

**PEOPLE'S HOMESITE AND HOUSING CORPORATION AND
UNIVERSITY OF THE PHILIPPINES, PETITIONERS, VS. HON.
EULOGIO MENCIAS, JUDGE OF THE COURT OF FIRST INSTANCE OF
RIZAL, ELPIDIO TIBUR...**

G.R. No. 24114. August 16, 1967

Ponente: CASTRO, J.

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CASTRO, J.:

This is an original petition for certiorari and prohibition with preliminary injunction, by the People's Homesite and Housing Corporation (PHHC) and the University of the Philippines (U.P.), against Eulogio Mencias, presiding judge of Branch II of the Court of First Instance of Rizal, Elpidio Tiburcio, and several others, most of them surnamed Tiburcio.

The petition stemmed from five orders issued by the respondent judge in civil case 5572 pending before the said court[1] where the private respondents herein, as complainants, asked for the annulment of Original Certificates of Title 730 and 735 in the name of the Tuasons, and of Transfer Certificates of Title 16263, 9462 and 1356 in the names of the Varsity Hills, Inc., the U.P. and the PHHC, respectively, aside from damages, on the ground that these titles are fictitious and were issued in violation of Act 496.

The Tiburcios, in their reamended complaint,[2] alleged that they, as heirs of the late Eladio Tiburcio, are the owners of a parcel of land situated in Quezon City and containing an area of about 430 hectares; that their ownership is evidenced by a Spanish title in the name of Eladio Tiburcio issued by the Spanish government of the municipality of Marikina on March 25, 1877; that they (and their predecessors-in-interest) have been in open, peaceful, public, continuous and exclusive possession of the said land from prior to 1877 up to the present, have introduced improvements thereon, cultivated it, and reaped the products thereof; that sometime in 1955 the U.P., the PHHC and the Varsity Hills, Inc. intruded upon the land, the first by building houses on the east portion thereof, the second by bulldozing the rice paddies and cutting down mango trees, and the third by subdividing portions thereof into subdivision lots; that because of this trespass upon their land, they made the necessary inquiries and discovered that the U.P. and the Varsity Hills, Inc. are holding in their names TCTs 9462 and 16263 of the Register of Deeds of Quezon City, both derived from OCT 730, and that the PHHC also holds in its name TCT 1356 of the same cadastre, derived from OCT 735; and that both OCTs 730 and 735 appear to be registered in the name of the Tuasons, from whom the U.P., the Varsity Hills, Inc. and the PHHC claim to have acquired the land covered by their respective TCTs. They further alleged, per paragraphs 13 to 16 of their re-amended complaint, that the land they own was fraudulently included within the technical boundaries set out in OCT 730 by means of detachable sheets of paper incorporated to the said title "some of which anterior pages appear to have been allegedly cancelled before the issuance of the regular form of said O.C.T. 730, are not in the form prescribed by Act 496", which "pasted papers supposedly containing the technical descriptions could not be read with sense and the locations, position and areas of the properties pretendingly covered thereby are unknown", in violation of sections 41, 42 and 112 of Act 496; that in OCT 730, the "area of the property entered in the said

regular form is only in the total area of three and a half hectares (3.542 has.)", and "could not possibly cover" the areas respectively covered by TCT 9462 (449 hectares) and TCT 16263 (100 hectares); that OCT 735 shows that it is "irregular through and through" in that, among other things, "Only points 335 and 393 is (sic) entered in the regular form which points are floating, the same not being tied to any known fixed point"; that "A big space on the face of the form and at the back thereof, re-served for technical description is vacant, obviously to give the perpetrators the discretion of entering whatever technical descriptions covering points 1 to 334 they may desire, and change the location and position of the alleged property supposedly covered thereby by changing the sheets of detachable papers and changing the original bearing and distances of point 1 in relation to the tie point"; that "the alleged technical descriptions of points 113 to 217 or 104 points could not be found and therefore the alleged parcel 2 of the supposed O.C.T. 735 is an incomplete title and could not possibly cover any property even if we consider the illegally pasted detachable sheets of paper as anterior page"; that OCT 735 could not "possibly cover" the land embraced within TCT 1356; that OCTs 730 and 735 are null and void, because the records of the General Land Registration Office (now the Land Registration Commission) do not show any data relative to the issuance of the supposed decrees 15584 and 17431, by virtue of which the said OCTs were issued; and that the said decrees were not reconstructed pursuant to R.A. 1151, and the period within which reconstitution has to be done has long expired.

