

**CHURCH ASSISTANCE PROGRAM, INC. (CAPI FOR SHORT),
PETITIONER, VS. HON. VICENTE P. SIBULO (PRESIDING JUDGE, RTC
OF ALBAY, BRANCH IV), FE MADRIDEO AND NARCISO MATURGO,
RESPONDENTS.**

G.R. No. 76552. March 21, 1989

Ponente: PARAS, J.

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PARAS, J.:

Petitioners seek to annul and set aside the orders, dated September 25, 1986[1] and October 2, 1986[2] issued by respondent Judge Vicente P. Sibulo of the Regional Trial Court of Legazpi City, 5th Judicial Region, Branch IV respectively, ordering the issuance of a writ of execution, and the cancellation of TCT Nos. 60085 and 60086 and the reinstatement of the titles to Lots No. 3359 and 2352 in the name of Fe Madrideo and Narciso Maturgo.

As factual background, it should be stated that the instant proceeding is in relation to a civil case involving three (3) parties who may hereinafter be referred to as the Spouses Maturgo. Llorente Group, and the Alcala Group, the act of an individual included in any of the three groups being deemed to be the act of the group.

Two cadastral lots situated in Daraga, Albay used to be covered by Original Certificates of Title Nos. RO-15434 (17622) and RO-15435 (2270) in the names of predecessors-in-interest of the Llorente Group. In 1971, upon a petition filed in the cadastral case, the OCTs were cancelled, and replaced by Transfer Certificates of Title Nos. T-29762 and T-29763 in the name of the Alcala Group, based on the finding that the predecessors-in-interest of the Llorente Group had previously sold the two lots to the Alcala Group. Thereafter, the Alcala Group sold the two lots to the Spouses Maturgo, who were then issued TCT Nos. T-30744 and T-30746.

On January 18, 1972, the Llorente Group filed before the then Court of First Instance of Albay a complaint docketed as Civil Case No. 4564. Named defendants were the Alcala Group and the Spouses Maturgo. The Llorente Group alleged in their complaint that there was fraud committed by the Alcala Group when the latter had the OCTs cancelled, and TCTs issued in their name; and that there was fraud also in the transfer of the two lots to the spouses Maturgo.

After hearing, the trial court ruled that (a) the Spouses Maturgo were purchasers in good faith, such that they could retain their titles to the two lots; and (b) that the Llorente Group was unlawfully divested of their ownership of the two lots by the Alcala Group, with the latter, inter alia, being ordered to pay the Llorente Group the then actual market value of the two lots.

The Alcala Group appealed to the Court of Appeals which rendered a decision on July 5, 1979, the dispositive portion of which reads -

"WHEREFORE, in order to give complete relief to plaintiffs, the decision of the lower court, therefore should be modified and a new one entered by declaring that the titles to the lands in question in the names of any of the defendants are null and void, and reinstating in the records of the Registrar of Deeds the titles on the lands

namely, Original Certificates of Titles Nos. 153134 (17622) and 15435 (92270) (Exhs. A & B). Defendants are ordered to pay plaintiffs P300,000 as attorney's fees and the costs." (p. 18, Rollo)

On May 16, 1980, in compliance with such decision, TCTs Nos. T-30744 and T-30746 in the names of the Spouses Maturgo were cancelled. On April 20, 1981 the Llorente group executed an extra-judicial partition adjudicating among themselves the subject lots and selling them to herein petitioner and on May 11, 1981, TCTs Nos. T-60083 and T-60084 were issued in the names of the Llorente Group, which were simultaneously cancelled and substituted by TCTs Nos. T-60085 and T-60086 in the name of the herein petitioner as transferee of the Llorente Group.

Thereafter, on April 20, 1982, the Spouses Maturgo filed a Motion before the Court of Appeals to set aside the entry of judgment and to recall the records of the case, praying that their titles, TCTs Nos. T-30744 and T-40746, be reinstated, and that TCTs Nos. T-60083, T-60084, T-60085 and T-60086 be cancelled. Such motion was denied by the Court of Appeals on September 22, 1982 prompting the spouses Maturgo to file before this Court a petition for certiorari docketed as G.R. No. 62091.

On July 29, 1985, this Court rendered a decision in G.R. No. 62091, entry of which was made on August 30, 1985, the dispositive portion of which reads, as follows:

"WHEREFORE, the Decision of respondent Court of July 5, 1979, in its case CA-G.R. No. 61176 R, Antonio Llorente, et al. vs. Antonia Macinas, et al., is hereby SET ASIDE.

"To terminate the controversy between the Llorente Group and the Alcala Group, the judgment in Civil Case No. 4564 of the then Court of First Instance of Albay is hereby reinstated and affirmed, which would have been the resolution of respondent court were it not for its ruling against the Spouses Maturgo.

"As an incident in Civil Case No. 4564, the Regional Trial Court to which said case may be assigned shall hold hearings to determine the rights and obligations of the Church Assistance Program.

"No costs.

"SO ORDERED." (Decision, pp. 19-20, Rollo)

On September 25, 1986, the respondent Court issued an Order directing the issuance of a writ of execution and setting the hearing to determine the rights and obligations of the herein petitioner on November 5 and 6, 1986 at 8:30 A.M. (Annex C-Petition).

Subsequently, on October 2, 1986, the same respondent Court issued an amended order injecting a paragraph in the Order of September 25, 1986 which directed the Register of Deeds of Albay to cancel TCTs Nos. 60085 and 60086 and to reinstate the titles to Lots Nos. 3359 and 2352 in the name of Fe Madrideo and Narciso Maturgo. The following day, on October 3, 1986, respondent Court issued a writ of execution to put into effect the said amended order.

