

ERLINDA S. IGOT, PETITIONER, PIO VALENZONA, FRANCISCO VALENZONA NUÑEZ, KATHERINE VALENZONA RAMIREZ, ALL REPRESENTED BY ARTURO VALENZONA THROUGH POWERS OF ATTORNEY, AND SPS. ARTU...

G.R. No. 230687. December 05, 2018

Ponente: TIJAM, J.

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TIJAM, J.:

For resolution by the Court is a Petition for Review on Certiorari under Rule 45 of the Rules of Court, assailing the Decision[1] dated November 2, 2016 and Resolution[2] dated February 16, 2017 of the Court of Appeals (CA) in CA-G.R. CEB-SP No. 08483 which reversed the Decision[3] dated January 29, 2014 of the Regional Trial Court (RTC) of Palompon, Leyte in Civil Case No. R-PAL-13-0017-AC and reinstated the Decision[4] dated October 22, 2012 of the Municipal Trial Court (MTC). The MTC in the said Decision ordered the cancellation of Tax Declaration No. 02-31007-00107 in the name of Erlinda S. Igot (petitioner) and declared the Valenzonas (respondents) as the owners pro-indiviso of four-fifths (4/5) of Cadastral Lot No. 286, located at Taft Street, Ipil II, Poblacion, Palompon, Leyte, and petitioner as owner pro-indiviso of one-fifth (1/5) of the same.

The Factual Antecedents

On October 7, 2008, respondents filed a Complaint for Recovery of Possession, Ownership, Quieting of Title, Nullity of Tax Declarations and Resurvey Plan, and for Damages against petitioner and Elena Santome (Elena). Respondents alleged that their predecessors-in-interest, spouses Julian and Sotera Valenzona (Spouses Valenzona) owned a parcel of land known as Cadastral Lot No. 286 (subject property),[5] with the following boundaries:

North : Cannelino Delgado - 289; 287

East : Leon Ginco - 325; 326

South : Anastacio London - 285

West : Taft St.[6]

Spouses Valenzona's children were: (1) Esperanza Valenzona (deceased), represented by Francisco Valenzona, (2) Purificacion Valenzona Ramirez (deceased), represented by Katherine Valenzona Ramirez, (3) Pio Valenzona, (4) Agapito Valenzona (deceased), and (5) Rodulfo Valenzona (deceased), represented by Arturo Valenzona (collectively referred to as respondents).[7]

Respondents alleged that the possession of the Spouses Valenzona of the subject property has been for more than 50 years.

In 1998, Elena, petitioner's mother, filed a complaint for recovery of ownership and possession with damages against Agapito Valenzona (Agapito) before the MTC of Palompon, Leyte, docketed as Civil Case No. 418. The other heirs of Julian were not impleaded. In the said case, Elena claimed ownership of the subject property alleging that her father, Gorgonio Santome (Gorgonio) acquired the subject property from Julian in 1929. The said

case was decided in favor of Elena and was declared the lawful owner of the subject property.[8]

The MTC held that since the transfer of the property to Gorgonio in 1929 was never questioned by Julian, the same is presumed to be legal. Thus, the transfer of the tax declaration from Gorgonio's name to Julian in 1974 was illegal and invalid for having no documentary evidence to support the same.[9] Furthermore, Agapito cannot invoke good faith as Julian's successor-in-interest since he was the one who principally authored the transfer, and that the possession only became adverse for purposes of prescription only in 1974 when Agapito caused the transfer of the tax declaration to Julian's name,[10] to wit:

Julian Valenzona was considered to have claimed the property in the concept of an owner, adverse, and notorious as against Elena Santome in 1974 when he caused, through his son, Agapito, the tax declaration of the property to be transferred in his name. The period of prescription should start from this year and should reach thirty years for the defendant to acquire the property as their possession of the property was not in good faith or supported by a just title.

The case was filed in October, 1998. The defendant has been in possession of the property for no more than twenty-four years in the concept of an owner as against Elena Santome or six years short of the period prescribed by law on acquisitive prescription.

