

GUINOBATAN HISTORICAL AND CULTURAL ASSOCIATION AND CARMEN P. NERIC, PRESIDENT, PETITIONERS, VS. COURT OF FIRST INSTANCE OF ALBAY, BRANCHES IV AND III PRESIDED BY THE HON. DOMING...

G.R. No. 52295. February 15, 1990

Ponente: PARAS, J.

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PARAS, J.:

This is a petition for review on certiorari of the June 6, 1979 Order[*] of the then Court of First Instance of Albay in CAD Case No. M-8872, granting herein private respondents' petition; and the October 23, 1979 Order[**] of the same court, denying herein petitioners' motion for reconsideration.

This case involves a 167 square meters portion of Lot 375, Plan II-11092, LRC Cad. Rec. No. 11962. In a Deed of Absolute Sale, executed by the Roman Catholic Bishop of Legazpi, Inc., said portion of Lot 375 was sold to herein private respondents, spouses Adolfo Morato and Esperanza Navarra. When private respondents filed with respondent court a petition docketed therein as CAD Case No. M-8872 for the segregation of Lot No. 375, issuance of title and annotation of the sale, herein petitioner Guinobatan Historical and Cultural Association (GHACA for short) opposed the petition on the grounds that the property is a part of the registered "historical landmark of Albay" and that the document of sale was not in existence during the supposed loss of the Original Certificate of Title No. RO-18298.

In an order dated June 6, 1979 (Rollo, pp.13-15), respondent court ruled in favor of private respondents. The decretal portion of the said order, reads:

"AS PRAYED FOR, the Register of Deeds of Albay is hereby ordered to:

"(1) Segregate 167 square meters from Lot No. 375, Plan II-11092, LRC Cad. Rec. No. 11962;

"(2) To annotate the Deed of Absolute Sale executed by the Roman Catholic Bishop of Legazpi, Inc. represented by Teotimo Pacis;

"(3) To cancel Original Certificate of Title No. RO-18298 (NA) Lot 1, Plan II, 11902, LRC Rec. No. 11962 of the Cadastral Survey of Albay in the name of the Corporacion Franciscana del Provincia de San Gregorio Magno del Filipinas; and

"(4) To issue a new transfer certificate of title in the name of spouses Adolfo Morato and Esperanza Navarra, of legal age, Filipino citizen, and resident of Guinobatan, Albay consisting of 167 square meters, upon payment of the corresponding legal fees."

Petitioners filed a motion for reconsideration but the same was denied in an order dated October 23, 1979 (*Ibid.*, p. 16). Hence, the instant petition.

Petitioners raised the following issues:

I

RESPONDENT COURT'S QUESTIONED ORDERS VIOLATED JUDICIAL STABILITY AND RES ADJUDICATA SINCE BRANCH II OF THE SAME COURT, PRESIDED BY HON. JOAQUIN O. ILUSTRE, JR., IN RT 1619, DENIED AMADO H. ECAL'S SIMILAR PETITION TO HAVE HIS INTEREST IN THE SAME LOT 375 BE ANNOTATED IN THE RECONSTITUTED TITLE.

II

RESPONDENT COURT COMPLETELY DISREGARDED THE NEW SOCIETY'S THRUST IN THE PRESERVATION AND PROTECTION OF CULTURAL PROPERTIES, IN VIOLATION OF THE CONSTITUTION AND THE IMPLEMENTING PRESIDENTIAL DECREES.

III

THE WHOLE PORTION OF LOT 1 (2), BEING REGISTERED AS A CULTURAL PROPERTY OF THE STATE, IS INDISPOSABLE WITHOUT THE CONSENT OF THE STATE AND/OR ITS AGENCIES.

IV

RESPONDENT COURT'S QUESTIONED ORDERS REFLECT DISOBEDIENCE TO PRESIDENTIAL DECREE NO. 1081.

V

LOTS 1 AND 2 OF RO 18298, WITH A LIEN OF GHACA, IS NOT WITHIN THE COMMERCE OF MAN.

VI

THE NEW CONSTITUTION, PRESIDENTIAL DECREES AND THE PREAMBLE OF THE CONSTITUTION ENDOWED TO THE 167 SQUARE METERS PORTION OF LOT 375 OF LOT 1 LIMITATIONS ON THE DISPOSITION AND SALE OF THE SAME IT BEING A REGISTERED CULTURAL PROPERTY.

VII

THE REMEDY SUGGESTED BY RESPONDENT COURT, EXPROPRIATION OF SAID LOT 1, IS NOT A REMEDY AFFORDED A CIVIC PRIVATE ASSOCIATION LIKE GHACA.

VIII

RESPONDENT COURT DID NOT RESOLVE THE ISSUE THAT GHACA IS A CREATION OF LAW, UNDER THE NATIONAL HISTORICAL (COMMISSION) INSTITUTE, PURSUANT TO RA 4368, TO IMPLEMENT SOME OF ITS FUNCTIONS UNDER RA 4846.

