

**GEORGIA ROYO ADLAWAN, IN HER OWN BEHALF AND AS
SURVIVING SPOUSE OF ALFONSO V. ADLAWAN, PETITIONER, VS.
NICETAS I. JOAQUINO, FLORENCIA J. SON, EUSTOLIA J. MATA,
BEATRIZ J. SATIRA...**

G.R. No. 203152. June 20, 2016

Ponente: BRION, J.

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BRION, J.:

This is a petition for review on certiorari[1] assailing the August 17, 2010 decision[2] and the July 12, 2012 resolution[3] of the Court of Appeals (CA), Cebu City, in CA-G.R. CEB CV No. 00871.

Antecedent Facts

The present case involves a portion of a 3,614 square-meter parcel of land (referred to as Lot No. 7-B, located in Talamban, Cebu City; Lot No. 7-B) which was originally owned by Leonora Yngles, the predecessor of respondents Nicetas I. Joaquino, Florencia J. Son, Eustolia J. Mata, Beatriz J. Satira, Teresa J. Bermejo, Corazon J. Cogina, Maria J. Noval, and Visitacion J. Dela Torres (respondents).

Lot No. 7-B was later divided into four parcels, one of which was Lot No. 7-B1 (the subject lot), which was acquired by petitioner Georgia Royo Adlawan and her husband, Alfonso V. Adlawan (spouses Adlawan).

By way of background, Leonora is the mother of Jose, Agapito, Zacarias, Gavina, and Magdalena (all surnamed Joaquino). She died in 1930 and left to her children a house and lot in Mabolo, Cebu City (Mabolo property).

Magdalena died in 1939, with no will and heirs. She owned five parcels of land in Talamban, Cebu City, which includes Lot No. 7-B.

Gavina died in 1945 and was survived by her compulsory heirs, namely: Epifania, Vicenta, Felix, Constancia, Vicente, and Angela (all surnamed Ouano).

Agapito died three years later, in 1948, and was survived by his compulsory heirs, Florentino and Nicetas (both surnamed Joaquino).

On June 12, 1950, Jose Joaquino, the only surviving brother, together with the heirs of the deceased Gavina, Agapito, and Zacarias (whose year of death is not stated in the records), executed an "Agreement of Partition" distributing the properties of Leonora and Magdalena as follows:

Parcel 1, Mabolo property consisting of house and lot left by Leonora Yngles

- to the heirs of Zacarias Joaquino;

Parcels II, III, IV, V, and VI, located at Talamban, Cebu City, left by Magdalena Joaquin

- to be divided in three (3) equal parts for Jose Joaquin, the heirs of Agapito Joaquin, and the heirs of Gavina Joaquin.[4]

On June 7, 1982, Remedios Cabello, the daughter of Vicenta Ouano (one of Gavina's heirs), filed a petition for reconstitution of title of Lot No. 7-B. She claimed to have acquired the entire Lot No. 7-B from Vicenta and had the title transferred to her name, and that her transfer certificate of title (TCT) was burned in a house fire in 1979, hence, her filing of the petition for reconstitution.

In an order dated June 1, 1983, the Regional Trial Court (RTC) Branch 14, Cebu City, granted Remedios's petition and ordered the reconstitution of the title of Lot No. 7-B.[5] The RTC's June 1, 1983 order became final and executory on June 30, 1983.[6]

Subsequently, Lot No. 7-B was divided into four parcels of land (i.e., Lot Nos. 7-B1, 7-B2, 7-B3, and 7-B4), which were issued separate TCTs. Remedios sold Lot No. 7-B1 to spouses Francisco and Margarita Robles (spouses Robles).

On June 10, 1987, the respondents filed with the RTC, Branch 17, Cebu City, a complaint to annul Remedios's title and the titles issued therefrom, with damages. They alleged that Remedios, in conspiracy with the spouses Robles, misrepresented during the reconstitution proceedings that she obtained the title for the entire Lot No. 7-B from Vicenta and that this title was burned in a house fire, when, in fact, she had not acquired any title to Lot No. 7-B.