Defendant Agapito cannot invoke good faith as successor-in-interest of Julian as it was he who principally caused the transfer of the tax declaration of the property to the name of his father without any document considered legal to convey real property.

x x x[11]

The dispositive portion of the Decision in Civil Case No. 418 dated February 29, 2000 reads:

WHEREFORE, all the foregoing premises considered, JUDGMENT is hereby rendered in the following manner:

1. DECLARING the plaintiff to be the legal owner of the real property in question;
2. ORDERING the defendant to vacate the land in question and to turn over the possession thereof to the plaintiff;
3. ORDERING the defendant to pay to the plaintiff the sum of P10,000.00 as moral damages, P10,000.00 as attorney's fees, and to pay the costs of the proceedings.

SO ORDERED.[12]

The ruling of the MTC in Civil Case No. 418 was affirmed by the RTC and became final when Agapito failed to file an appeal therefrom.[13]

On the basis of such decision, respondents alleged that in 2004, Elena was able to cause the issuance of a tax declaration over the subject property, the execution of a resurvey plan which included Rodulfo's house and portions belonging to the respondents, and the demolition of Julian's ancestral house where Agapito lived. Due to these acts, respondents brought the matter to the barangay for possible conciliation. The proceedings before the barangay having failed, respondents filed a case before the MTC. The latter prayed that they be declared the rightful owners of the subject property and that the tax declarations and resurvey plan in Elena's name be nullified. They also prayed for moral and exemplary damages, litigation expenses, attorney's fees, and rentals for the unlawful occupation of some portions of the subject property.[14]

On the other hand, petitioner and Elena claimed that they are the real owners of the subject property, having inherited the same from Gorgonio. They asserted that in 1929, Gorgonio bought the subject property together with

the house erected thereon from Julian as evidenced by a Transferor's Affidavit and a tax declaration in Gorgonio's name. Gorgonio occupied the subject property and paid real property taxes thereon through his caretaker, Julian.[15]

Petitioner and Elena also contended that the decision of the MTC in Civil Case No. 418 already declared Elena as the owner of the subject property and that the said decision already became final on June 20, 2001. To them, this decision already laid to rest the issue of ownership over the subject property. In the meantime, Elena sold the subject property to petitioner and the latter's husband on October 15, 2009.[16]

They also averred that the respondent Arturo, with his wife Aida, went to petitioner and Elena to ask for sufficient time to move and transfer to another house. When the latter refused, Arturo and Aida filed a complaint before the barangay. Petitioner and Elena alleged that during one of the proceedings before the barangay, the spouses Arturo and Aida admitted Elena and petitioner's ownership of the subject property and expressed willingness to vacate the same in exchange for P100,000.00 as reimbursement for the value of their house.[17]

Elena died on June 21, 2010.[18]

The Ruling of the MTC

In ruling in favor of the respondents, the MTC held that the complaint filed by the respondents was not barred by res judicata as the respondents were not parties in Civil Case No. 418.[19] On the merits of the case, the court held that Julian and his heirs have been in possession of the subject property for more than thirty (30) years in the concept of owners, and as such, they have acquired ownership of the same through prescription.[20]

The court also ruled that the other children of Julian (Rodulfo, Pio, Purificacion, and Esperanza) should have been impleaded in Civil Case No. 418 since their interest in the subject property was inextricably intertwined with that of Agapito. However, since the decision in Civil Case No. 418 had already attained finality, it will only bind the share of Agapito, which represents one-fifth (1/5) of the subject property. Since Agapito was the only child of Julian who was impleaded in the said case, the said decision cannot bind the other heirs of Julian who were not made parties thereto. Petitioner and Elena cannot acquire the entire subject property as they did not possess the same peacefully, publicly, openly, and notoriously in the concept of owners.[21]

The dispositive portion of the Decision dated October 22, 2012 reads:

WHEREFORE, all the foregoing premises considered, JUDGMENT is hereby rendered in the following manner:

1. ANNULING Tax Declaration No. 02-31007-00107 in the name of Erlinda Santome-Igot; and
2. DECLARING the plaintiffs as the owners pro-indiviso of four-fifths (4/5) of the land in question and the defendant Erlinda Santome-Igot as owner pro-indiviso of one-fifth (1/5) of the land in question.

