

FELICITAS ENRIQUEZ, PETITIONER, VS. THE HONORABLE COURT OF APPEALS, SPS. REYNALDO SANTOS AND NATIVIDAD SANTOS, RESPONDENTS.*G.R. No. 83720, October 04, 1991*

Ponente: PADILLA, J.

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This is a special civil action of certiorari filed under Rule 65 of the Rules of Court, wherein petitioner assails the decision[*] of respondent Court of Appeals, dated 27 August 1987, rendered in CA-G.R. CV No. 05806, which set aside the decision of the Regional Trial Court of Caloocan City, Branch 126, dated 26 November 1984 rendered in Civil Case No. C-10837, entitled "Felicitas Enriquez vs. Sps. Reynaldo Santos and Natividad Santos, et al.". The said decision of the trial court ordered herein private respondents to sell to petitioner the ninety (90) square meters of land occupied by the latter's house at 106 Laon Laan St., Caloocan City, at the price of P100.00 per square meter, and to pay damages and attorney's fees.

The facts of this case are as follows:

1. Petitioner and private respondent-spouses were long-time occupants/tenants of neighboring lots, where their respective houses which they owned were built, located at Laon Laan St., Caloocan City, the lots being parts of a large tract of land owned by spouses Atty. Justo de Dios and Basilia Manotoc.
2. On 23 November 1976, private respondents purchased from the said land owners a two hundred (200) square meters portion of the tract of land mentioned. Consequently, Transfer Certificate of Title No. C-2892 was issued in favor of private respondents over said acquired portion.
3. In 1978, it was discovered that petitioner's house was located within the 200-square meter lot sold to private respondents. Consequently, petitioner was informed that her monthly rental should be paid to private respondents. Thus she started paying her monthly rental to private respondents. On 11 February 1981, petitioner filed a case for consignment with the city court of Caloocan City, after private respondents allegedly refused to accept her rental payments beginning November 1980; but the case was later dismissed when respondent Reynaldo Santos manifested to the court that he was willing to receive the rental payments of petitioner.
4. On 9 September 1982, private respondents filed an ejectment suit against petitioner, with the Metropolitan Trial Court of Caloocan City, Branch 52, docketed as Civil Case No. 15302, on the grounds of non-payment of lease rentals from October 1981 and the need of respondent-owners of the subject premises. On 1 July 1983, the Caloocan City Court rendered judgment in Civil Case No. 15302 ordering the petitioner-defendant to vacate and remove the house from the lot at Laon Laan St., Caloocan City covered by TCT No. C-2892 of the private respondents. The decision in Civil Case No. 15302 was appealed by petitioner to the Regional Trial Court of Caloocan City, Branch CLIII (153), the appeal being docketed as Civil Case No. C-10963. In due course, the latter court affirmed the appealed city court decision.

5. In January 1983, petitioner filed against private respondents a complaint (for: annulment of deed of sale, and damages), with the Regional Trial Court of Caloocan, Branch CXXVIII (128), the case being docketed as Civil Case No. 10583. However, in March 1983, the trial court dismissed Civil Case No. 10583 without prejudice to the filing of an action purely for damages. In June 1983, petitioner filed another action, this time for damages, against the same private respondents, which case was assigned to Regional Trial Court of Caloocan, Branch CXXVI (126), and docketed as Civil Case No. C-10837.

6. On 26 November 1984, the Regional Trial Court of Caloocan, Branch 126, rendered a decision in Civil Case No. C-10837 in favor of petitioner-plaintiff, the dispositive portion of which reads:

"WHEREFORE, the Court renders judgment ordering defendants Reynaldo Santos and Natividad Santos to sell to plaintiff Felicitas Enriquez that 90-square meter, more or less, of land occupied by the latter's house at 106 Laon Laan St., Caloocan City and part of that parcel of land registered in their names under Transfer Certificate of Title No. C-2892 of the Office of the Register of Deeds for District III of Metro Manila at the price of P100 per square meter, the costs of segregating said portion from the title of the defendants Santos, as well as the transfer costs, to be paid by plaintiff.

"Defendant Reynaldo Santos is likewise ordered to pay plaintiff Felicitas Enriquez moral damages in the amount of P10,000, exemplary damages in the amount of P5,000, and attorney's fees in the amount of P3,000.