On June 15, 1987, notices of lis pendens were annotated on the titles sought to be annulled, including Lot No. 7-B1.[7]

Remedios and the spouses Robles moved to dismiss the complaint on the ground of failure to prosecute due to the plaintiffs' (referring to the respondents) failure - despite the two extensions of time given by the court - to comment to the motion to dismiss the former previously filed.

In an order dated July 10, 1992, the RTC, Branch 17, Cebu City, dismissed the respondents' complaint for annulment of title for their failure to prosecute the case. The RTC's July 10, 1992 order became final and executory on August 1, 1992.

On August 11, 1992, the notice of lis pendens annotated on the title of Lot No. 7-B1 was cancelled.[8]

On August 31, 1992, the respondents filed with the RTC, Branch 17, Cebu City, a petition for relief from the RTC's final and executory order dated July 10, 1992, in the annulment of title case. They alleged that their failure to prosecute was due to the negligence of their present counsel, Atty. Pedro Son, who failed to communicate to their previous counsel his intent to take active participation in the prosecution of the case.

Meanwhile, on December 17, 1992, the spouses Robles sold Lot No. 7-B1, with an area of 1,204 sqm to the spouses Adlawan.

In an order dated April 12, 1993, the RTC granted the respondents' petition for relief from judgment and ordered the reinstatement of their complaint for annulment of title.

Remedios and the spouses Robles moved to reconsider the RTC's grant of the petition for relief but the RTC

denied their motion in an order dated May 28, 1993.[9] They appealed the RTC's denial order to the CA (which also denied their appeal) and to this Court. This Court ultimately denied Remedios and the spouses Robles' appeal in a resolution dated November 17, 1993, which became final and executory on December 20, 1993.[10]

On June 16, 1994, the respondents filed a supplemental complaint[11] impleading the spouses Adlawan as additional defendants.[12]

In their answer[13] to the complaint, the spouses Adlawan claimed to be buyers in good faith and for value of Lot No. 7-B1 and denied knowledge of the then pending petition for relief from judgment involving the subject lot. They alleged that, at the time they purchased Lot No. 7-B1 from the spouses Robles, the title to their lot no longer contained any annotation of any pending litigation involving the property; and that the notice of lis pendens then annotated on the lot's title was already cancelled before the property was sold to them.

In a decision dated March 31, 2005, the RTC, acting on the respondents' reinstated complaint for annulment of title, declared null and void the reconstitution of Remedios's title and the titles issued therefrom. Remedios, the spouses Robles, and the newly impleaded defendants, the spouses Adlawan, appealed their case to the CA.

The CA Ruling

The issues raised before the CA were:

- Whether the court a quo erred in granting the petition for relief from judgment filed by the plaintiff-appellees (referring to the respondents) after this case was finally dismissed and without proper substitution of counsel;
- Whether the court a quo erred in declaring the order for reconstitution issued by RTC, Branch 14, Cebu City, a co-equal court, and the titles issued pursuant thereto, as null and void;
- Whether the court a quo erred in failing to sustain that the Adlawan Spouses were purchasers in good faith and for value; and
- Whether the court a quo erred in failing to consider that the plaintiffs-appellees got more than Remedios Cabello from the estate of Leonora Yngles.[14]

In the assailed August 17, 2010 decision, the CA denied the appeal of Remedios, the spouses Robles, and the spouses Adlawan. It affirmed the nullity of Remedios's reconstituted title after it found that no TCT over Lot No. 7-B was ever issued to Remedios from which title the reconstitution proceedings could be based.

On the issue of the lack of jurisdiction of the RTC, Branch 17, Cebu City, to annul the order of reconstitution of RTC, Branch 14, Cebu City, the CA ruled that, while it is correct that only the CA has the jurisdiction to annul the judgments of the RTC, the defendants-appellants were already estopped to question the RTC's jurisdiction for the first time on appeal and after losing the case in the RTC twenty (20) years later.

