

**URSULA OCDAMIA JAVIER, MYRNA JAVIER TANGCAYCO,
SABINIANO JAVIER, ARTHUR JAVIER, JUANITO JAVIER, LILIBETH
JAVIER, EVELYN JAVIER AND SUSAN JAVIER, PETITIONERS, VS.
COURT OF APPEAL...**

G.R. No. 96086. July 21, 1993

Ponente: BELLOSILLO, J.

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BELLOSILLO, J.:

The focus of controversy in these consolidated petitions for review on certiorari[1] is the immutability of a final and executory judgment, i.e., once a judgment becomes final and executory it can no longer be modified or corrected except for clerical mistakes.

In G.R. No. 96086, petitioners seek: (a) to set aside the decision of 6 August 1990 of the Court of Appeals[2] affirming the resolution of the Regional Trial Court of Laguna[3] in Civil Case No. 487-83-C (Luz Javier v. Ursula Ocdamia Javier) denying their motion to suspend the alias writ of execution; (b) to suspend the enforcement of aforesaid judgment; and, (c) to declare as moot and academic the portion of the judgment ordering them to deliver to private respondents the ownership and possession of the house and lot covered by TCT No. T-27300 in the name of Luz Javier.[4]

In G.R. No. 100777, petitioner prays: (a) that the decision of 31 July 1990 of the Court of Appeals[5] affirming in toto the resolution of the Regional Trial Court of Laguna in Civil Case No. 1221-88-C (Ursula Ocdamia Javier v. Heirs of the late Luz Javier, et al.) dismissing her complaint for quieting of title and damages be reversed, and, (b) that TCT No. 40968 in the name of petitioner Ursula O. Javier be upheld.[6]

The facts: On 8 March 1972, Luz Javier executed a Deed of Absolute Sale over a residential house and lot in favor of the legal heirs of Sabiniano B. Javier represented by their mother, Ursula O. Javier.[7] The deed of sale stipulated that the adjoining lot at the back of the property with an area of 680 square meters, part of the dried riverbed of San Juan River, was excluded from the sale; that the vendor had a pending application for a provisional permit over that area; and, that she had the priority of possession and ownership over it to the exclusion of the buyers and third parties. Petitioner Ursula O. Javier did not register this document with the Register of Deeds.

On 10 September 1975, Ursula filed a formal protest before the Bureau of Lands contesting the sales application of Luz Javier over the dried riverbed referred to in the deed of sale.[8] In view of such protest, Luz Javier instituted on 5 August 1976 a complaint for rescission of the contract of sale with damages against Ursula in the Court of First Instance of Laguna.[9] This complaint was subsequently amended to include the legal heirs of the late Sabiniano Javier mentioned in the Deed of Absolute Sale of 8 March 1972.[10] The additional defendants later manifested to the trial court their intention to adopt as their own Ursula's answer to the original complaint as well as all other pleadings filed by her.[11]

On 20 February 1984, after trial on the merits, the court issued a decision in favor of plaintiff and against defendants: (1) declaring the Deed of Absolute Sale of 8 March 1972 (Exh. "A") rescinded; (2) ordering plaintiff to pay back defendants the amount of P65,000.00 and defendants to receive the same within fifteen (15) days from notice thereof; (3) ordering defendants upon receipt of the amount to immediately deliver to plaintiffs the ownership and possession of the parcel of land, including the house and improvements, furniture and fixtures found in the house, subject of Exh. "A", and to immediately vacate the premises; (4) ordering defendants to pay plaintiff (a) P5,000.00 representing attorney's fees as actual litigation expenses for filing the case; (b) P7,000.00 as nominal damages (Art. 2222, NCC); (c) P7,000.00 as moral damages (Art. 2217, NCC); (d) P7,000.00 as exemplary damages (Art. 2229, NCC); and, (e) costs of suit.[12]

From that decision, petitioners appealed to respondent Court of Appeals.[13]