At the scheduled hearing of November 5, 1986, petitioner filed a Special Appearance questioning the respondent Court's jurisdiction over its person contending in essence that the court did not and cannot acquire jurisdiction over the person of petitioner by mere order of September 25, 1986 which cannot take the place of summons, much less, when there is as yet nothing in the records or any pleading asserting a claim against the petitioner herein by any party in interest.

On the same occasion counsel for petitioner questioned verbally the precipitate issuance of the amended order and the writ of execution, both of which including the order of September 25, 1986, were allegedly issued without any written motion, notice or hearing which not only contravenes the requirements of law but also renders inutile the

directive of this Court for conduct of a hearing to determine the rights and obligations of the petitioner. Thus, herein petitioner, on November 26, 1986 filed the instant petition for certiorari and prohibition or declaratory relief with preliminary injunction and/or restraining order.

We find the petition devoid of merit.

Foremost, a careful perusal of the instant petition would disclose that the petitioner tries to convince this Court to set aside the pronouncement earlier made, also by this Court, through its First Division in the civil case entitled *Fe Madrideo and Narciso Maturgo v. Hon. Court of Appeals, et al.* G.R. No. 62091. Such cannot be done. There is nothing in law nor in jurisprudence that sanctions such a proceeding. As admitted by the petitioner in its Memorandum -

"It could be safe to state that in its entire history never before has this Honorable Court been confronted with the issues herein raised. That never before has the Honorable Court been asked to review and set aside its own decision." (p. 147. Rollo)

We need not emphasize the fact that the Supreme Court by tradition and in our system of judicial administration, has the last word on what the law is. It is the final arbiter of any justiciable controversy. There is only one Supreme Court from whose decisions all other courts should take their bearing. Consequently, We cannot and should not review a case already passed upon by the Highest Tribunal. It is only proper to allow the case to take its rest having attained finality. Well-settled is the rule that :

"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." *Miranda v. Court of Appeals*, G.R. 59730, February 11, 1966)

Petitioner in its desperate but vain attempt to nullify the decision in G.R. No. 62091, contends that it was improper for this Court to reopen the decision of the Court of Appeals which had long become final and had long been executed, by the mere expedient of certiorari proceedings. However, this Court had the occasion to state that

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"It is quite clear that respondent Court had no jurisdiction to reverse the finding of the trial court in favor of the Spouses Maturgo and against the Llorente Group, considering that the latter had not appealed from that finding.

"The Llorente Group, as appellee, was granted by the trial court the right, inter alia, to collect from the Alcala Group the reasonable market value of the two cadastral lots. Respondent Court, in the appeal of the Alcala Group, cannot grant the Llorente Group, any other relief; that is, they cannot be made to recover the two cadastral lots from the Spouses Maturgo.

"The Llorente Group, as appellee, can only maintain the judgment of the trial court; they cannot ask that the judgment be modified or reversed. There was no valid justifiable issue in the Alcala appeal between the Llorente Group and the Spouses Maturgo who were not parties in the appeal. Respondent Court acted without jurisdiction in making a ruling in favor of the Llorente Group and against the Spouses Maturgo in deciding the Alcala Group appeal."

(Decision, p. 19, Rollo)

Finding no cogent reason to disturb said findings, We hereby adopt the same.

Inevitably, the decision of the Court of Appeals, having been issued without jurisdiction, did not attain finality so that the remedy sought by the private respondents, then petitioners to rectify the error committed was well within this Court's power of judicial review.

Likewise, petitioner herein maintains that it cannot be affected by the judgment earlier made on the ground that petitioner was never a party to the case. Be it remembered, however, that herein petitioner is a privy to the Llorente Group. As such, herein petitioner should not be heard to complain being bound by the judgment against its predecessor-in-interest. In point is the ruling in the case entitled *Salamat Vda. de Media v. Judge Cruz, et al.*, G.R. 39272, May 4, 1988 where We held -

"No man shall be affected by any proceeding to which he is as stranger. Strangers to a case are not bound by judgment rendered by the court. In the same manner, an execution can be issued only against a party and not against one who did not have his day in court. Only real parties in an action are bound by judgment therein and by writs of execution and demolition issued pursuant thereto. However, one who is a privy to the judgment debtor can be reached by an order of execution and writ of demolition."

Finally, it is worth noting that this Court's earlier resolution provided for the reinstatement of the judgment by the lower court. Thus, the Orders in question were issued by the public respondent pursuant to the said pronouncement of reinstatement. Public respondent did not have a choice but to issue the same. Established is the rule that the prevailing party is entitled as a matter of right, to a writ of execution and the issuance thereof is the court's ministerial duty compellable by mandamus (*Borja v. Court of Appeals*, G.R. 37944, June 30, 1988; *Ngo Bun Tiong v. Sayo*, G.R. 45825, June 30, 1988; *Zansibarian Residents Association v. Municipality of Makati*, 135 SCRA 235; *Garcia v. Echiverri*, 132 SCRA 631).

WHEREFORE, the petition is hereby DISMISSED for lack of merit. The Clerk of Court of this Court is ordered to issue a writ of execution of the 1985 final decision in the case of G.R. No. 62091.

SO ORDERED.

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

[1] Annex "C", Petition; Rollo, 21.

[2] Annex "D", Ibid. ; Ibid, 22.

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