

MARIA TEVES VDA. DE BACANG, MILAGROS TEVES VDA. DE ACEBRON, BENITA TEVES VDA. DE CORDOVA, LICERIA MONTESA VDA. DE SANTOS, MENAS CABANAG MARRIED TO BEDE LASMARIAS, ANTONIA CABANA...

G.R. No. 50143. October 24, 1983

Ponente: AQUINO, J.

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AQUINO, J.:

The issue in this case is whether a 1975 action to recover the alleged hereditary shares in Hacienda Nuestra Señora del Pilar, Lots Nos. 275 and 276 of the Bais, Negros Oriental cadastre, with an area of 671 hectares, originally belonging to Manuel Abella, who died in 1890, is barred by prescription and *res judicata*.

Manuel Abella died intestate, survived by two children, named Emilio and Joaquin, begotten with his first wife Enriqueta Teves, and three other children named Manuela, Hermenegildo and Carmen, begotten with his second wife, Leona Teves. All the five children carried the surname Teves. Manuel Abella had another son named Manuel Abella y Regulo who was left in Spain and who died as a soldier during the Cuban war.

Before his death, he transferred his said hacienda to his children by means of a simulated sale to Joaquin for his share and another simulated deed of sale to the other four, Emilio, Carmen, Hermenegildo, and Manuela, for their shares but this second sale was in Emilio's name only because the other three children were still minors who lived with Emilio in the family home.

Emilio died in 1911, survived by his wife Pilar Lajato, and five children named Serafin, Julian, Manuel, Rosa and Maria. On September 26, 1912, the three children by the second wife, Manuel, Carmen, and Hermenegildo, sold their hereditary shares in the said hacienda for P10,500 to Pilar Lajato and her children. That sale is known in the record as Exhibit A.

Intestate proceedings for the settlement of Emilio Teves' estate were pending in the lower court from 1912 to 1919. No claim against the said estate or its administrator was filed during that period by the said three children.

In 1920, the same three children in Civil Case No. 576 sued the vendees, Pilar Lajato and her children for the annulment of the said deed of sale and the recovery of their shares in the hacienda. The trial court sustained the validity of the sale and dismissed the action. This Court dismissed the appeal of the three children on February 1, 1924 (Annex G of Petition in CA).

In the cadastral proceeding, the hacienda was claimed by the five children of Emilio Teves. Original Certificates of Title Nos. 9162 and 13742 were issued in their names on February 16 and December 19, 1931. Later, Rosa and Maria sold their shares to their brothers, Serafin, Julian and Manuel, all surnamed Teves.

More than forty-three (43) years after the issuance of those titles, or on October 3, 1975, the instant case was filed by the children of Carmen Teves and the children and grandchildren of Manuela Teves (Carmen and Manuela

were children of the second wife of Manuel Abella) against Serafin L. Teves and the children of the deceased Manuel L. Teves and Julian L. Teves.

The defendants filed a motion to dismiss on the grounds, inter alia, of res judicata, prescription, laches and estoppel. The lower court denied the motion.

The order of denial was assailed by certiorari and prohibition in the Court of Appeals. In its decision of November 6, 1978, the Appellate Court reversed the order of denial of Judge Alejandro R. Boncaros and dismissed the action.

The plaintiffs appealed to this Court. They contend that the Appellate Court erred (1) in entertaining the petition for certiorari, appeal in due time being the remedy; (2) in not declaring void the decision in Civil Case No. 576 and the deed of sale (Exh. A) and (3) in holding that the action was barred by res judicata, prescription, estoppel and laches, since it made six erroneous findings on these grounds.

We hold that the appeal is palpably bereft of merit. Petitioners' 1975 action is clearly barred by valid prior judgments and prescription (See Ramos vs. Ramos, L-19872, December 3, 1974, 61 SCRA 284; Gallanosa vs. Arcangel, L-29300, June 21, 1978, 83 SCRA 676; Sinco vs. Longa, 51 Phil. 507). Private respondents' Torrens titles over the hacienda have long become indefeasible.

Since the grounds for dismissal are indubitable, the defendants had the right to resort to the more speedy and adequate remedies of certiorari and prohibition to correct a grave abuse of discretion, amounting to lack of jurisdiction, committed by the trial court in not dismissing the case.

WHEREFORE, the judgment of the Court of Appeals is affirmed. No costs.

SO ORDERED.

Makasiar, (Chairman), Guerrero, Abad Santos, and Escolin, JJ., concur.
Concepcion, Jr., and De Castro, JJ., on leave.

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