While the rescission case was pending appeal, the legal heirs of Sabiniano Javier filed a complaint before respondent court for annulment of the decision in the rescission case, grounded on denial of due process, and alleging they were impleaded only after Luz Javier had already presented her evidence and that Lilibeth and Evelyn Javier were then minors without a guardian.[14]

The appellate court dismissed the complaint after finding that there was no denial of due process, and if there was, it should have been invoked at the earliest opportunity.[15] The legal heirs sought recourse before us by way of a petition for review on certiorari.[16] But we also denied this petition for insufficiency in form and substance, having failed to comply with the Rules of Court and Circular No. 1-88.[17]

On 27 October 1986, the appellate court affirmed the trial court's decision in the rescission case.[18] Undaunted, Ursula and the legal heirs came to us in a petition for review on certiorari.[19] In our resolution of 12 January 1987, we denied the petition for review on certiorari with treble costs.[20] Entry of judgment was made on 27 July 1987 and the records were remanded to the lower court.[21] On 10 February 1988, upon motion of the heirs of Luz Javier, the trial court issued a writ of execution.[22] Ursula and the legal heirs moved to reconsider the writ based on newly discovered evidence consisting of another deed of sale dated 4 March 1975 covering the same property purportedly executed by the late Luz Javier in favor of Ursula.[23] They averred that Ursula registered this document with the Register of Deeds and that, as a result, TCT No. T-40968 was issued in Ursula's name.

On 5 May 1988, Ursula filed a complaint for quieting of title and damages with preliminary injunction against the Heirs of Luz Javier before the RTC of Calamba, Laguna.[24]

On 10 May 1988, the trial court denied the motion of Ursula and the legal heirs for the reconsideration of the issuance of the writ of execution in the rescission case.[25]

On 8 July 1988, the trial court denied Ursula's petition for preliminary injunction in the complaint for quieting of title as the judgment sought to be enjoined had already become final and executory and that the latter failed to establish a clear legal right.[26]

On 15 July 1988, upon motion of private respondents, the trial court issued an alias writ of execution in the rescission case.[27] Forthwith, Ursula and the legal heirs filed a motion for suspension of the alias writ in view of the pendency of the complaint for quieting of title.[28] On 27 October 1988, the trial court denied the motion.[29] Ursula and the legal heirs appealed to the Court of Appeals.[30]

On 28 November 1988, the trial court dismissed the complaint for quieting of title based on *res judicata* and lack of sufficient cause of action.[31] Ursula appealed to the Court of Appeals.[32]

On 31 July 1990, the appellate court affirmed in toto the trial court's resolution of dismissal in the complaint for

quieting of title.[33] Ursula moved to reconsider.

On 6 August 1990, respondent court dismissed for being frivolous and baseless the appeal of Ursula and the heirs from the order denying their motion for suspension of the alias writ of execution, and ordered them to pay treble costs.[34]

On 13 November 1990, respondent court denied the motion of Ursula and the heirs for reconsideration of the dismissal.[35]

Whereupon, petitioners filed the instant petition for review on certiorari in G.R. No 96086.

On 20 June 1991, the appellate court denied Ursula's motion for reconsideration of its decision of 31 July 1990.[36]

Hence, this petition for review on certiorari in G.R. No. 100777.

In both petitions. Ursula and the heirs basically allege that the trial court's order directing them to deliver the disputed property now covered by TCT No. 40968 in Ursula's name to private respondents is null and void; that such order can be considered as a collateral attack against said title which could endanger the indefeasibility and stability of the Torrens system; that the portion of the decision directing the delivery of the subject property to private respondents had become moot and academic in view of the issuance of the title aforementioned; that the Deed of Absolute Sale of 8 March 1972 need not even be rescinded because the same has been superseded by the deed of sale of 4 March 1975; that the rule on finality of judgments admits of exceptions, e.g., where there is an overwhelming evidence that warrants change to harmonize with law and justice as well as to settle the entire controversy in a single proceeding; and that, finally, their case is not barred by *res judicata* because the same involves a novel issue of indefeasibility of Ursula's title.

