

MARIA PILAR MARQUEZ, PETITIONER, VS. HONORABLE COURT OF APPEALS, MARIA PAZ MARQUEZ, ASSISTED BY HUSBAND JOSE JO, LUZ JO MANAOIS, ASSISTED BY HUSBAND LITO MANAOIS, AND SPOUSES EL...

G.R. No. 79743. November 06, 1989

Ponente: SARMIENTO, J.

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SARMIENTO, J.:

For review before us are the decision[*] of the Court of Appeals in CA-G.R. CV No. 06979, promulgated on July 23, 1987, which reversed and set aside the decision[**] of the Regional Trial Court of Tarlac, Branch 67, and its (Court of Appeals) resolution[***] denying the petitioner's motion for reconsideration.

The facts may be summarized as follows:

Eliseo F. Marquez, in his lifetime, contracted four marriages successively with the following: Rufina Velasco, mother of Maria Pilar Marquez (Pilar, hereinafter) the petitioner herein; Sergia Obcena, mother of Maria Paz Marquez (Paz, hereinafter), the principal private respondent; Carmen Sumo; and Agrifina Meris, who survived him upon his death on December 9, 1947.

While Eliseo Marquez had six other living children, four of the third marriage and two of the fourth marriage (a third child, a son, predeceased him), the controversy before us centers only on two of his daughters by the earlier marriages, Pilar, his only child by the first marriage, and Paz, one of the two daughters of the second marriage (the other being Rosario Marquez who predeceased Eliseo), and the lots in controversy are only Lots Nos. 3428 and 4296.

I. Special Proceedings

No. 306.

This case was instituted by his fourth wife in her capacity as administratrix before the Court of First Instance of Tarlac (now Regional Trial Court). In the inventory of the personal and real properties of Eliseo submitted to the court, the following parcels of land were included: (1) Lot No. 3428 which is covered by Original Certificate of Title (hereinafter, OCT) No. 13810; (2) Lot No. 4296, covered by OCT No. 13837; (3) Lot No. 4373, covered by OCT No. 13778; (4) Lot No. 2113, covered by OCT No. 17580; and (5) Lot No. 4063, covered by OCT No. 14180. Pilar claims to have inherited these lots from her mother (Rufina). Thus, she opposed the inclusion of the said lots in the inventory and at the same time demanded the reconveyance thereof from the other heirs actually in possession, principally from Paz and the latter's children, but to no avail. Without waiting for the termination of the special proceedings, she filed a complaint, dated April 12, 1973, with the caption and title immediately hereinbelow specified.

II. Civil CaseNo. 4895, entitled "MariaPilar

Marquez vs. Amanda Marquez, etc.,

Maria Paz Marquez. et al." CFI, Tarlac

[now RTC, Tarlac, Branch LXIII (63)].

In her complaint, Pilar alleged, among others, that: 1) the aforementioned lots were inherited by Rufina (Pilar's mother) from her deceased parents and upon Rufina's death, these lots were inherited by her, she being the only child of Rufina and Eliseo; 2) she was only two years old when her mother died and so the possession, management, and administration of the said properties were entrusted to her father; 3) her father, through fraud, misrepresentation, and breach of trust, declared four of the said lots (Lots Nos. 4373, 2113, 4296, and 3428) as his and Rufina's conjugal partnership properties enabling him to register one-half portion of the said lots in his name. Lot No. 4063 was declared as his and Sergia's (wife no. 2) conjugal partnership property; 4) through fraud, misrepresentation, and breach of trust, her father adjudicated the remaining $\frac{1}{2}$ portion of Lot 4296 and $\frac{1}{4}$ portion of Lot No. 3428 in the names of his daughters by his second marriage, Paz and Rosario Marquez (the latter predeceased Eliseo) in equal shares; 5) in his lifetime, Eliseo was in possession of those portions registered in his name and enjoyed the fruits thereof. And so did Paz as regards $\frac{1}{4}$ of Lot No. 4296 and $\frac{1}{8}$ of Lot No. 3428.

