

THE HEIRS OF CLARO L. LAURETA, PETITIONERS, VS. HON. INTERMEDIATE APPELLATE COURT, MARCOS MATA AND CODICI MATA, RESPONDENTS.

G.R. NO. 72194. April 05, 1990

Ponente: REGALADO, J.

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REGALADO, J.:

This is a petition to review on appeal by certiorari the decision[1] of the then Intermediate Appellate Court in AC-G.R. CV No. 02943, entitled "Marcos Mate and Codidi Mata vs. Heirs of Claro L. Laureta," promulgated on April 30, 1985, which affirmed in toto the judgment rendered by the Regional Trial Court, Branch I, in Tagum, Davao in Civil Case No. 1071 thereof, as well as the resolution of respondent court denying petitioners' motion for reconsideration.

Petitioners, who are all heirs of the late Claro L. Laureta, have been substituted in this case for their father who died during the litigation of the case in the lower court. They are Luna Vda. de Laureta, and Lourdes, Joseph, Eduardo, Veronica, Esteban, Enrico, Luis, Romulo and Bernardina, all surnamed Laureta. Private respondents Marcos Mata and Codici Mata are spouses, and when Marcos Mata passed away during the pendency of the case in the court below, he was likewise substituted by his heirs, Codici Mata and their children, namely, Celestino, Leoncia, Engracio, Agolio, Pio, Marcelo, Meliton, Ricarda, Pagakan, Caring and Tamping.[2]

We adopt the factual findings made by this Court in an earlier case which was docketed as G.R. No. L-28740, entitled "Fermin Z. Caram, Jr. vs. Claro L. Laureta,"[3] and which have a direct bearing on the present case, as follows:

"On June 10, 1945, Marcos Mata conveyed a large tract of agricultural land covered by Original Certificate of Title No. 3019 in favor of Claro Laureta, plaintiff, the respondent herein. The deed of absolute sale in favor of the plaintiff was not registered because it was not acknowledged before a notary public or any other authorized officer. At the time the sale was executed, there was no authorized officer before whom the sale could be acknowledged inasmuch as the civil government in Tagum, Davao was not as yet organized. However, the defendant Marcos Mata delivered to Laureta the peaceful and lawful possession of the premises of the land together with the pertinent papers thereof such as the Owner's Duplicate (of) Original Certificate of Title No. 3019, sketch plan, tax declaration, tax receipts and other papers related thereto. Since June 10, 1945, the plaintiff Laureta had been and is still in continuous, adverse and notorious occupation of said land, without being molested, disturbed or stopped by any of the defendants or their representatives. In fact, Laureta had been paying realty taxes due thereon and had introduced improvements worth not less than P20,000.00 at the time of the filing of the complaint.

"On May 5, 1947, the same land covered by Original Certificate of Title No. 3019 was sold by Marcos Mata to defendant Fermin Z. Caram Jr., petitioner herein. The deed of sale in favor of Caram was acknowledged before Atty. Abelardo Aportadera. On May 22, 1947, Marcos Mata, through Attys. Abelardo Aportadera and Gumercindo Arcilla, filed with the Court of First Instance of Davao a petition for the issuance of a new

Owner's Duplicate of Original Certificate of Title No. 3019, alleging as ground therefor the loss of said title in the evacuation place of defendant Marcos Mata in Magugpo, Tagum, Davao. On June 5, 1947, the Court of First Instance of Davao issued an order directing the Register of Deeds of Davao to issue a new Owner's Duplicate Certificate of Title No. 3019 in favor of Marcos Mata and declaring the lost title as null and void. On December 9, 1947, the second sale between Marcos Mata and Fermin Caram Jr. was registered with the Register of Deeds. On the same date, Transfer Certificate of Title No. 140 was issued in favor of Fermin Caram, Jr."