No award of damages and costs.

SO ORDERED.[22]

Petitioner's Motion for Reconsideration (MR) was denied in an Order[23] dated March 22, 2013.

The Ruling of the RTC

The RTC granted petitioner's appeal and reversed the MTC. In granting petitioner's appeal, the RTC found that Julian already sold the subject property to Gorgonio in 1929 as evidenced by an Affidavit of Transfer of Real Property executed by Julian himself. This transaction became the basis for the cancellation of the tax declaration

in Julian's name and the issuance of a new tax declaration in Gorgonio's name. Since Julian no longer had ownership of the subject property during his lifetime, and he did not question the validity of the transfer to Gorgonio, his heirs cannot inherit the same from him through succession.[24]

On the basis of the foregoing, the RTC declared the petitioner and Elena as the lawful owners of the entire subject property and ordered the respondents to vacate the subject property and to pay reasonable rent reckoned from February 2003.[25] The dispositive portion of the Decision dated January 29, 2014 reads:

WHEREFORE, premises considered, this Court finds merit on the appeal and the same is hereby GRANTED. Accordingly, the questioned Decision is hereby REVERSED and SET ASIDE and a new one is rendered as follows:

1. Declaring herein defendants-appellants Elena Santome, Erlinda Santome-Igot and their successors-in-interest as the LAWFUL OWNERS of the ENTIRE residential lot under Cadastral Lot No. 286 located at Taft Street, Ipil II, Poblacion, Palompon, Leyte which is the subject of this case;
2. Ordering herein plaintiffs-appellants spouses Arturo and Aida Valenzona to vacate the land in question;
3. Ordering herein plaintiffs-appellants spouses Arturo and Aida Valenzona to remove their house and other improvements thereon;
4. Ordering herein plaintiffs-appellants spouses Arturo and Aida Valenzona to pay herein defendants-appellants Elena Santome and Erlinda Santome-Igot rent at P800 per month from February 2003 until they vacate the premises;
5. Ordering herein plaintiffs-appellees to pay herein defendants--appellants attorney's fees in the amount of P20,000; and
6. Ordering herein plaintiffs-appellees to pay herein defendant--appellants the cost of the litigation.

SO ORDERED.[26]

Respondents' Motion for Reconsideration was denied by the RTC in its Order dated May 12, 2014.[27] Aggrieved, they elevated the case to the CA on appeal.

The Ruling of the CA

The CA granted respondents' appeal and reversed the RTC Decision and reinstated the MTC Decision. The dispositive portion of the Decision dated November 2, 2016 reads:

WHEREFORE, the instant appeal is GRANTED. The Decision dated January 29, 2014 of Branch 17 of the Regional Trial Court of Palompon, Leyte in Appealed Civil Case No. R-PAL-13-0017-AC is REVERSED and SET ASIDE. The 22 October 2012 Decision of the Municipal Trial Court of Palompon, Leyte in Civil Case No. 474 is REINSTATED.

SO ORDERED.[28]

Petitioner's MR was denied by the CA in a Resolution[29] dated February 16, 2017.

Hence, the present Petition for Review on Certiorari before this Court, raising the following issues and assignment of errors:

ISSUES

I

WHETHER OR NOT THE FRAUDULENT TRANSFER OF THE SUBJECT PROPERTY IN 1974, FROM GORGONIO SANTOME TO JULIAN VALENZONA, MADE BY JULIAN'S SON, AGAPITO VALENZONA, WOULD BENEFIT THE OTHER HEIRS OF JULIAN;

II

WHETHER OR NOT RESPONDENT'S POSSESSION OF THE SUBJECT PROPERTY WAS IN CONCEPT OF AN OWNER;

III

WHETHER OR NOT RESPONDENTS ARE REAL PARTIES-IN-INTEREST;

IV

WHETHER OR NOT ACQUISITIVE PRESCRIPTION OPERATES IN FAVOR OF RESPONDENTS;

V

WHETHER OR NOT PETITIONER'S ACTION TO RECOVER THE SUBJECT PROPERTY IS BARRED BY PRESCRIPTION; AND

VI

WHETHER OR NOT PETITIONER IS GUILTY OF LACHES.