The PHHC, on October 2, 1959, filed a motion to dismiss the complaint on the grounds that (1) the cause of action is barred by prior judgment; (2) there is another action pending between the same parties and/or parties representing the same interests, for the same cause of action; (3) the cause of action has prescribed and/or is barred by laches; (4) the amended complaint does not state a sufficient cause of action; (5) there is misjoinder of defendants; and (6) the court has no jurisdiction to try the case. The U.P. also filed a motion to dismiss, based substantially on grounds (1) to (6) aforesaid, and on the additional ground (7) that venue is improperly laid. The Tuason and the Varsity Hills, Inc. also filed motions to the same effect, based on grounds (1), (3), (4), (6) and (7) aforesaid.

The respondent judge, in an order issued on June 1, 1961, denied all the motions to dismiss with respect to the questions of venue and jurisdiction, holding in abeyance the resolution of the other grounds. The PHHC and the U.P. thereafter filed their answers to the reamended complaint (the former with a counterclaim for damages), denying the material allegations thereof, alleging special and affirmative defenses (the U.P. reiterating the grounds stated in its motion to dismiss), and praying for the dismissal of the said reamended complaint. To these pleadings, the private respondents filed a reply and an answer, reiterating the prayers in their reamended complaint.

The respondent judge, acting on a motion filed by the private respondents on March 21, 1963, issued his order of March 30, 1963, enjoining the PHHC from driving away the private respondents and their children from the land subject-matter of the civil case, from building roads and houses thereon, and from selling portions thereof. The PHHC's motion for reconsideration was denied by the respondent judge in his order of June 5, 1963.

The U.P., on July 1, 1965, filed an urgent motion, praying that the respondent court resolve the matters it held in abeyance in the order of June 1, 1961, and calling the attention of the respondent judge to the decision of this Court in *Galvez, et al. vs. Tuason, et al.*, G.R. L-15644, February 29, 1964. This urgent motion was denied by the court in its order of July 20, 1965.

The PHHC, on July 27, 1965, filed a supplemental motion to dismiss the reamended complaint, praying for the dismissal thereof and the dissolution of the writ of preliminary injunction issued on March 30, 1963, citing *Galvez, et al. vs. Tuason, et al.*, supra. This supplemental motion to dismiss was denied by the respondent judge in his order of September 28, 1965.

From the orders of June 1, 1961, March 30, 1963, June 5, 1963, July 20, 1965 and September 28, 1965, five (5) orders all told, the petitioners have come to this Court, on the pre-sent recourse, contending that these orders were issued by the respondent court without or in excess of jurisdiction or with grave abuse of discretion, and that they have no other adequate and speedy remedy in the ordinary course of law to protect their interests from further jeopardy and prejudice resulting from the said orders. They pray (1) that the said orders be annulled and set aside; (2) that the complaint, as to them, be dismissed; (3) that pending this proceeding, this Court issue the writs of pre-liminary injunction prayed for.

On February 9, 1965 we issued the first writ which enjoined the respondent judge from proceeding in CC 5572. We issued the second writ on July 24, 1967, restraining the private respondents from causing to be made any further survey or survey plan with respect to any portion of the land covered by TCT 9462, from advertising or offering for sale through newspapers, circulars or by word of mouth any portion of the U.P. Diliman campus covered by the said title, from executing any contract to sell or contract of sale with respect to any portion of the land covered by the said title, from entering or trespassing upon any portion of the said campus, and from destroying, defacing, or injuring the stone posts and fences under construction along the southwestern boundary of the said campus.

We reserved action, however, on the prayer of the U.P. in its petition for injunction that the private respondents be commanded to withdraw their application for approval of survey plan SWO-40888 from the Bureau of Lands, to cancel any existing subdivision plans respecting any portion of the U.P. Diliman campus demarcated in the survey plans SWO-40815 and 40888 of the private respondents, to terminate and cancel any contracts to sell entered into or executed by them in favor of third parties respecting any portion of the said campus covered by the aforesaid survey plans, and to rescind any contracts of sale already executed or consummated by them with respect to any portion of the said campus covered by the aforesaid survey plans.

In our Resolution of July 24, 1967, we also denied the application for issuance of a writ of preliminary injunction filed by the private respondents on July 22, 1966, as well as their urgent ex parte motion for the issuance of an order to restrain the U.P. from fencing the property claimed by them in their complaint and from committing further acts of dis-possession and all other acts that hinder their normal ingress to and egress from their dwellings.

The present petition necessarily poses the vital issue of whether the respondent court acted without or in excess of jurisdiction or with grave abuse of discretion in issuing the orders complained of, and, more particularly, in denying the petitioners' motions to dismiss the complaint, especially in view of the import of the decision of this Court in *Galvez and Tiburcio vs. Tuason, et al., U.P. and PHHC*, supra, which decision was brought to the attention of the respondent court but, for reasons known only to the said court, was ignored by it.