Pilar prayed inter alia:

1)

That the defendant, Amando L. Marquez, being the duly appointed administrator of the estate of the late Eliseo F. Marquez, be ordered to exclude from the amended inventory (Exhibit "A") of the estate of the deceased Eliseo F. Marquez in Special Proceedings No. 306 all the shares of the late Eliseo F. Marquez, including that of her (sic) second (sic) wife, Carmen Sumo, over the properties in question and convey the titles which the late Eliseo F. Marquez had fraudulently obtained on the said properties, including the $\frac{1}{4}$ and $\frac{1}{8}$ shares of the late Rosario Marquez over Lots Nos. 4296 and 3428, respectively, and to transfer same to the plaintiff who is the true, absolute and lawful owner thereof;

2)

That the defendant Maria Paz Marquez be likewise ordered to "convey the title of the $\frac{1}{4}$ and $\frac{1}{8}$ portion of Lots Nos. 4296 and 3428, respectively, which she and the late Eliseo F. Marquez have fraudulently obtained and transfer same to the plaintiff;

3) That the defendants be required to render an accounting of the rentals and products of the properties in question since the time they took unlawful possession thereof up to the present time and deliver same to the plaintiff;[1]

On August 23, 1974, Pilar caused the annotation of notices of ab initio at the back of the titles of Lots Nos. 4373, 2113, 4296, 4063, and 3428.[2]

At the pre-trial held on January 7, 1977, the parties submitted proposals and counter-proposals,[3] which the trial court approved, thus:

Parties have agreed that in parcel No. 1 (Lot No. 4373), plaintiff will give to Eliseo, Santiago, and Jose the corresponding area occupied by their respective houses; parcel No. 2 (Lot No. 2113) goes to the plaintiff;

parcel No. 3 (Lot No. 4296) goes to the plaintiff; parcel No. 4 (Lot No. 4063) will be given to the defendants except Amando Marquez, Eliseo, Santiago, Jose and Concepcion, all surnamed Marquez; and parcel No. 5 (Lot No. 3428) goes to plaintiff and plaintiff waives all rights and interests on all other parcels subject matter in the Special Proceedings No. 306.

The lot belonging to the late Eliseo Marquez in Dagupan City exclusively goes to defendants Alegria Marquez, Milagros Marquez and Agrifma M. Vda. de Marquez. (TSN., Jan. 7, 1977, pp. 28-29).

Thereafter, the parties were granted ten (10) days from receipt of the transcript of stenographic notes to submit their written compromise agreement based on the proposals and counterproposals agreed upon among them. But instead of filing the required compromise agreement, Pilar submitted a "Motion To Implement Order and Issuance of Judgment," which was opposed by Paz. The court granted the motion and accordingly the case was deemed submitted for decision on the bases of the proposals and counter-proposals.

On January 24, 1979, a decision[4] was rendered which reads in part:

It is noted by the Court it was only the defendant Maria Paz Marquez who was retracting from the previous agreement made during the pre-trial conference and all other defendants want to abide with the agreement.

WHEREFORE, finding nothing illegal in the proposal and counter proposal agreed upon among the parties, the same is approved and parties are ordered and enjoined to comply strictly with the terms and conditions thereof.

The defendants, including Paz, appealed the decision of the trial court to the Court of Appeals, docketed as CA-G.R. No. 06414-R. In a resolution promulgated on February 13, 1981, the appeal was dismissed due to defendants-appellants' failure to tile their brief.[5] On March 12, 1981, the resolution became final and executory. "Entry of Judgment" was issued on April 9, 1981.[6]

Consequently, a writ of execution[7] was issued by the trial court on July 10, 1981, but because the same was returned unsatisfied for the reason that the properties subject thereof were not properly described therein, an alias writ[8] was issued on October 28, 1981 on Pilar's motion. The alias writ was, as shown by the Sheriffs 1st Indorsement,[9] fully satisfied, the shares of Paz having been delivered to her daughter, Luz Jo Manaois.