Said decision goes on to state that on June 25, 1959, Claro Laureta filed in the then Court of First Instance of Davao an action for nullity, recovery of ownership and/or reconveyance with damages against the spouses Marcos Mata and Codici Mata, Fermin Z. Caram, Jr. and the Register of Deeds of Davao City, which was docketed as Civil Case No. 3083 thereof.[4] After due hearing, the trial court rendered a decision on February 29, 1964, the decretal portion of which passes judgment:

"1. Declaring that the deed of sale, Exhibit A, executed by Marcos Mata in favor of Claro L. Laureta stands and prevails over the deed of sale, Exhibit F, in favor of Fermin Caram, Jr.;

"2. Declaring as null and void the deed of sale, Exhibit F, in favor of Fermin Caram, Jr.;

"3. Directing Marcos Mata to acknowledge the deed of sale, Exhibit A, in favor of Claro L. Laureta;

"4. Directing Claro L. Laureta to secure the approval of the Secretary of Agriculture and Natural Resources on the deed, Exhibit A, after Marcos Mata shall have acknowledged the same before a notary public;

"5. Directing Claro L. Laureta to surrender to the Register of Deeds for the City and Province of Davao the Owner's Duplicate of Original Certificate of Title No. 3019 and the latter to cancel the same;

"6. Ordering the Register of Deeds for the City and Province of Davao to cancel Transfer Certificate of Title No. T-140 in the name of Fermin Caram, Jr.;

"7. Directing the Register of Deeds for the City and Province of Davao to issue a title in favor of Claro L. Laureta, Filipino, resident of Quezon City, upon presentation of the deed executed by Marcos Mata in his favor. Exhibit A, duly acknowledged by him and approved by the Secretary of Agriculture and Natural Resources; and

"8. Dismissing the counterclaim and cross-claim of Marcos Mata and Codici Mata, the counterclaim of Caram, Jr., the answer in intervention, counterclaim and cross-claim of the Mansacas.

"The Court makes no pronouncement as to costs.

"SO ORDERED." [5] (Emphasis supplied.)

A joint appeal was taken by the Mata spouses and Caram, Jr. to the Court of Appeals where it was docketed as CA-G.R. No. 35721-R. On January 29, 1968, the Court of Appeals promulgated its judgment affirming in full the decision of the Court of First Instance of Davao in Civil Case No. 3083.[6]

From this decision of the Court of Appeals, two separate petitions were filed before this Court, that is, G.R. No. L-29147, which is the petition filed by the Mata spouses against Laureta and which was denied for lack of merit on June 20, 1968; and G.R. No. L-28740, entitled "Fermin Caram, Jr. vs. Claro L. Laureta," hereinbefore mentioned, which was given due course. The resolution denying the petition of the Mata spouses in G.R. No. L-29147 became final and executory on July 26, 1968 when entry of judgment was made.[7] On the other hand, on February 24, 1981 this Court promulgated its decision on the merits in G.R. No. L-28740 dismissing the petition of Caram, Jr. and affirming the decision of the respondent court.

After judgment in the latter case became final and executory on February 12, 1982 and was duly entered,[8] herein petitioners moved for the execution of said judgment on May 10, 1982. An alias writ of execution was issued on February 2, 1983. Upon order[9] of the lower court in Civil Case No. 3083, the branch clerk of court executed the required new deed of sale in favor of Claro Laureta which was acknowledged by the court's officer-in-charge on August 23, 1983. On February 21, 1984, the deed of absolute sale was duly approved by the Minister of Natural Resources.[10] Finally, on May 9, 1985, Transfer Certificate of Title No. T-46346 was issued in the name of Claro L. Laureta.[11]

In the meantime, the Mata spouses had filed on February 23, 1979 an action for recovery of ownership and possession of said land with the former Court of First Instance, Branch I, in Tagum, Davao, entitled "Marcos Mata, et al. vs. Heirs of Claro L. Laureta; Fermin Caram, Jr., Intervenor," docketed therein as Civil Case No. 1071.[12] Private respondents' action was predicated on the fact that the deed of sale executed by Marcos Mata over his parcel of land covered by Original Certificate of Title No. 3019 in favor of Claro L. Laureta in June, 1945 is null and void and/or unenforceable because the same had not been approved by the Secretary of Agriculture and Natural Resources as required by law and as directed by the Court of First Instance of Davao in its decision of February 29, 1964 in Civil Case No. 3083, and that said decision could no longer be enforced for having prescribed.