Although the private respondents in their amended complaint explicitly pray for the annulment of OCTs 730 and 735 and TCTs 9462, 1356 and 16263, what in fact is sought by the private respondents, in so far as the petitioners are concerned, is the recovery of the land covered by TCTs 9462 and 1356.

This is not the first time that the validity of Transfer Certificates of Title 9462 and 1356 in the names of the U.P. and the PHHC has been judicially challenged, nor is this the first time that the Tiburcios have come forward to make such challenge. For, as a matter of fact, the validity, efficacy and indefeasibility of these two TCTs have, in no uncertain terms, been twice before affirmed by this Court.

In *Tiburcio, et al. vs. PHHC and U.P., L-13479*, decided on October 31, 1959, involving the same parties or parties representing the same interests, the same subject-matter, and the same cause of action, this Court held that since the land involved therein had been registered in the name of the pre-decessor-in-interest of the U.P. and the PHHC since 1914 under the Torrens system, the claim of the Tiburcios that the original titles lacked the essential

requirements prescribed by law for their validity cannot now be countenanced for, by law, a decree of registration can only be set aside within one year after entry on the ground of fraud, provided that no innocent purchaser for value has acquired the property; that upon the expiration of the period of one year within which a review of the decree may be had, the decree as well as the title issued pursuant thereto become incontrovertible; and that the action of the Tiburcios is barred by laches. This Court, speaking through Mr. Justice Felix Bautista An-gelo, made the following pronouncements:

"It appears, however, that the land in ques-tion has been placed under the operation of the Torrens system since 1914 when it has been originally registered in the name of defendants' pre-decessor-in-interest. It further appears that some-time in 1955 defendant People's Homesite & Housing Corporation acquired from the original owner a par-cel of land embracing practically all of plaintiffs' property for which Transfer Certificate of Title No. 1356 was issued in its favor, while defendant Uni-versity of the Philippines likewise acquired from the same owner another portion of land which embraces the remainder of the property for which Trans-fer Certificate of Title No. 9462 was issued in its favor. It is, therefore, clear that the land in ques-tion has been registered in the name of defendants' predecessor-in-interest since 1914 under the Torrens system and that notwithstanding what they now claim that the original title lacked the essential require-ments prescribed by law for their validity, they have never taken any step to nullify said title until 1957 when they instituted the present action. In other words, they allowed a period of 43 years before they woke up to invoke what they now claim to be erroneous when the court decreed in 1914 the registration of the land in the name of defendants' predecessor-in-interest. Evidently, this cannot be done for under our law and jurisprudence, a decree of registration can only be set aside within one year after entry on the ground of fraud provided no innocent purchaser for value has acquired the property (Section 38, Act No. 496; *Apurado v. Apurado*, 26 Phil. 581; *Salmon v. Bacanda*, 40 O.G., 13th Supp. 1607; *Rivera vs. Moran*, 48 Phil., 836).

"On the other hand, our law is clear that upon the expiration of the one-year period within which to review the decree of registration, the decree as well as the title issued in pursuance thereof become incontrovertible (Section 38, Act No. 496). The purpose of the law in limiting to one year the period within which the decree may be reviewed is to put a limit to the time within which a claimant may ask for its revocation. If after title to property is decreed an action may be in-stituted beyond the one-year period to set aside the decree, the object of the Torrens system which is to guarantee the indefeasibility of the title would be defeated (*Caba-nos v. Register of Deeds*, 40 Phil., 520).

"Plaintiffs likewise contend that since the complaint alleges that defendants acquired their respective titles with full notice of the actual possession and claim of ownership of plaintiffs with respect to the land in ques-tion, it is error to dismiss the complaint for such averment is sufficient to establish a cause of action against defendants. This contention overlooks the fact that the land in question is covered by Torrens title. Thus, it appears that defendant People's Homesite & Housing Cor-poration bought the portion of the property in question from its predecessor-in-interest some-time in 1955 for which Transfer Certificate of Title No. 1356 was issued in its favor. There is nothing in the complaint to show that when it acquired the property said defendant knew of any defect in the title appearing on its face in the form of any lien or incumbrance. The same thing is true with regard to defend-ant University of the Philippines. It likewise acquired the portion of the property in question sometime in 1955 from its predeces-sor-in-interest for which Transfer Certificate of Title No. 9462 was issued in its favor. There is also nothing in the complaint to show that when it acquired the property it knew of any defect in the title appearing on its face in the form of any lien or incumbrance. Said defendants are, therefore, presumed to be purchasers for value and in good faith and as such are entitled to protection under the law.