"Costs against defendants Reynaldo Santos and Natividad Santos." [1]

7. Respondent-spouses Santos filed a petition for certiorari under Rule 65 of the Rules of Court before the Intermediate Court of Appeals (IAC), docketed as IAC G.R. SP No. 05318 assailing the decision in Civil Case No. C-10837. Acting on the said petition, the appellate court issued its resolution dated 28 February 1985, referring the case to the raffle division for raffling to the civil cases division of the court, for the reason that the petition was properly an appeal. The petition, treated as an appeal, was re-docketed as AC-G.R. CV No. 05806. However, in the resolution dated 13 November 1985, the appellate court dismissed private respondents' appeal on the ground that their motion for reconsideration and notice of appeal filed before the Regional Trial Court of Caloocan City, Branch 126, were filed out of time.

8. Acting on private respondents' motion for reconsideration of the resolution dated 13 November 1985 (dismissing the appeal), the appellate court, in its resolution dated 15 April 1986 (in AC-G.R. CV No. 05806), set aside the earlier resolution, and reinstated the appeal, after finding that the late filing of the notice of appeal was due to accident and/or excusable negligence.

9. On 27 August 1987, the Court of Appeals, finding merit in the private respondents' appeal, rendered the (now assailed) decision in AC-G.R. CV No. 05806, setting aside the appealed decision of the Regional Trial Court, Caloocan City, Branch 126 (in Civil Case No. C-10837). On 30 September 1987, petitioner Enriquez filed her motion for reconsideration of the decision. The Court of Appeals denied petitioner's motion, in a resolution dated 26 January 1988. On 3 February 1988, the assailed decision was entered as final and executory per entry of judgment in AC-G.R. CV No. 05806, dated 15 April 1988 in the records of the appellate court.

10. On 22 June 1988, the present special civil action was filed under Rule 65 of the Rules of Court.

Private respondents principally contend that the questioned decision having become final and executory, as shown by the Entry of Judgment of the Court of Appeals, dated 15 April 1988, the petition at bar is without merit and that to disturb the finality of decisions (like the one at bar) would open the gates to endless litigations.

Petitioner, on the other hand, contends that she has filed the present case under Rule 65 of the Rules of Court, instead of an appeal by certiorari under Rule 45 of the Rules of Court, on the ground that certiorari is proper, if the

remedy of appeal is lost or has become impossible.

We find no merit in the petition.

The records of this case show that the entry of judgment dated 15 April 1988, issued by the Court of Appeals states that the questioned decision dated 27 August 1987, rendered in CA-G.R. CV No. 05806 became final and executory on 3 February 1988.

Indeed, the assailed decision became final on 3 February 1988 as indicated in the said entry.[2] As a settled rule, once a judgment has become final, the issues therein should be laid to rest.[3]

Petitioner contends that she has filed the present case in accordance with Rule 65 of the Rules of Court as there is no appeal or any speedy and adequate remedy in the ordinary course of law except the present petition; and that respondent appellate court committed reversible error in rendering its presently assailed decision setting aside the decision of the trial court.

We find petitioner's contention devoid of merit. Once a decision attains finality, it becomes the law of the case whether or not said decision is erroneous.[4] Moreover, as ruled in *San Juan vs. Cuento*,[5] a judgment which has become final and executory, absent an appeal therefrom, is the law of the case and any error in the judgment can no longer be annulled by a special civil action of certiorari. Besides, certiorari can not take the place of a lost appeal,[6] except in certain cases where the appeal would be inadequate, slow, insufficient, and will not promptly relieve a party from the injurious effects of the judgment complained of, to avoid future litigations.[7] However, the records before us do not show that petitioner's case falls within any of the above-mentioned exceptional instances.

The assailed decision of the respondent appellate court having become final and executory and entry thereof having been made, this Court will not disturb the same.

WHEREFORE, the petition is DISMISSED. Costs against petitioner.

SO ORDERED.

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

[*] Penned by Justice Ricardo P. Tensuan, and concurred in by Justices Rodolfo A. Nocon and Felipe B. Kalalo.

[1] Rollo, pp. 26-26-A

[2] *St. Dominic Corporation vs. IAC*, G.R. No. 67207, 26 August 1985, 138 SCRA 242

[3] *Zansibarian vs. Municipality of Makati*, G.R. No. 62136, 28 February 1985, 135 SCRA 235

[4] *Balais vs. Balais*, G.R. No. L-33924, 18 March 1988, 159 SCRA 37

[5] G.R. No. L-45063, 15 April 1988, 160 SCRA 277

[6] *Belen vs. CA*, G.R. No. L-45390, 15 April 1988, 160 SCRA 291

[7] *Mercado vs. CA*, G.R. No. L-44001, 10 June 1988, 162 SCRA 75

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