In *Gabaya v. Mendoza*,[37] this Court set forth the rationale behind the rule on the immutability of a final and executory judgment, i.e., that after 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 litigations, thus setting at naught the main role of courts of justice, which is to assist in the enforcement of the rule of law and the maintenance of peace and order by settling justiciable controversies with finality.

While this rule admits of exceptions[38] as correctly observed by petitioners, no exception arises in the cases at bar to warrant reversal of the decisions under review.

Ursula and the legal heirs anchor their arguments on the existence of a subsequent deed of sale over the disputed property allegedly executed by Luz Javier in favor of Ursula. They vigorously assert that this document is a supervening event which bars the enforcement of the alias writ of execution. They claim that the sale thereafter made of the same parcel of land has superseded, cancelled and revoked the Deed of Absolute Sale of 8 March 1972.

We are not convinced. The supervening event which would justify the suspension or nullification of the execution of a final and executory judgment refers to facts and events transpiring after the judgment or order had become executory. These circumstances affect or change the substance of the judgment and render its execution inequitable. As Chief Justice Andres R. Narvasa, then Associate Justice, tersely and incisively explained[39] -

Attempts to frustrate or put off enforcement of an executory judgment on the basis of facts or events occurring before the judgment became final cannot meet with success. Facts or events bearing on the substance of the obligation subject of the action should ordinarily be alleged during the issue-formulation stage or otherwise by proper amendment, and proved at the trial; if discovered after the case has been submitted but before decision

is rendered, proved after obtaining a reopening of the case; and if discovered after judgment has been rendered but before it becomes final, substantiated at a new trial which the court in its discretion may grant on the ground of newly discovered evidence, pursuant to Rule 37, Rules of Court. Once the judgment becomes executory, the only other remedy left to attempt a material alteration thereof is that provided for in Rule 38 of the Rules of Court (governing petitions for relief from judgments), or an action to set aside the judgment on account of extrinsic, collateral fraud. There is no other permissible mode of preventing or delaying execution on equitable grounds predicated on facts occurring before finality of judgment.

In the present cases, the execution or existence of the alleged deed of sale of 4 March 1975 cannot be considered a supervening event that will alter the finality and the executory nature of the decisions in question. The records show that Luz Javier filed the complaint for rescission of the Deed of Absolute Sale of 8 March 1972 on 5 August 1976. All throughout the proceedings from the lower court to the appellate courts in 1976 (specifically during the lifetime of Luz Javier, who died on 9 June 1980.),[40] to this Court in 1967, Ursula and the legal heirs remained silent about the existence of the alleged deed of sale of 4 March 1975. Hence, they are now precluded under the principle of *res judicata* to question the finality of the judgment, in the rescission case. In *Arica v. National Labor Relations Commission*,[41] we declared that -

Res judicata operates to bar not only the relitigation in a subsequent action of the issues squarely raised, passed upon and adjudicated in the first suit, but also the ventilation in said subsequent suit of any other issue which could have been raised in the first but was not. The law provides that the judgment or order is, with respect to the matter directly adjudged or as to any other matter that could have been raised in relation thereto, conclusive between the parties and their successors in interest by title subsequent to the commencement of the action x x x litigating for the same thing and in the same capacity. So, even if new causes of action are asserted in the second action x x x this would not preclude the operation of the doctrine of *res judicata*. Those issues are also barred, even if not passed upon in the first. They could have been, but were not, there raised (underscoring supplied).

All the essential requisites of *res judicata* are present in this case, namely: (a) the former judgment is final; (b) it was rendered by a court having jurisdiction over the subject matter and the parties; (c) it is a judgment on the merits; and, (d) there is, between the first and second actions, identity of parties, of subject matter and of cause of action.[42]

The parties in both the complaints for rescission of contract and for quieting of title are practically the same. The private respondents are the heirs of the late Luz Javier who instituted the rescission case. They were made parties to Ursula's complaint for quieting of title because they inherited the disputed property from their deceased mother, Luz Javier. The subject matter of both actions is the same residential house and lot. The cause of action in both cases involves conflicting claims of ownership over the same property. Clearly, Ursula's belated efforts to protect her right cannot be condoned. Equity aids the vigilant, not those who slumber on their rights.[43]

Ursula claims that she is not a party to the rescission case in her personal capacity but only as mother of the other petitioners.