After about two months from the rendition of the decision of January 24, 1979, or on April 3, 1979, Paz sold her "undivided share" in Lot No. 4296 in favor of her son, Eliseo M. Jo, which sale was registered in the Registry of Deeds of Tarlac only on May 29, 1981.

On August 7, 1984, Pilar sought the issuance of titles in her name over the lots adjudicated to her under the January 24, 1979 decision, but, because transfer could not be effected without the OCTs, on her motion, the trial court ordered the defendants to surrender to it the OCTs over the subject lots. Instead of surrendering the required OCTs, Paz filed, on August 28, 1984, a "Motion to Clarify Decision,"[11] which the trial court granted in an order dated September 7, 1984, declaring that the January 24, 1979 decision is not binding on Paz. On the strength of the said "clarificatory" order, Paz moved for the cancellation of the notice of lis pendens annotated at the back of Transfer Certificate of Title No. 77540 (formerly Original Certificate of Title No. 13810) covering Lot No. 3428. The motion was granted although the trial court explicitly recognized that the decision of January 24, 1979 had "become final and executory." This lot was the subject of a Deed of Donation[12] executed by Paz in favor of her daughter on July 6, 1984, the date the order of cancellation was issued.

III. Civil Case No. 059-P '85 entitled,

"Maria Pilar Marquez vs. Maria

Paz Marquez, et al." Regional Trial

Court, 3rd Judicial Region, Paniqui,

Tarlac, Branch LXVII (67).

By virtue of the final and executory decision dated January 24, 1979 in Civil Case No. 4895, Pilar filed, on January 29, 1985, a complaint for "Annulment of Document and Title, with Damages." She prayed for judgment principally as follows:

A. DECLARING and ORDERING the following documents/instruments NULL AND VOID, ab initio:

(1)

The DEED OF DONATION, executed by defendant Maria Paz Marquez, dated July 6, 1984, in favor of Luz Jo Manaois;

(2) The DEED OF ABSOLUTE SALE, also executed in favor of ELISEO M. JO, married to Delma del Rosario, dated April 3, 1979, and inscribed on March 30, 1981 on TCT No. 28495, Register of Deeds, Tarlac, Tarlac;

(3) TCTNo. 160689, 160690, in the name of defendant ELISEO M. JO, married to Delma del Rosario, and TCT No. 160688, in the name of ELISEO F. MARQUEZ, married to Carmen Sumo, by cancelling the same and ordering the revival of OCT No. 13837, covering Lot No. 4296;

(4)

TCT No. 182487 for Lot 3428-A; and reviving TCT No. 77540;

(5) Declaring plaintiff MARIA PILAR, the owner in fee simple, of the whole of the aforementioned Lots 4296, Paniqui Cadastre and 3428, Paniqui Cadastre, in accordance with the final and executory decision rendered in Civil Case No. 4895;[13]

x x x

x x x

x x x

On the other hand, Paz and her children, now private respondents, countered that the deeds of conveyance were valid because Paz was not a party to the proposals and counterproposals agreed upon at the pre-trial in Civil Case No. 4895, a fact which was confirmed by the trial court (Branch 63) in its "clarificatory" order dated September 7, 1984.

At the pre-trial of this case (in Branch 67) on May 8, 1985, the parties submitted a stipulation of facts[14] signed by Jose M. Labutong as attorney-in-fact[15] of his mother Pilar and Eliseo Marquez Jo for himself and as

attorney-in-fact of his mother Paz,[16] and Luz Jo Manaois, for herself. The parties were assisted by their respective attorneys.