"The foregoing finds support in the fol-lowing well-settled principle: 'A person deal-ing with registered land is not required to go behind the register to determine the condi-tion of the property. He is only charged with notice of the burdens on the property which are noted on the face of the register or the certi-ficate of title. To require him to do more is to defeat one of the primary objects of the Torrens system' (*William H. Anderson v.*

Garcia, 64 Phil., 306; Castillo v. Sian, G.R. No. L-11291, April 30, 1959; Paraiso v. Camon, G.R. No. L-13919, September 18, 1959).

"Assuming arguendo, that plaintiffs' action for reconveyance had not yet prescribed as con-tended, their right however to bring the instant action may be considered barred by laches for not having taken the action seasonably after title to the property had been issued under the Torrens system. It appears that the property in ques-tion was originally registered on May 3, 1914 and it was only on October 11, 1957 that appellants asserted their claim thereto when they brought the present action. In the recent case of Do-mingo v. Mayon Realty Corporation, G.R. No. L-2701, September 30, 1957, this Court said: 'Like Ci-riaco Allingag in the previous case, appellants herein could have raised the issue of the vali-dity of the Certificate of Title issued to Valle Cruz since 1928, when the foreclosure sale in her favor was confirmed. They failed to do so until 18 years afterwards, and their action (if any) now should be held barred by their own laches and negligence.'"

More than four years later, in Maximo Galvez and Elpidio Tiburcio vs. Mariano Severo Tuason y de la Paz, et al., U.P. and PHHC, L-15644, February 29, 1964, involving one of the parties herein (Elpidio Tiburcio), the same subject-matter, and the same cause of action, this Court emphatical-ly declared that the question of ownership of the lands co-vered by TCTs 9462 and 1356 is a matter "settled definitely and conclusively by the courts, and must be deemed well be-yond the reach of review." We quote from the exposition made by Mr. Justice Arsenio P. Dizon, thus:

"On October 16, 1958, appellants, as heirs of the late Eladio Tiburcio, commenced the present ac-tion in the Court of First Instance of Rizal for the annulment of the technical descriptions appear-ing in the alleged anterior page of Original Certificate of Title No. 735, but, in reality, for the recovery of a parcel of land with an area of more than 400 hectares and damages against Mariano Severo, Maria Teresa, Eriberta, Juan Jose, Demetrio Asuncion, Augusto Huberto, all surnamed Tuason y de la Paz, and/or their respective heirs, the Re-gister of Deeds of Rizal, the UP and the PHHC. Their complaint alleged, in substance, that they and their predecessors-in-interest had been in actual, adverse, open, public, exclusive and continuous possession as owners of a parcel of land located in Quezon City containing an area of about 430 hectares, cultivating and enjoying its fruits; that when the PHHC and the UP began exercising rights of dominion over the property, they investigated the records of the Register of Deeds of Rizal and discovered that their property was included within the technical boundaries set out in Original Certificate of Title No. 735 in the name of the defendants Tuasons by means of de-tachable sheets of paper incorporated to the certificate of title; that by virtue of a deed of donation executed by the Tuasons in favor of themselves, said certificate was cancelled and Transfer Certificate of Title No. 2680 was is-sued in their (Tuasons) names; that, subsequent-ly, the latter sold to appellees UP and PHHC the property covered by T.C.T. No. 2680. * * *.

"The PHHC filed a motion to dismiss the com-plaint on the ground of lack of sufficient cause of action, while the UP filed a similar motion based on the same ground and several others.

"On December 5, 1958, the Court issued the appealed order (dismissing the complaint against the UP and the PHHC for lack of sufficient cause of action, and on the further grounds that, their cause of action, if any, is barred by prior judgment, and there is another action pending between the same parties for the same cause).

"During the hearing held in connection with the motions to dismiss, the UP presented as Exhi-bit 1 a certified true copy of the Application filed by Marcelino Tiburcio on January 27, 1955 with the Court of First Instance of Rizal for the registration in his name of the property covered by Spanish Testimonial Title No. 36154 dated March 25, 1877; as Exhibit 3 a copy of the Order of the Court of First Instance of Rizal dated October 17, 1955, dismissing the aforesaid application for registration, and as Exhibit 4 a copy of the Record on Appeal in Civil Case No. Q-2663 of the Court of First Instance of Rizal filed by Marcelino Tiburcio, in his own behalf and that of the other heirs of the late Eladio Tiburcio, against the PHHC and the UP for the reconveyance of the proper-ty covered by the Spanish title already referred to. This action was appealed to US (G.R. No. L-13479) and on December 14, 1958,[3] we affirmed the order of the trial court dismissing the case.