This contention is mere hair-splitting. A reading of Ursula's answer in the rescission case reveals that she considered herself a party in her own individual right not simply as representative of her children. Thus -

9. That the terms and conditions specified in par. 3 of the Complaint insofar as the exclusion of the adjoining back lot and the exclusion of defendant and her children from becoming owner thereof are concerned are null and void, ineffective and wholly inoperative being contrary to law (especially to C.A. 141 and P.D. 152), public order, public policy, morals and good customs[44] (underscoring supplied).

In fact, she neither objected to her being named as a defendant in the rescission case nor called the attention of the

trial court as to the identity of the real parties-in-interest. It was Luz Javier who amended the complaint to include Ursula's children as co-defendants. Having therefore actively participated in the proceedings below, Ursula cannot now pretend that she was not a real party-in-interest in the case.

Ursula further asserts that since she is now the registered owner of the disputed property, the writ of execution should not be allowed; otherwise, it would be a collateral attack against a Torrens title, which is not sanctioned by law.

Even granting arguendo that the alleged second sale took place, Ursula's assertion is without merit. The Land Registration Act,[45] as amended by the Property Registration Decree,[46] only protects a purchaser for value in good faith. The law does not permit its provisions to be used as a shield for fraud or as an excuse for a person to enrich himself at the expense of another.[47] Ursula knew all along that Luz Javier had already ceded the disputed property to her children. Hence, at the time of the alleged second sale of the same property, Luz Javier was no longer its owner. She could no longer convey something which she did not own. Ursula cannot therefore claim a superior right to the disputed property because she did not acquire any under the second sale of 1975. The fact that the first sale is unregistered is of no moment. Actual knowledge by a purchaser of an existing title is equivalent to notice resulting from a registry.[48]

Moreover, registration neither vests title nor gives the holder a better title than what he actually has, especially if the registration was done in bad faith.[49] A person who wrongfully or illegally registers property in his name is deemed to hold the same in trust for the real owner.[50] In this situation, the real owner has the right to file an action for the reconveyance of the property even beyond the one year period under Act No. 496 because such an action is imprescriptible.[51] He also has an alternative remedy of instituting an action for damages if the property has passed into the hands of an innocent purchaser for value.[52] In the cases at bar, the private respondents need not proceed with the action for reconveyance since the judgment in the rescission case had, among other matters, already directed Ursula and the legal heirs to reconvey the property to them. Notwithstanding Ursula's title over the property, the deed of sale of 1972 is valid between the parties.

Consequently, Ursula is not exempt from complying with the said judgment since it would be unjust that she who has no valid right over the property should retain the same.

The enforcement of the final judgment in the rescission case has been long delayed; hence, it is time indeed to put an end to this litigation. In the interest of justice and without ordering the cancellation of Ursula's title,[53] Ursula and the legal heirs should comply with the final and executory judgment of the court.

WHEREFORE, the petitions in G.R. No 96086 (Ursula Ocdamia Javier, et al. v. Court of Appeals, et al.) and G.R. No. 100777 (Ursula Ocdamia Javier v. Court of Appeals [Third Division], et al.) are DENIED and the decisions of the Court of Appeals in CA-G.R. CV No. 20048 promulgated 31 July 1990, and CA-G.R. CV No. 20650 promulgated 6 August 1990 are AFFIRMED.

Petitioners are directed to comply with the final and executory judgment of the Regional Trial Court of Calamba, Laguna, in Civil Case No. 487-83-C (Luz Javier v. Ursula Ocdamia Javier, et al), with costs against petitioners. This decision is immediately executory.