On the basis of the said stipulation of facts, the case was submitted for decision after the submission of memoranda. On May 24, 1985, the trial court (RTC, Branch 67) rendered its decision, the dispositive part of which states:

WHEREFORE, with these considerations, judgment is hereby rendered:

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(1)

declaring null and void the deed of donation executed by Maria Paz Marquez dated July 6, 1984 (Exhibits "Q" and "9") in favor of Luz Jo Manaois;

(2)

declaring null and void the deed of sale executed by Maria Paz Marquez in favor of EHseo M. Jo dated April 3, 1979 and inscribed on March 30, 1981 in TCT No. 28495;

(3)

declaring the cancellation of TCT Nos. 182487, 160689, and 160690 (Exhibits "S", "11", "U", "14", "V" and "15"), of the Land Registry of Tarlac, Tarlac;

(4)

ordering the re-issuance of TCT No. 28495 and TCT No. 77540 of the Land Registry of Tariat, Tarlac which was derived from OCT No. 13810;

(5)

declaring Maria Pilar Marquez absolute owner of Lots Nos. 4296, 2113 and 3428 of the Paniqui Cadastre;

(6) With costs against the defendants.[17]

Dissatisfied with the aforequoted decision, Paz and her children (private respondents now) filed a motion for reconsideration which was denied, for lack of merit, in an order dated June 20, 1985.

Aggrieved by the trial court's decision, Paz and her children seasonably appealed to the Court of Appeals; the appeal was docketed as CA G.R. CV No. 06979. On July 23, 1987, the appellate court rendered its decision,[18] the decretal portion of which reads:

WHEREFORE, finding the appeal of defendants-appellants to be well-taken, the decision of May 24, 1985 in

Civil Case No. 059-P-85 of the Regional Trial Court of Tarlac, Branch 67, is hereby REVERSED and SET ASIDE. Said Civil Case No. 059-P-85 is ordered consolidated with Civil Case No. 4895, Branch 63, of the Regional Trial Court of Tarlac, which shall try together the two cases and decide the same on the merits. No cost.

Pilar moved for a reconsideration which proved futile. Hence, this petition.

Eight errors,[19] allegedly committed by the appellate court, have been assigned, to wit:

I

THE RESPONDENT COURT OF APPEALS ERRED IN NOT (sic) HOLDING THAT THE RULE ON ESTOPPEL DOES NOT APPLY AGAINST PRIVATE RESPONDENT MARIA PAZ MARQUEZ, DESPITE THE FINAL AND EXECUTORY DECISION OF JANUARY 24, 1979, IN CIVIL CASE NO. 4895 BASED ON THE "PROPOSALS AND COUNTER-PROPOSALS" MADE BY THE PARTIES UPON WHICH JUDGMENT HAS BEEN RENDERED IN THE CASE.

II

THE RESPONDENT COURT ERRED IN NOT DECLARING RESPONDENT MARIA PAZ MARQUEZ IN ESTOPPEL TO QUESTION THE DECISION IN CIVIL CASE NO. 4895, OF THE REGIONAL TRIAL COURT, BRANCH LXIII, FOR FAILURE TO PROSECUTE APPEAL IN THE COURT OF APPEALS, G.R. NO. 66414, FROM THE JUDGMENT OF JANUARY 24, 1979, HAVING BEEN DISMISSED BY THE APPELLATE COURT FOR FAILURE TO FILE THE APPELLANT'S BRIEF; AND IN NOT HOLDING SAID RESPONDENT BOUND BY THE SAID DECISION.

III

RESPONDENT COURT ERRED IN NOT HOLDING THAT THE CLARIFICATORY ORDER DATED SEPTEMBER 7, 1984, IN CIVIL CASE NO. 4895 ISSUED BY THE REGIONAL TRIAL COURT, BRANCH LXIII, IS NOT IN ACCORDANCE WITH LAW, AND, THEREFORE, NULL AND VOID.

IV

THE RESPONDENT COURT ERRED IN CONCLUDING THAT THE JUDGMENT OF JANUARY 24, 1979 IN CIVIL CASE NO. 4895, DID NOT HAVE BINDING EFFECT UPON RESPONDENT MARIA PAZ MARQUEZ AND THAT THE SAME NEVER BECAME FINAL AND EXECUTORY AS TO HER.

V

RESPONDENT COURT ERRED IN HOLDING THAT IT WAS PROPER FOR THE TRIAL COURT, BRANCH LXIII, TO CLARIFY ALLEGED AMBIGUITY IN THE DECISION OF JANUARY 24, 1979, CIVIL CASE NO. 4895.