Assignment of Errors

I

THE HONORABLE COURT OF APPEALS, WITH ALL DUE RESPECT, GRAVELY ERRED IN CONCLUDING THAT IT WAS JULIAN VALENZONA WHO WAS RESPONSIBLE FOR THE FRAUDULENT TRANSFER IN 1974, WHEN AT THAT TIME, JULIAN WAS ALREADY DEAD. IT WAS HIS SON, AGAPITO, WHO DID THE FRAUDULENT TRANSFER.

II

THE HONORABLE COURT GRAVELY ERRED IN CONCLUDING THAT HEREIN RESPONDENT'S OCCUPATION AND POSSESSION OF THE SUBJECT PROPERTY WAS OPEN, ADVERSE, AND CONTINUOUS; AND THAT IT WAS IN THE CONCEPT OF AN OWNER;

III

THE HONORABLE COURT, WITH ALL DUE RESPECT, ERRED IN DECLARING THAT HEREIN RESPONDENTS ARE REAL-PARTIES-IN-INTEREST IN CIVIL CASE NO. 418; AND THAT NOT BEING IMPEADED THEREIN, THE DECISION, THOUGH FINAL AND EXECUTORY, DOES NOT BIND THEM;

IV

IN RULING THAT ACQUISITIVE PRESCRIPTION OPERATES IN FAVOR OF THE RESPONDENTS;

V

IN DECLARING THAT HEREIN PETITIONER'S ACTION TO RECOVER THE SUBJECT PROPERTY IS BARRED BY PRESCRIPTION; THAT THEY ARE LIKEWISE GUILTY OF LACHES.[30]

The Ruling of the Court

The Court grants the petition.

There is no longer any question that in a previous case (Civil Case No. 418), Elena was declared to be the owner of the property subject of the present case, and such decision has attained finality. This Court deems it necessary to discuss the implication of the said decision to the case at bar.

It is true that only the MTC tackled the issue of res judicata and ruled that it did not apply since there was no identity of parties between Civil Case No. 418 and the present case. When petitioner filed her appeal from the judgment of the MTC, she did not assign the fact that the MTC ruled that res judicata does not apply as an error.^[31] Neither did respondents raise the same before the CA.^[32] Despite this, We find that the CA had ample authority to rule on the issue despite not being raised by petitioner.

Sec. 8 of Rule 51 provides that "[n]o error which does not affect the jurisdiction over the subject matter or the validity of the judgment appealed from or the proceeding therein will be considered unless stated in the assignment of errors, or closely related to or dependent on an assigned error and properly argued in the brief, save as the court may pass upon plain errors and clerical errors." Furthermore, jurisprudence has laid down exceptions to the general rule limiting the scope of the appellate court's review to the errors assigned and properly argued in the appeal brief or memorandum and the errors necessarily related to such assigned errors. As held in *Catholic Bishop of Balanga v. CA*:^[33]

True, the appealing party is legally required to indicate in his brief an assignment of errors, and only those assigned shall be considered by the appellate court in deciding the case. However, equally settled in jurisprudence is the exception to this general rule.

x x x x

Guided by the foregoing precepts, we have ruled in a number of cases that the appellate court is accorded a broad discretionary power to waive the lack of proper assignment of errors and to consider errors not assigned. It is clothed with ample authority to review rulings even if they are not assigned as errors in the appeal. Inasmuch as the Court of Appeals may consider grounds other than those touched upon in the decision of the trial court and uphold the same on the basis of such other grounds, the Court of Appeals may, with no less authority, reverse the decision of the trial court on the basis of grounds other than those raised as errors on appeal. We have applied this rule, as a matter of exception, in the following instances:

