimuth International Development Corporation by virtue of the 1998 Memorandum of Agreement and 2004 Deed of Conditional Conveyance, referred to by this Court in G.R. Nos. 178779 and 178894 (Quieting of Title Case), shall be without prejudice to the outcome of Civil Case No. 6686 (Cancellation of Titles and Reversion Case), which this Court, in its Decision dated July 7, 2010, ordered reinstated before the Regional Trial Court, Branch 4 of Iligan City, Lanao del Norte; and

(3) TO ORDER that no further pleadings shall be entertained in these consolidated cases and that entry of judgment be made in due course.

SO ORDERED.

Corona, C.J., (Chairperson), Velasco, Jr., Del Castillo, and Perez, JJ., concur.

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[1] Rollo (G.R. No. 170375), Vol. II, pp. 1835-1837.

[2] Id. at 1941-A to 1941-B.

[3] Id. at 1970.

[4] Id. at 1803.

[5] Sanchez v. Quinio, 502 Phil. 40, 49 (2005).

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