VI

RESPONDENT COURT ERRED WHEN IT REVERSED AND SET ASIDE THE DECISION OF MAY 24, 1985, IN CIVIL CASE NO. 059-P-85, OF THE REGIONAL TRIAL COURT OF TARLAC, BRANCH LXVII.

VII

RESPONDENT COURT ERRED IN ORDERING THE CIVIL CASE NO. 059-P-85, CONSOLIDATED WITH CIVIL CASE NO. 4895, BRANCH LXIII, WHICH LATTER BRANCH SHALL TRY TOGETHER THE TWO CASES AND DECIDE THE SAME ON THEIR MERITS.

VIII

THE DECISION OF THE RESPONDENT COURT IS CONTRARY TO LAW.

These eight assigned errors may be synthesized into the central issue of whether or not the trial court in Civil Case No. 4895 still had jurisdiction to entertain the "Motion To Clarify Decision," filed on August 28, 1984.

The petitioner, Pilar, maintains before us that the decision of January 24, 1979 in Civil Case No. 4895 had already become final and executory, as in fact a writ of execution had already been issued and implemented, thus precluding Paz from questioning the same. Pilar avers that since her half sister, private respondent Paz, is a party litigant in Civil Case No. 4895, she (Paz) is barred from denying the adjudication of certain parcels in favor of Pilar in accordance with their proposals and counterproposals, because she (Paz) too was adjudicated Lot No. 4063, in addition to her share in nine (9) other lots over which the petitioner, Pilar, waived her rights as a trade-off for the four (4) lots already adjudicated in her favor. She argues that to countenance the alleged repudiation by Paz of what had been agreed upon in the pre-trial, after the latter had derived and enjoyed the benefits therefrom, would be contrary to equity and puts a premium on fraud or misrepresentation. She asserts that the "clarificatory order" of September 7, 1984 is unavailing to create rights favorable to Paz.

Private respondent Paz, on the other hand, submits that a decision was indeed rendered by the Regional Trial Court, Tarlac, Branch 63, based on the parties' (including her) proposals and counter-proposals. She alleges, though, that the said decision is incomplete and vague as it failed to mention the obligations and liabilities of the parties thereto, more particularly, her obligations and liabilities in view of her retraction. She argues that because she had nothing to do with those proposals and counter-proposals, the decision rendered in accordance therewith can not be binding upon her, as the same could not have attained finality without her participation. She proffers that the clarificatory order issued by the Regional Trial Court of Tarlac, Branch 63, was necessary in order to clarify the mistake or ambiguity in the dispositive portion thereof brought about by the discrepancy between the body of the decision and its dispositive portion.

Contrary however to the allegation of Paz, there is really no variance-between the body of the decision and its dispositive part. When the trial court enjoined the parties to comply strictly with the terms and conditions of the proposals and counter-proposals, it referred to the plaintiff, the petitioner herein, and all the defendants, including Paz, now the private respondents.

The claim of Paz that she did not appeal the decision of January 24, 1979 because she knew that the same is not binding on her is not true; it is belied by the records, it appearing from the resolution of the Court of Appeals (Sixth Div.) in CA-G.R. No. 06414-R, promulgated on February 13, 1981, dismissing the appeal, that she was a party appellant. As previously stated, the judgment of January 24, 1979 became final and executory on March 12, 1981, entered on April 9, 1981, and was fully implemented on November 7, 1981, as shown by the Sheriffs 1st Indorsement dated January 30, 1984. The motion for clarification is a belated attempt of Paz to reopen an already executed decision. The trial court should not have acted on the said motion because with the finality of the decision and the full implementation of the writ of execution, the judge had no more jurisdiction to issue any clarificatory order. It is too late in the day to have the case reopened or relitigated anew. The controversy had long been laid to rest.