- (1) Grounds not assigned as errors but affecting jurisdiction over the subject matter;
- (2) Matters not assigned as errors on appeal but are evidently plain or clerical errors within contemplation of law;
- (3) Matters not assigned as errors on appeal but consideration of which is necessary in arriving at a just decision and complete resolution of the case or to serve the interest of justice or to avoid dispensing piecemeal justice;
- (4) Matters not specifically assigned as errors on appeal but raised in the trial court and are matters of record having some bearing on the issue submitted which the parties failed to raise or which the lower court ignored;
- (5) Matters not assigned as errors on appeal but closely related to an error assigned; and
- (6) Matters not assigned as errors on appeal but upon which the determination of a question properly assigned, is dependent.^[34] (Citations omitted)

We find that the CA could have properly discussed whether res judicata applies in the present case even though it was not explicitly raised in the respondents' assignment of errors. The same falls under the exception, as it is a

matter not specifically assigned but raised in the trial court and is a matter of record, having some bearing on the issue submitted which the parties failed to raise or which the lower court ignored. This is bolstered by the fact that the CA, in its recital of the factual antecedents of this case, took note of petitioner's contention that the decision in Civil Case No. 418 already put to rest the issue of ownership over the subject property.[35] On the other hand, We also find that the issue of whether Civil Case No. 418 constitutes res judicata to the case at bar is a matter which is closely related to one of the assigned errors within the contemplation of Sec. 8, Rule 51 insofar as the present petition before this Court is concerned.

Civil Case No. 418 as res judicata

Preliminarily, to understand more the concept of res judicata, We find it apt to quote the discussion in *SSC v. Rizal Poultry and Livestock Ass'n, Inc.*,[36] to wit:

Res judicata embraces two concepts: (1) bar by prior judgment as enunciated in Rule 39, Section 47(b) of the Rules of Civil Procedure; and (2) conclusiveness of judgment in Rule 39, Section 47(c).

There is bar by prior judgment when, as between the first case where the judgment was rendered and the second case that is sought to be barred, there is identity of parties, subject matter, and causes of action. In this instance, the judgment in the first case constitutes an absolute bar to the second action.

But where there is identity of parties in the first and second cases, but no identity of causes of action, the first judgment is conclusive only as to those matters actually and directly controverted and determined and not as to matters merely involved therein. This is the concept of res judicata known as conclusiveness of judgment. Stated differently, any right, fact or matter in issue directly adjudicated or necessarily involved in the determination of an action before a competent court in which judgment is rendered on the merits is conclusively settled by the judgment therein and cannot again be litigated between the parties and their privies, whether or not the claim, demand, purpose, or subject matter of the two actions is the same.

Thus, if a particular point or question is in issue in the second action, and the judgment will depend on the determination of that particular point or question, a former judgment between the same parties or their privies will be final and conclusive in the second if that same point or question was in issue and adjudicated in the first suit. Identity of cause of action is not required but merely identity of issue.

The elements of res judicata are: (1) the judgment sought to bar the new action must be final; (2) the decision must have been rendered by a court having jurisdiction over the subject matter and the parties; (3) the disposition of the case must be a judgment on the merits; and (4) there must be as between the first and second action, identity of parties, subject matter, and causes of action. Should identity of parties, subject matter, and causes of action be shown in the two cases, then res judicata in its aspect as a bar by prior judgment would apply. If as between the two cases, only identity of parties can be shown, but not identical causes of action, then res judicata as conclusiveness of judgment applies.[37] (Citations omitted)

It is not disputed that the decision in Civil Case No. 418 had already attained finality. Neither is the jurisdiction of the MTC of Palompon, Leyte over Civil Case No. 418 disputed, as it involved a complaint for recovery of ownership and possession of real property the assessed value of which does not exceed P20,000.00.[38] It is also not disputed that both the present case and Civil Case No. 418 involved the same subject matter, which is the subject property.