Also, the CA ruled that the spouses Adlawan were not buyers in good faith of Lot No. 7-B1; that they bought the subject lot before title thereto was reconstituted. The CA stated that the notice of lis pendens then annotated on Remedios' reconstituted title should have prompted the spouses to investigate the vendor's title.

The CA no longer found it necessary to rule on the issue of whether the RTC erred in not considering that the plaintiffs-appellees (referring to the respondents) have already received more than Remedios's share in the distribution of Leonora's estate.

The Petition

Petitioner Georgia Adlawan, in her own behalf and as surviving spouse of Alfonso V. Adlawan, filed the present petition for review on certiorari with this Court raising the following issues:

- WHETHER OR NOT THE COURT OF APPEALS ERRED IN CONCLUDING THAT APPELLANTS WERE ESTOPPED FROM QUESTIONING THE LACK OF JURISDICTION OF THE LOWER (sic) FOR THE FIRST TIME ON APPEAL?
- WHETHER OR NOT THE COURT OF APPEALS ERRED IN DECLARING THE RECONSTITUTED TITLES AS NULL AND VOID NOTWITHSTANDING ITS FINDING THAT THE LOWER COURT EXCEEDED ITS JURISDICTION IN ANNULING THE ORDER OF RECONSTITUTION ISSUED BY THE RTC, BRANCH 14, CEBU CITY, A CO-EQUAL COURT? and
- WHETHER OR NOT THE COURT OF APPEALS ERRED IN FAILING TO SUSTAIN THAT THE ADLAWAN SPOUSES WERE PURCHASERS IN GOOD FAITH AND FOR VALUE.[15]

OUR RULING

We find MERIT in the present petition.

Section 9 (2) of Batas Pambansa (B.P.) Blg. 129,[16] as amended, vests in the Court of Appeals, formerly the Intermediate Appellate Court, the exclusive original jurisdiction over actions to annul judgments of the Regional Trial Courts.

Apart from being conferred by law, the CA's exclusive and original jurisdiction to annul judgments of the RTCs is by reason of the principle that a judgment of a court of competent jurisdiction may not be opened, modified, or vacated by any court of concurrent jurisdiction.[17] This principle is known as the "doctrine of non-interference or judicial stability."

The doctrine of non-interference or judicial stability dictates that a trial court has no authority to interfere with the proceedings of a court of equal jurisdiction,[18] much less to annul the final judgment of a co-equal court.[19] The rationale for this doctrine is founded on the concept of jurisdiction - "verily, a court that acquires jurisdiction over the case and renders judgment therein has jurisdiction over its judgment, to the exclusion of all other coordinate courts, for its execution and over all its incidents, and to control, in furtherance of justice, the conduct of ministerial officers acting in connection with this judgment." [20]

Since the assailed reconstituted title in this case, from which the petitioner's title originated was ordered issued by the RTC Branch 14, Cebu City, the respondents' complaint to annul said title - by reason of the doctrine of non-interference - should have been filed with the CA and not with another RTC branch. Evidently, the RTC Branch 17, Cebu City, as a co-equal court, has no jurisdiction to annul the reconstitution of title previously ordered by the RTC, Branch 14, Cebu City. In fact, the CA was of the same view that the RTC, Branch 17, Cebu City, exceeded its jurisdiction when it declared the order of reconstitution issued by the RTC, Branch 14, Cebu City, as null and void.[21]

The CA, however, ruled that the defendants (Remedios and the spouses Robles) in the annulment of title case (filed before the RTC, Branch 17, Cebu City) were already estopped to question the RTCs lack of jurisdiction as the defendants, including the petitioner, never raised the issue of jurisdiction in the proceedings before the RTC; that the defendants belatedly raised the issue on jurisdiction for the first time on appeal to the CA and only twenty (20) years later, after they lost the case in the RTC.