"For its part, the PHHC presented as evidence the Original Certificate of Title No. 735 issued on July 6, 1914 in the name of the Tuasons, its predecessors-in-interest, covering the property claimed by appellants (Exhibit 1-PHHC); a certificate of the commissioner of Land Registration to the effect that the document thereto attached is a duplicate copy of the Decree No. 17431, on the basis of which Original Certificate of Title No. 735 was issued (Exhibit 2-PHHC); a copy of Decree No. 17431 showing that the property claimed by appellants was included in the judgment rendered in favor of the Tuasons (Exhibit 2-A-PHHC); and a certificate showing the technical description of the property covered by Transfer Certificate of Title No. 1356 issued in favor of the PHHC (Exhibit 3-PHHC). The record, therefore, indubitably discloses that Marcelino Tiburcio, and the other heirs of the late Eladio Tiburcio, had filed an application for the registration of the lands allegedly covered by a title granted to the latter in 1877 by the Spanish government, to which the Tuasons interposed the corresponding opposition; that after due hearing, said application was dismissed and that the order of dismissal became final and executory. Again, the record further discloses that in 1957, Marcelino Tiburcio, for himself and in behalf of the heirs of the deceased Eladio Tiburcio, instituted Civil Case No. Q-2663 against the PHHC and the UP for the reconveyance of the same lands covered by the Spanish title already referred to, and that this case was dismissed by the court in its order of December 11, 1957, which order of dismissal was affirmed by Us on December 14, 1958[4] in G.R. No. L-13479."

Our rulings in the two previous cases now constitute the law of the case in so far as the Tiburcios and the U.P. and the PHHC are concerned. By "law of the case" is meant that "whatever is once irrevocably established as the controlling legal rule or decision between the same parties in the same case continues to be the law of the case" so long as the "facts on which such decision was predicated continue to be the facts of the case before the court" (21 C.J.S. 330). And once the decision becomes final, it is binding on all inferior courts and hence beyond their power and authority to alter or modify (*Kabigting vs. Acting Director of Prisons*, G.R.15548, October 30, 1962).

In view of all the foregoing, we hold that the respondent court did abuse its discretion in not dismissing the complaint in CC 5572 in so far as the U.P. and the PHHC are concerned, in the face of the obvious conclusion that the cause of action is barred by prior judgment, laches, and prescription. Such abuse was compounded when the respondent judge persisted in maintaining his order of June 1, 1961 by issuing the subsequent orders of July 20, 1965 and September 28, 1965, after he was apprised of the decision of this Court in the Galvez case which unmistakably upheld the U.P. and the PHHC as the owners of the land covered by TCTs 9462 and 1356.

ACCORDINGLY, the petition is granted, and (1) the orders of June 1, 1961, March 30, 1963, June 5, 1963, July 20, 1965 and September 28, 1965, are annulled and set aside; (2) the writ of preliminary injunction issued per our Resolution of July 24, 1967 is made permanent; (3) the respondent court is ordered to dismiss the reamended complaint as against the petitioners U.P. and PHHC; and (4) all the private respondents Elpidio Tiburcio, et al., their agents, and any person or persons acting in their behalf, are hereby ordered (a) to withdraw from the Bureau of Lands their application for the approval of Survey Plan SWO-40888, and (b) to cancel any and all existing subdivision plans and to desist from making any further subdivision plans respecting any portion of the land covered by TCTs 9462 and 1356. Costs against the private respondents.

Let copies of this decision be forthwith forwarded to the Register of Deeds of Rizal province, the Register of Deeds of Quezon City, and the Director of the Bureau of Lands, for their information, guidance and/or compliance.

Reyes, J.B.L., Dizon, Makalintal, Bengzon, Zaldivar, Sanchez, Angeles, and Fernando, JJ., concur.

[1] "ELPIDIO TIBURCIO, et al. vs. MARIANO SEVERO TUASON Y DE LA PAZ and/or his heirs, et al., VARSITY HILLS, INC., The OFFICE OF THE REGISTER OF DEEDS OF RIZAL, UNIVERSITY OF THE PHILIPPINES, PEOPLE'S HOMESITE AND HOUSING CORPORATION."

[2] The complaint of August 29, 1959 was amended several times; the last amendment was made on June 21, 1961.

[3] Should read "October 31, 1959."

[4] Should read "October 31, 1959."

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