Identity of Parties

Admittedly, the respondents in the present case were not impleaded as parties in Civil Case No. 418. However, We find that Elena was correct in not impleading the other heirs of Julian considering that it was only Agapito who claims the subject property adversely against Gorgonio, and as far as she was concerned, her father Gorgonio

owned the subject property and not Julian. In fact, in the decision in Civil Case No. 418, the MTC noted that Agapito claimed to be the owner of the subject property by way of inheritance from Julian.[39] Nevertheless, this does not preclude a finding that there is identity of parties in the present case and in Civil Case No. 418.

Absolute identity of parties is not required but only substantial identity,[40] and there is substantial identity of parties when there is a community of interest between a party in the first case and a party in the second case, even if the latter was not impleaded in the first case.[41] A shared identity of interest is sufficient to invoke the coverage of the principle of res judicata.[42] In Civil Case No. 418, Agapito claimed ownership of the subject property as an heir of Julian. In the present case, the respondents claim ownership over the subject property by virtue of acquisitive prescription as successors-in-interest of Julian. As held by the CA, both Agapito and the respondents have the same claim of ownership as heirs of Julian.[43]

Identity of Causes of Action

As regards identity of causes of action, the test often used in determining whether causes of action are identical is to ascertain whether the same evidence which is necessary to sustain the second action would have been sufficient to authorize a recovery in the first, even if the forms or nature of the two actions be different. If the same facts or evidence would sustain both actions, the two actions are considered the same within the rule that the judgment in the former is a bar to the subsequent action; otherwise, it is not.[44]

The Court finds that there is identity of causes of action in Civil Case No. 418 and in the present case. In Civil Case No. 418, Elena sought the recovery of ownership and possession of the subject property from Agapito. In the present case, the respondents filed the present action against Elena and the petitioner after the latter entered the subject property by virtue of the decision in Civil Case No. 418 on the basis of their claim of ownership of the subject property by acquisitive prescription. In both cases, Elena and petitioner claimed ownership through Gorgonio whom they claimed as having acquired the subject property from Julian. On the other hand, both Agapito and the respondents are claiming ownership of the same as heirs of Julian.

It is noteworthy to mention that the present case bears a close resemblance to the case of Sendon v. Ruiz.[45] In that case, Isaac Sendon (Sendon) filed Civil Case No. 1800 against Narciso Onas (Onas) for recovery of ownership and possession of land, with the said case eventually being decided in favor of Onas. Prior thereto, Onas was already adjudged owner of said lot in an earlier decision on August 22, 1949 rendered by the former Court of First Instance of Capiz in Civil Case No. 1800, the petitioners in Sendon, who were Isaac's siblings, nephew, and niece, refused to vacate the land, and then filed a complaint for quieting of title against the Provincial Sheriff of Aklan and Onas' successors-in-interest.

The RTC dismissed Civil Case No. 3670 on the ground of res judicata, a ruling which was affirmed by the CA. When the said case reached this Court, We sustained the lower courts and ruled that all the requisites of res judicata were present so as to bar the action of the petitioners in Sendon upon finding that the parcel of land litigated in Civil Cases No. 1800, K-111 and the action filed by the petitioners were the same, and that there was substantial identity of parties in the three cases, to wit:

We also concur with the lower courts view that there is identity of parties in Civil Case No. 1800 I Civil Case No. K-111 and in the present case, Civil Case No. 3670. For purposes of res judicata, we have held that only substantial identity of parties is required and not absolute identity. There is substantial identity of parties when there is community of interest between a party in the first case and a party in the second case even if the latter was not impleaded in the first case. In other words, privity or a shared identity of interest is sufficient to invoke application of the principle of res judicata.