We disagree with the CA. There is no rule in procedural law as basic as the principle that jurisdiction is conferred by law,[22] and any judgment, order, or resolution issued without it is void[23] and cannot be given any effect.[24] This rule applies even if the issue on jurisdiction was raised for the first time on appeal or even after final judgment.[25]

The singular exception to the basic rule mentioned, which the CA applied to this case, operates on the principle of estoppel by laches - whereby a party may be barred by laches from invoking the lack of jurisdiction at a late hour for the purpose of annulling everything done in the case with the active participation of said party invoking the plea.[26] The Court had occasion to apply this exception and adjudged a party estopped from assailing the court's jurisdiction in the often cited case of *Tijam v. Sibonghanoy*[27] where we held that:

"[a] party cannot invoke the jurisdiction of a court to secure affirmative relief against his opponent and, after obtaining or failing to obtain such relief, repudiate or question that same jurisdiction, xxx, it was further said that the question whether the court had jurisdiction either of the subject matter of the action or of the parties was not important in such cases because the party is barred from such conduct not because the judgment or order of the court is valid and conclusive as an adjudication, but for the reason that such practice cannot be tolerated - obviously for reasons of public policy." [28]

In *Sibonghanoy*, the defense of lack of jurisdiction was raised for the first time in a motion to dismiss filed by a party-surety almost fifteen (15) years later and at a stage when the proceedings had already been elevated to the CA. Prior to this, the party-surety invoked the jurisdictions of both the trial and appellate courts in order to obtain affirmative relief, and even submitted the case for final adjudication on the merits. It was only after the CA had rendered an adverse decision that the party-surety raised the question of jurisdiction.

In the present case, we find no sufficient justification to apply the exception of estoppel by laches as the factual setting present in *Sibonghanoy* is not similar to that of the present case.

For one, the present petitioner is not in the same situation as the party-surety in *Sibonghanoy* because the present petitioner raised the lack of jurisdiction of the RTC, Branch 17, Cebu City, in her appeal brief to the CA and before the CA had rendered its decision; in *Sibonghanoy*, the party questioned the court's jurisdiction only after the CA had rendered an adverse decision.

Second, the unfairness and inequity that the application of estoppel seeks to avoid is not present in this case. The present case does not involve a situation where a party who, after obtaining affirmative relief from the court, later on turned around to assail the jurisdiction of the same court that granted such relief by reason of an unfavorable judgment. The petitioner and her husband did not obtain affirmative relief from the court whose jurisdiction they are assailing, as they never won their case in the proceedings below.

We further consider that the petitioner and her husband were merely impleaded as additional defendants in the reinstated complaint for annulment of title - a case originally between the respondents and the defendants Remedios and the spouses Robles. We note that the original annulment of title case was filed by the respondents in 1987. The RTC had dismissed the case for failure to prosecute in 1992 but the complaint was later reinstated after a petition for relief from judgment was successfully filed by the respondents. The petitioner and her husband were impleaded as defendants in the case only in 1994. The fact that the petitioner and her husband were not privy to the cases originally filed before the two RTCs (i.e., Branches 14 and 17, Cebu City), coupled with their claim of good faith, convinces us that the petitioner is not guilty of laches despite belatedly raising the question of jurisdiction only thirteen (13) years later, or in 2007, in their appeal brief to the CA.[29]

We also held in *Sibonghanoy* that:

"The doctrine of laches or of stale demands is based upon grounds of public policy which requires, for the peace of society, the discouragement of stale claims and, unlike the statute of limitations, is not a mere question of time but is principally a question of the inequity or unfairness of permitting a right or claim to be enforced or asserted.[30]" [emphasis supplied]

We emphasize that our ruling in *Sibonghanoy* establishes an exception which is to be applied only under

extraordinary circumstances or to those cases similar to its factual situation.[31] The rule to be followed is that the lack of a court's jurisdiction is a non-waivable defense that a party can raise at any stage of the proceedings in a case, even on appeal; the doctrine of estoppel, being the exception to such non-waivable defense, must be applied with great care and the equity must be strong in its favor.[32]