On April 20, 1983, the trial court rendered its decision in said Civil Case No. 1071, the dispositive portion of which reads:

"WHEREFORE, judgment is hereby rendered: (1) declaring that the decision in Civil Case No. 3083 in favor of Claro L. Laureta has become stale and unenforceable due to prescription; (2) returning the ownership of the land in question to the plaintiffs who are the forced heirs of the deceased homesteader, Marcos Mata; and (3) ordering the defendants and their privies, as well as Fermin Z. Caram Jr. and his privies, to vacate and surrender the possession of the property to plaintiffs." [13]

On appeal, as earlier stated, respondent court affirmed the said decision in toto, hence, this petition.

The determinative issue in this case is whether or not petitioners could still validly execute, enforce and/or comply with the judgment rendered by the Court of First Instance of Davao on February 29, 1964 in Civil Case No. 3083 at the time private respondents filed Civil Case No. 1071 against the petitioners on February 23, 1979.

We rule in the affirmative.

Petitioners contend that private respondents' aforesaid action for recovery of possession was prematurely filed by private respondents without waiting for the decision in G.R. No. L-28740 which petitioners allege constitutes the final disposition of Civil Case No. 3083, contrary to private respondents' averment that the judgment in Civil Case No. 3083 became final and executory upon the entry of judgment in G.R. No. L-29147 which denied the petition of the Mata spouses.

The submission of private respondents is basically premised on Section 6, Rule 39 of the Rules of Court, in conjunction with Article 1144 of the Civil Code, to wit:

"Sec. 6. Execution by motion or by independent action. - A judgment may be executed on motion within five (5) years from the date of its entry or from the date it becomes final and executory. After the lapse of such time, and before it is barred by the statute of limitations, a judgment may be enforced by action."

"Art. 1144. The following actions must be brought within ten years from the time the right of action accrues:

xxx xxx xxx

(3) Upon a judgment."

Private respondents maintain that since the above-cited provisions of law categorically provide, as the case may be for a five year and ten year prescriptive period for the enforceability of a judgment and considering further that petitioners moved for the execution of the decision rendered in Civil Case No. 3083 only after the expiration of ten years reckoned from July 26, 1968, said judgment ceased to be a valid subject of execution.

Both the trial court and respondent court adopted private respondents' theory that the ten-year statutory limitation commenced from the date of entry of judgment in G.R. No. L-29147, that is, from July 26, 1968. In rejecting petitioners contention that the decision sought to be enforced became final only February 24, 1981 when Caram's petition in G.R. No. L-28740 was dismissed by this Court, respondent court quoted the theory of the trial court, as follows:

"It should be noted, in this connection, that nowhere in the dispositive portion of the decision was Fermin Z. Caram, Jr. required to do any positive act for its implementation. Only Marcos Mata, the Register of Deeds and Claro L. Laureta himself were directed to perform the specific acts therein mentioned for purposes of execution. There was, therefore, no legal obstacle to execute the judgment in favor of Laureta, upon its finality against Marcos and Codidi Mata on July 26, 1968, because from that time on, but within the period prescribed by law, the matters adjudicated in his favor with finality could already be accomplished, even without the participation of Caram, who could still get back ownership of the property from Laureta, in the event that he will prevail over the latter in their pending case before the Supreme Court, which however, he eventually lost." [14]

We believe and hold otherwise.

While it is true that separate petitions for certiorari were filed by the Mata spouses (G.R. No. L-29147) and Fermin Caram, Jr. (G.R. No. L-28740) from the decision of the respondent court in CA-G.R. No. 35721-R, a cursory perusal of the pertinent allegations raised in G.R. Nos. L-29147 and L-28740 will show that the interests of Mata and Caram are so intimately interwoven and dependent on each other that whatever may be the outcome of either or both cases would necessarily affect the ownership rights of herein petitioners. It is also readily apparent that in filing their aforesaid respective petitions with this Court, both the Matas and Caram elevated the entire decision of respondent court in CA-G.R. No. 35721-R for appellate review, without, as correctly observed by herein petitioners, referring to or appealing from only a particular portion of said decision. This is necessarily so since the said judgment of the respondent court did not involve either several or separate judgments,[15] but was one complete integrated judgment, against all the appellants and their claims therein, which could not be the subject of separate executory processes.