In the present case, petitioners are suing for the title of the same lot and in the same capacity as did their

brother Isaac Sendon in Civil Case No. 1800. Although strictly speaking, the petitioners here were not made parties to the prior case, Civil Case No. 1800, their alleged ownership of Lot No. 1113 is also predicated upon their perceived right as heirs of Segundina Nape married to Catalino Sendon. Their claim to ownership of Lot No. 1113 had been laid to rest in Civil Case No. K-111. Since the rights asserted by petitioners in this case are founded upon the same interests which Isaac Sendon and their predecessor had failed to vindicate in the previous cases, Civil Case No. 1800 and Civil Case No. K-111, the present petitioners are legally bound by the prior judgments. They should not be allowed in Civil Case No. 3670 to re-litigate the very same issues already passed upon and decided in the aforecited cases.[46] (Citations omitted)

In sum, the present action should have been dismissed by the MTC on the basis of *res judicata*. It should not have ruled that *res judicata* did not apply for the expedient reason that the respondents were not impleaded as parties in Civil Case No. 418, when case law does not even require absolute identity of parties but only substantial identity. On the other hand, the CA regrettably was silent on this point despite the fact that it had ample authority to consider whether *res judicata* applied even though it was not raised on appeal, considering that the decision in Civil Case No. 418 played a significant role in the rendition of its ruling.

Moreover, We find it highly erroneous to declare the petitioner as the pro-indiviso owner of one-fifth (1/5) of the subject property - by virtue of the decision in Civil Case No. 418 - and the respondents as owners of four-fifths (4/5) thereof. This presupposes that Julian owned the subject property which he can validly transmit to his heirs by succession, or at the very least, his possession thereof was in the concept of an owner, both of which are not the case at hand. Furthermore, to sustain this position adopted by the MTC and the CA in the present case would be in derogation of the immutability of final judgments. As stated in *Manning International Corporation v. NLRC, et al.*:[47]

Now, nothing is more settled in the law than that when a final judgment becomes executory, it thereby becomes immutable and unalterable. The judgment may no longer be modified in any respect, even if the modification is meant to correct what is perceived to be an erroneous conclusion of fact or law, and regardless of whether the modification is attempted to be made by the Court rendering it or by the highest Court of the land. The only recognized exceptions are the correction of clerical errors or the making of so-called *nunc pro tunc* entries which cause no prejudice to any party, and, of course, where the judgment is void. x x x[48] (Citations omitted)

This Court finds that none of the aforementioned exceptions apply to Civil Case No. 418.

Considering that the instant case is already barred by *res judicata*, We find it no longer necessary to dwell on other issues raised by the parties in this case.

In view of all the foregoing discussion, a reversal of the challenged rulings of the CA is in order, and the Court hereby reinstates the Decision of the RTC. We find the award of attorney's fees by the RTC to be sufficiently justified considering that despite the favorable decision obtained by Elena in Civil Case No. 418, she and petitioner were still compelled to litigate and engage the services of counsel when they merely exercised their rights as adjudged owners of the subject property, to wit:

To recall, it was herein defendant-appellee Erlinda who first lodged a complaint at the barangay against spouses Agapito [sic] and Aida. In her complaint, Erlinda wanted the spouses to vacate the premises on the strength of the favorable judgment her mother obtained in Civil Case No. 418. While the complaint was still pending consideration, the spouses filed a complaint against Erlinda in the very same forum involving the very same subject land. As the matter was not settled, herein plaintiffs-appellees filed a case against herein defendants-appellants in the RTC but the same was dismissed for lack of jurisdiction. The case was filed in the MTC of Palompon docketed as Civil Case No. 474 whose decision is now under review.