In view of the void judgment of the RTC, Branch 17, Cebu City, in Civil Case No. CEB-6025, we find it unnecessary to delve into the other issues raised by the petitioner. Such void judgment cannot be the source of any right or the creator of any obligation, and all acts performed pursuant to it and claims emanating from it have no legal effect.[33]

WHEREFORE, we hereby GRANT the present petition for review on certiorari and REVERSE and SET ASIDE the decision dated August 17, 2010 and the resolution dated July 12, 2012 of the Court of Appeals in CA-G.R.CEBCV No. 00871.

Accordingly, we DECLARE NULL and VOID, for lack of jurisdiction, the decision dated March 31, 2005, issued by the Regional Trial Court, Branch 17, Cebu City, in Civil Case No. CEB-6025.

SO ORDERED.

Carpio, (Chairperson), Mendoza, and Leonen, JJ., concur.
Del Castillo, J., on leave.

[1] Filed under Rule 45 of the Rules of Court.

[2] Penned by Associate Justice Agnes Reyes-Carpio, with Associate Justices Edgardo L. Delos Santos and Eduardo B. Peralta, Jr., concurring; rollo, pp. 55-64.

[3] Id. at 71-72.

[4] Id. at 16.

[5] Id. at 17

[6] Ibid.

[7] Rollo, p.35.

[8] Id. at 35-36.

[9] Id. at 35.

[10] Ibid.

[11] Id. at 31-38.

[12] Id. at 12.

[13] Rollo, pp. 45-48.

[14] Id. at 60.

[15] Rollo, pp. 17-18.

[16] Entitled AN ACT REORGANIZING THE JUDICIARY, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES, Approved on August 14, 1981.

- [17] Philippine National Bank v. Pineda, G.R. No. 46658, May 13, 1991, 197 SCRA 1, 12.
- [18] PDCEP Development Bank v. Vestil, 332 Phil. 507 (1996).
- [19] Nery v. Leyson, G.R. No. 139306, August 29, 2000, 339 SCRA 232.
- [20] Cabili v. Balindong, A.M. No. RTJ-10-2225, September 6, 2011, 656 SCRA 747.
- [21] Rollo, p. 61.
- [22] Machado v. Gatdula, G.R. No. 156287, February 16, 2010, 612 SCRA 546, 559, citing Spouses Vargas v. Spouses Caminas, G.R. Nos. 137839-40, June 12, 2008, 554 SCRA 305, 317; Metromedia Times Corporation v. Pastorin, G.R. No. 154295, July 29, 2005, 465 SCRA 320, 335; and Dy v. National Labor Relations Commission, 229 Phil. 234, 242 (1986).
- [23] Id. at 560, citing National Housing Authority v. Commission on the Settlement of Land Problems, G.R. No. 142601, October 23, 2006, 505 SCRA 38, 43.
- [24] Id. at 561.
- [25] Id. at 559, citing Lozon v. NLRC, 310 Phil. 1, 12-13 (1995), citing La Naval Drug Corporation v. Court of Appeals, 236 SCRA 78 (1994).
- [26] Figueroa v. People, G.R. No. 147406, July 14, 2008.
- [27] 131 Phil. 556 (1968).
- [28] Id. at 564.
- [29] Rollo, p. 62. See Footnote 12.
- [30] Supra note 27, at 363-564
- [31] Regalado v. Go, G.R. No. 167988, February 6, 2007, 514 SCRA 616.
- [32] C & S Fishfarm Corp. v. Court of Appeals, 442 Phil. 279, 290-291 (2002).
- [33] Polystyrene Manufacturing Company, Inc. v. Privatization and Management Office, G.R. No. 171336, October 4, 2007, 534 SCRA 640, 651.

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