

**AURORA L. MIRANDA, GABRIEL ANGELES, FELIPE ANGELES,
LORENZO ANGELES, ADRIANO DAGUIZ, SEVERO DIZON, ANGELES
ESPINO, FELICIANO LACSAMANA, FRANCISCO LANSANGAN,
ORLANDO MACAPAGAL, P...**

G.R. NO. 59730. February 11, 1986

Ponente: CUEVAS, J.

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CUEVAS, J.:

Petition for Review on Certiorari of the Decision of the defunct Court of Appeals in CA-G.R. No. 13272-CAR, promulgated on January 26, 1982, which affirmed in toto the decision of the Court of Agrarian Relations in CAR Case No. 1603-P-77, entitled "Pedro Due vs. Encarnacion L. Vda. de Miranda," ordering the reinstatement of respondent Pedro Due to the landholding in question and directing petitioners to cease and desist from disturbing respondent Due in his possession and cultivation of the disputed landholding.

Private respondent Pedro Due was the leasehold tenant of a parcel of agricultural land, belonging to Encarnacion Lansangan Vda. de Miranda, with an area of three (3) hectares, more or less, situated at Gatiawin, Arayat, Pampanga and devoted to the production of palay.

On February 10, 1968, a document entitled "Deed of Voluntary Surrender" was executed by and between Due and Encarnacion, the pertinent portions of which reads:

"That the agricultural lessee is the lessee of that landholding situated at Gatiawin, Arayat, Pampanga belonging to the agricultural lessor with an area of three (3) hectares, more or less,

That for and in consideration of ONE HUNDRED FIFTY (150) cavanes of palay (Feta Variety) and a lot with an area of 500 square meters, to be taken from the landholding referred to be (sic) above which the agricultural lessor will deliver to the agricultural lessee with the corresponding title, the agricultural lessee hereby surrender and return voluntarily to the agricultural lessor the above referred landholding for purposes of converting the same to (sic) a subdivision (residential lots) for sale to homeowners; that agricultural lessee hereby waives all his rights over the said landholding is (sic) deemed delivered to the agricultural lessor upon the signing of this instrument."

Since at the time the aforesaid "Deed of Voluntary Surrender" was executed, the subject landholding was planted with palay, respondent Due was allowed to harvest the same and deliver the share pertaining to the owner to Encarnacion Vda. de Miranda. After the harvest, the landholding was then turned over to Encarnacion L. Vda. de Miranda who took actual and physical possession thereof. Despite respondent Due having surrendered possession of the landholding, Vda. de Miranda, however, failed to deliver the agreed 150 cavanes of palay and reneged in turning over possession and title to the 500 square meter homelot as agreed upon, thus compelling the former to institute before the Court of Agrarian Relations of Angeles City, a complaint for "REINSTATEMENT WITH DAMAGES" against Vda. de Miranda. The case docketed as CAR Case No. 1465-P-75 was decided in Pedro Due's favor and he was ordered reinstated to the landholding in question. The decision became final and

executory, Encarnacion L. Vda. de Miranda not having appealed therefrom.

Before private respondent, however, could carry on with the total cultivation of the disputed landholding, again, he was disturbed, molested and prevented from working the parcel in question by the herein petitioners. So much so that on February 11, 1977, Due was again compelled to file an action for "Injunction with Damages" against the herein petitioners which was docketed before the same agrarian court as CAR Case No. 1603-P-77. The complaint was later on amended so as to include an additional fifteen defendants aside from the original eighteen (18).

During the pendency of this latter case, and more specifically on January 11, 1976, Encarnacion L. Vda. de Miranda died. After her death, her daughter Aurora L. Miranda took over possession of the landholding and started selling various portions thereof to interested buyers, among whom are the herein petitioners who built their respective houses on the homelots purchased by them. On July 16, 1981, judgment was rendered in CAR Case No. 1603-P-77, ordering the reinstatement of Pedro Due to the landholding in question and directing the defendants (now petitioners) to cease and desist from disturbing Due in his possession and cultivation of the landholding and to vacate the premises defendants-petitioners were illegally occupying.

On appeal to the then Court of Appeals, the aforesaid judgment was affirmed with costs against petitioners.

Hence, the instant recourse, petitioners contending that the Court of Appeals has allegedly decided questions of substance contrary to law and applicable decisions of this Court.

Petitioners' plea for the reversal of the judgment sought to be reviewed is anchored on the "Deed of Voluntary Surrender" executed by respondent Pedro Due on February 10, 1968. Their reliance thereon, however, adds nothing to their cause nor save the day for them. The said document have already been declared null and void in the earlier CAR Case No. 1435-P-75 filed by Pedro Due against Encarnacion L. Vda. de Miranda. Although we are not in full accord with the pronouncement therein made by the court a quo, nevertheless, the binding effect and enforceability of that agreement could no longer be relitigated anew since said issue had already been resolved and finally laid to rest in that aforementioned case. Encarnacion L. Vda. de Miranda did not appeal from the decision in that case thus making the same final and executory. There being jurisdiction over the subject matter and jurisdiction over the person of the defendant likewise having been acquired, that decision, assuming the same to be erroneous, may no longer be reviewed, nor amended, much less revoked or set aside.[1]

The dictum therein laid down became the law of the case and what was once irrevocably established as the controlling legal rule or decision between the same parties in the same case continues to be binding upon them so long as the facts on which the decision was predicated continue to be the facts of the case before the Court.[2] The said decision binds not only the late Encarnacion Vda. de Miranda but also the herein petitioners who merely stepped into her shoes in the landholding in question. Parties should not be permitted to litigate the same issue more than once. When a right or fact has been judicially tried and determined by a court of competent jurisdiction, so long as it remains unreversed, it should be conclusive upon the parties and those in privity with them in law or estate.[3]

Not only that. The records show that a certificate of land transfer had already been issued over the landholding in question to Pedro Due. Nullification of said certificate may be had only in a case directly attacking its validity but never collaterally.

WHEREFORE, finding the instant petition to be without merit, the same is hereby DISMISSED. No pronouncement as to costs.

SO ORDERED.

Concepcion, Jr. (Chairman), Abad Santos, Escolin, and Alampay, JJ., concur.

[1] *Malia vs. Intermediate Appellate Court*, 138 SCRA 116; *Castillo vs. Donato*, 137 SCRA 210; *Bethel Temple, Inc. vs. General Council of Assemblies of God, Inc.*, 136 SCRA 203; *Heirs of Pedro Guminpin vs. Court of Appeals*, 120 SCRA 687.

[2] *PHHC vs. Mencias*, 20 SCRA 1031, 1041.

[3] *Sy Kao vs. Court of Appeals*, 132 SCRA 302.

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