By and large the trial court and the appellate court may have committed an error in the assignment or partition of eight parcels of land to the parties in their case, but considering that the judgments are now final, the error, assuming that one was committed, can no longer be amended or corrected. We have consistently held that one of the purposes for which courts are organized is to put an end to controversy in the determination of the respective rights of the contending parties. With the full knowledge that courts are not infallible, the litigants submit their respective claim for judgment and they have a right at sometime or another to have final judgment on which they can rely as a final disposition of the issue or issues submitted, and to know that there is an end to the litigation (*Miranda vs. Court of Appeals*, 71 SCRA 295). Likewise settled is the rule that after a judgment has become final, no additions can be made thereto, and nothing can be done therewith except its execution, otherwise there would be no end to legal processes (*Fabular vs. Court of Appeals*, 119 SCRA 339).[20]

This finality rule is reiterated in a recent case[21] where the Court emphasized:

Once a decision becomes final, the Court can no longer amend or modify the same, much less set it aside. To allow the Court to amend the final judgment will result in endless litigation (*Del Carmen vs. CA*, G.R. No. L-36021, February 29, 1980). Every litigation must come to an end. Access to the court is guaranteed. But there must be a limit to it. Once a litigant's right has been adjudicate in a valid final judgment of a competent court, he should not be granted an unbridled license to come back for another try. The prevailing party should not be harassed by subsequent suits. For, if endless litigation were to be encouraged, scrupulous litigants will multiply in number to the detriment of the administration of justice (*Ngo Bun Tiong vs. Judge Sayo*, G.R. No. L-45825, June 30, 1988).

We take this occasion again to express our extreme disapproval at litigants dissipating the valuable time of Court by resurrecting cases, which, to all legal intents and purposes, are long dead and buried. Cases already decided with finality have no second lives.

WHEREFORE, the petition is GRANTED, the challenged decision and resolution of the Court of Appeals are hereby ANNULLED and SET ASIDE, and the decision of the Court of First Instance of Tarlac, Branch I (now Regional Trial Court, Tarlac, Branch 63), in Civil Case No. 4895, is REINSTATED. Costs against the private respondents.

SO ORDERED.

Melencio-Herrera (Chairperson), Paras, Padilla, and Regalado, JJ., concur.

[*] CA-G.R. CV No. 06979, July 23, 1987; Lantin, Jaime M, J., ponente, Griflo-Aquino, Carolina C. and Reyes, Manuel T., JJ., concurring.

[**] Civil Case No. 059-P-85, Judge Romeo D. Magat, presiding; Folder 1, Civil Case No. 059-P-85, p. 73.

[***] Lantin, Jaime M, J., ponente, Griflo-Aquino, Carolina C. and Reyes, Manuel T., JJ., concurring; Rollo, 54, dated July 8, 1987.

[1] Folder II, 8.

[2] Folder II. 29-30.

[3] Decision, Court of First Instance, Tarlac, Branch 1, now (RTC, Branch 63); Folder II, Civil Case No. 059-P '85, rendered by the Honorable Fernando S. Alcantara, 9.

- [4] Id., 10.
- [5] Folder No. I, Civil Case No. 059-P '85, 9.
- [6] Folder No. II, Civil Case No. 059-P '85, 12.
- [7] Id., 13.
- [8] Id., 18.
- [9] Id., 17, A.
- [10] Folder I, 24.
- [11] Id., 25.
- [12] Id., 13.
- [13] Id., 4-5.
- [14] Id., 31.
- [15] Special Power of Attorney, Exhibits "R-1" and "R-2", Folder II. Civil Case No. 059-P '85.
- [16] Special Power of Attorney, Exhibit "13", Folder II, Civil Case No. 059-P '37.
- [17] Rendered by the Honorable Romeo D. Magat, 73.
- [18] Decision, Court of Appeals. CA record in CA-G.R. CV No. 06979, 26.
- [19] Petition, Rollo, 16-18.
- [20] Dueñas v. Mandi, No. 65889, June 30, 1987, 151 SCRA 530.
- [21] International School, Inc. vs. The Minister of Labor and Employment, No. 54243, July 21, 1989.

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