That the appeals of the Matas and Caram from the decision of the Court of Appeals in CA-G.R. No. 35721-R, and the action of this Court thereon, involved said decision in its entirety is readily confirmable from and evident right in the opening statement of this Court in G.R. L-28740 declaring as follows:

"This is a petition for certiorari to review the decision of the Court of Appeals promulgated on January 29, 1968 in CA-G.R. No. 35721-R entitled 'Claro L. Laureta, plaintiff-appellee versus Marcos Mata, Codidi Mata and Fermin Caram, Jr., defendants-appellants; Tampino (Mansaca), et al., Intervenors-appellants,' affirming the decision of the Court of First Instance of Davao in Civil Case No. 3083."

and the decretal portion of which states that "the decision of the Court of Appeals sought to be reviewed is affirmed, x x x."

Of further import is the inescapable fact that the Court, in its decision in the above quoted case, referred specifically to and relied on the first sale made in favor of Claro Laureta in ruling against the legality of the

subsequent sale to Fermin Caram, Jr. Precisely, the validity of Caram's title depends largely on whether he had knowledge, actual or constructive, of the prior sale to Laureta. Hence, whatever would be the decision of the Court in G.R. No. L-28740 (which eventually turned out to be a reaffirmance of the judgment of the trial court in Civil Case No. 3083) would necessarily have a direct bearing on the judgment of said trial court declaring that the sale to Laureta prevails over that made to Caram, as well as its mandates therein for the cancellation of the title of Caram and the issuance of another one in the name of Laureta. It is thus patently erroneous to assume that the trial court's decision in Civil Case No. 3083 consists of distinct and separate rulings for each of the defendants, which could be capable of partial execution, just because separate appeals were ultimately taken by said defendants when said decision a quo was affirmed by respondent court.

The irresistible conclusion, therefore, is that a partial execution of the judgment in Civil Case No. 3083 prior to the final determination of Caram's petition in G.R. No. L-28740 would be a proscribed legal absurdity. Such partial execution, if allowed, would indubitably entail the cancellation of Caram's title and would unquestionably have been legally premature and impermissible at that time since the validity thereof still had to be resolved by this Court. Consequently, the ten-year period for the execution of said judgment commenced to run only on February 12, 1982 when the decision denying Caram's petition became final and executory, and the execution on motion of petitioners in 1983 in Civil Case No. 3083 was not time-barred.

WHEREFORE, the judgment appealed from is hereby REVERSED and SET ASIDE and Civil Case No. 1071 of the Regional Trial Court of Davao is hereby DISMISSED.

SO ORDERED.

Melencio-Herrera, (Chairman), Paras, Padilla, and Sarmiento, JJ., concur.

* Referred to in some pleadings and decisions as Codidi Mata.

[1] Penned by Justice Jorge R. Coquia, with the concurrence of Justices Mariano A. Zosa, Floreliaana Castro-Bartolome and Bienvenido C. Ejercito.

[2] Rollo, 6-7, 71.

[3] 103 SCRA 7 (1981).

[4] Rollo, 9, 179.

[5] Ibid., 56-57.

[6] Ibid., 57.

[7] Ibid., 143, 190.

[8] Ibid., G.R. No. L-28470, 335.

[9] Ibid., 72-73.

[10] Petition, 7; Rollo, 11.

[11] Id., *ibid.*, 12.

[12] Id., 5; *ibid.*, 9; Comment of Private Respondents, 5; Rollo, 141.

[13] Comment of Private Respondents, 8; Rollo, 144.

[14] Annex A, Petition; Rollo, 30.

[15] Rule 36, Rules of Court, would be inapplicable since it contemplates different situations and provides as follows:

"Sec. 4. Several judgments. - In an action against several defendants, the court may, when a several judgment is proper, render judgment against one or more of them, leaving the action to proceed against the others.

"Sec. 5. Judgment at various stages. - When more than one claim for relief is presented in an action, the court at any stage, upon a determination of the issues material to a particular claim and all counterclaims arising out of the transaction or occurrence which is the subject matter of the claim, may enter a judgment disposing of such claim. The judgment shall terminate the action with respect to the claim so disposed of and the action shall proceed as to the remaining claims. In case a separate judgment is so entered, the court by order may stay its enforcement until the entering of a subsequent judgment or judgments and may prescribe such conditions as are necessary to secure the benefit thereof to the party in whose favor the judgment is entered."

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