The act of herein plaintiffs-appellees in filing cases against herein defendants-appellants despite the favorable decision in Civil Case No. 418 constrained the latter to litigate in order to protect their interest. In so doing, herein defendants-appellants engaged the services of a lawyer to whom they paid P20,000 and incurred litigation expenses in the amount of P10,000.[49]

We also affirm the award of reasonable rent of P800 per month reckoned from February 2003, the date of Elena's last demand to vacate. In addition, said amounts shall earn legal interest of six percent (6%) per annum from finality of this Decision until full payment thereof, in accordance with the Court's pronouncement in *Nacar v. Gallery Frames, et al.*[50]

WHEREFORE, the petition is GRANTED. The Decision dated November 2, 2016 and Resolution dated February 16, 2017 of the Court of Appeals in CA-G.R. CEB-SP No. 08483 are hereby REVERSED and SET ASIDE. The Decision dated January 29, 2014 of the Regional Trial Court (RTC) of Palompon, Leyte in Civil Case No. R-PAL-13-0017-AC is hereby REINSTATED with the MODIFICATION that the total of the monetary awards made thereof shall earn legal interest of six percent (6%) per annum from finality of this Decision until full payment thereof.

SO ORDERED.

Bersamin, C. J., (Chairperson), Del Castillo, Jardeleza, and Gesmundo, JJ., concur.

[*] Katherie in other parts of the records.

[1] Penned by Associate Justice Germano Francisco D. Legaspi, with Executive Justice Gabriel T. Ingles and Associate Justice Marilyn B. Lagura-Yap, concurring. Rollo, pp. 42-58.

[2] Id. at 75-76.

[3] Penned by Executive Judge Mario O. Quinit. Id. at 97-112.

[4] Penned by Judge Delia P. Noel-Bertulfo. Id. at 83-95.

[5] Id. at 43-44.

[6] Id. at 44.

[7] Id.

[8] Id. at 45-46.

[9] Id. at 128-129

[10] Id. at 130.

[11] Id.

[12] Id. at 131-132.

[13] Id. at 133-138.

[14] Id. at 45.

[15] Id. at 45-46.

[16] Id. at 46.

[17] Id.

[18] Id. at 89.

[19] Id. at. 91-92.

[20] Id. at 94.

[21] Id.

[22] Id. at 94-95.

[23] Id. at 96.

[24] Id. at 102.

[25] Id. at 111.

[26] Id. at 112.

[27] Id. at 48.

[28] Id. at 57-58.

[29]. Id. at 75-76.

[30] Id. at 19-20

[31] Id. at 97-98.

[32] Id. at 49.

[33] 332 Phil. 206 (1996).

[34] Id. at 216-217.

[35] Rollo, p. 46.

[36] 665 Phil. 198 (2011).

[37] Id. at 206-206.

[38] The assessed value of the subject property in Civil Case No. 418 was P4,220, based on the Tax Declaration No. 6413 in the name of Gorgonio Santome. Sec. 33(3) of B.P. Blg. 129 provides:

Section 33. Jurisdiction of Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts in civil cases. - Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts shall exercise: x x x (3) Exclusive original jurisdiction in all civil actions which involve title to, or possession of real property, or any interest therein where the assessed value of the property or interest therein does not exceed Twenty thousand pesos (P20,000.00) or, in civil actions in Metro Manila, where such assessed value does not exceed Fifty thousand pesos (P50,000.00) exclusive of interest, damages of whatever kind, attorney's fees, litigation expenses and costs. x x x x.

[39] Rollo, p. 126.

[40] SSC v. Rizal Poultry and Liveslock Ass'n., Inc., supra, at 207, citing Development Bank of the Philippines v. Court of Appeals, 409 Phil. 717, 731 (2001).

[41] *Id.* citing *Santos v. Heirs of Dominga Lustre*, 583 Phil. 118, 127 (2008).

[42] *Carlet v. Court of Appeals*, 341 Phil. 99, 109 (1997), citing *Javier v. Veridiano II*, 307 Phil. 583 (1994).

[43] *Rollo*, p. 51.

[44] *Carlet v. Court of Appeals*, *supra*, at 110, citing *Nabus v. CA*, 271 Phil. 768, 782 (1991).

[45] 415 Phil. 376 (2001).

[46] *Id.* at 384-385.

[47] 272-A Phil. 114 (1991).

[48] *Id.* at 120-121.

[49] *Rollo*, p. 111.

[50] 716 Phil. 267 (2013).

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