IX

THE DEED OF ABSOLUTE SALE EXECUTED BY THE DIOCESES OF LEGAZPI, INC. TO PRIVATE RESPONDENTS IS NULL AND VOID BECAUSE THE ORIGINAL CERTIFICATE OF TITLE WAS/IS ISSUED IN THE NAME OF "CORPORACION FRANCISCANA DEL PROVINCIA DE SAN GREGORIO MAGNO DE FILIPINAS", A SEPARATE CORPORATE SOLE WHOSE PROPERTIES ARE SEPARATE AND APART FROM SAID VENDOR.

The instant petition is devoid of merit.

The main issue in this case is whether or not the sale of the questioned property to private respondents violates the

Constitution or any provision of law.

The answer is in the negative.

From the grounds raised by petitioners, it will be noted that the alleged violation of the Constitution and other provisions of law is anchored on the claim that the questioned property is a part of the ruins of the former San Buenaventura College which has been registered in the records of the National Historical Institute as a “historical landmark of Albay,” and hence, indisposable without the consent of the state or its agencies. The claim, however, was clearly rebutted by private respondents’ evidence. In a letter dated July 11, 1979, reproduced by private respondents in their memorandum (Rollo, pp. 56-57), the Assistant Executive Director and Officer-in-Charge of the National Historical Institute, Flordeliza K. Militante, gave the information that their records show that the NHI has not declared the ruins as a national landmark. Further, even if the questioned property has been registered with the National Historical Institute as claimed, it is still doubtful whether the mere registration of the same as such is already sufficient to deprive the owner of the right to dispose of the property, since Art. III, Sec. 1 of the 1987 Constitution as well as Article 435 of the Civil Code clearly provides that “No person shall be deprived of his property except by competent authority and for public use and always upon payment of just compensation.”

As to the contention of petitioners that the questioned orders of respondent court violate judicial stability and res adjudicata, the same is untenable. As aptly argued by private respondents, RT 1619 and the present case treat of different causes of action and different set of parties. RT 1619 involves a petition filed by the Roman Catholic Bishop of Legazpi Inc. for the reconsideration of the certificate of title of Cad. Lot 1, of which Cad. 375 forms part. Amado Ecal, another buyer of that lot, joining the proceeding, requested the court to have his interest in the lot annotated in the reconstituted title. The court, on opposition of GHACA, denied the requested annotation and held that “at the time of the loss of the title sought to be reconstituted, the said interest was neither reflected nor annotated thereon.”

Anent the contention of petitioners that the deed of absolute sale executed by the Roman Catholic Bishop of Legazpi Inc. in favor of private respondents is void ab initio since the registered owner of the questioned property is the Corporacion Franciscana de la Provincia de San Gregorio Magno de Filipinas, the same is, likewise, untenable. This issue is being raised for the first time in this petition, which raising is improper. It is a well settled rule that, except questions on jurisdiction, no question will be entertained on appeal unless it has been raised in the court below and it is within the issues made by the parties in their pleadings (*Dihiansan v. Court of Appeals*, 153 SCRA 712 [1987]). But even granting that said issue could be entertained in this petition, still, petitioners are not the proper parties to question the validity of the sale. The proper party to question the sale is the claimed registered owner - the Corporacion Franciscana de la Provincia de San Gredorio Magno de Filipinas, the one who stands to be benefited or injured by the judgment or the party entitled to the avails of the suit. This is in line with the ruling of this Court in the case of *House International Building Tenants Association, Inc. v. Intermediate Appellate Court* (151 SCRA 703, 706-707 [1987]), wherein this Court, in construing Section 2, Rule 3 of the Rules of Court, stated —

“The real party in interest is the party who stands to be benefited or injured by the judgment or the party entitled to the avails of the suit. ‘Interest’ within the meaning of the rule means material interest, an interest in issue and to be affected by the decree, as distinguished from mere interest in question involved, or a mere incidental interest. Consequently, a person who is not a party to a contract and for whose benefit it was expressly made cannot maintain action thereon, notwithstanding that the contract, if performed by the parties to it, would incidentally inure to his benefit. (Francisco, *The Revised Rules of Court in the Phil.*, Vol. 1, p. 126).”

PREMISES CONSIDERED, this petition is hereby DISMISSED.

SO ORDERED.

Fernan, C.J., Narvasa, Melencio-Herrera, Gutierrez Jr., Cruz, Feliciano, Gancayco, Bidin, Sarmiento, Cortes, Griño-Aquino, Medialdea, and Regalado, JJ., concur.

Padilla, J., no part, former counsel of RC Bishop of Legaspi.

[*] Penned by Hon. Arsenio G. Solidum.

[**] Penned by Hon. Domingo Coronel Reyes.

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