SO ORDERED.

Cruz, Griño-Aquino, Davide, Jr., and Quiason, JJ., concur.

[1] Resolution, 20 November 1991, Rollo, G.R. No. 100777, p. 60.

- [2] Penned by Justice Nicolas P. Lapeña, Jr., concurred in by Justices Jose A.R. Melo (now Member of this Court) and Antonio M. Martinez, Second Division.
- [3] Penned by Judge Justo M. Sultan, RTC, Branch 36, Calamba, Laguna.
- [4] Rollo, G.R. No. 96086, p. 22.
- [5] Penned by Justice Santiago M. Kapunan, concurred in by Justices Emeterio C. Cui and Justo P. Torres, Jr., Third Division.
- [6] Rollo, G.R. No. 100777, p. 28.
- [7] Rollo, G.R. No. 96086, pp. 23-24.
- [8] Records of G.R. No. 96086, Vol. I, p. 9.
- [9] Docketed as Civil Case No. 332-C, later changed to Civil Case No. 487-83-C, RTC; *ibid.*, p. 1.
- [10] Records, G.R. No. 96086, Vol. I, pp. 109-116.
- [11] *Ibid.*, p. 126.
- [12] Penned by then Judge Ma. Alicia M. Austria, RTC, Branch 36, Calamba, Laguna (now Mme. Justice Ma. Alicia M. Austria-Martinez, Court of Appeals); Rollo, pp. 42-51.
- [13] Docketed as CA-G.R. CV No. 06759.
- [14] Docketed as CA-G.R. No. 16982; see Petition, G.R. No. 96086, p. 10.
- [15] Rollo, G.R. No. 96086, pp. 61-62.
- [16] Docketed as G.R. No. 91379, Myrna Javier, et al. v. Court of Appeals, et al.
- [17] *Ibid.*, p. 185.
- [18] Penned by Justice Reynato S. Puno (now Member of this Court), concurred in by Justices Jose C. Campos, Jr. (who became Member of this Court earlier) and Venancio O. Aldecoa, Jr.; Records, G.R. No. 96086, Vol. I, p. 337.
- [19] Docketed as G.R. No. 76779, Ursula Ocdamia Javier, et al. v. Luz Javier, et al.
- [20] Records, G.R. No. 96086, Vol. I, p. 344.
- [21] *Ibid.*, p. 335.
- [22] *Ibid.*, p. 368.
- [23] *Ibid.*, p. 345.
- [24] Docketed as Civil Case No. 1221-88-C; Records, G.R. No. 100777, p. 1.
- [25] Records, G.R. No. 96086, Vol. I, p. 366.
- [26] Penned by Judge Francisco Ma. Guerrero, RTC, Branch, 36, Calamba, Laguna; Records, G.R. No. 100777, pp. 35-36.
- [27] Records, G.R. No. 96086, Vol. I, p. 375.
- [28] *Ibid.*, Vol. II, p. 1.

[29] Ibid., pp. 169-172.

[30] Docketed as CA-G.R. CV No. 20650.

[31] Records, G.R. No. 100777, pp. 125-132.

[32] Docketed as CA-G.R. CV No. 20048.

[33] Rollo, G.R. No. 100777, pp. 32-38.

[34] Rollo, G.R. No. 96086, pp. 56-63.

[35] Rollo, G.R. No. 96086, p. 65.

[36] Rollo, G.R. No. 100777, p. 40.

[37] G.R. No. 53560, 30 March 1982, 113 SCRA 400, 406, citing *Fariscal Vda. de Emnas v. Emnas*, G.R. No. L-26095, 28 January 1980, 95 SCRA 471.

[38] *Philippine Veterans Bank v. Intermediate Appellate Court*, G.R. No. 73162, 23 October 1989, 178 SCRA 645, 650, citing *Lipana v. Development Bank of Rizal*, G.R. No. 73884, 24 September 1987, 154 SCRA 257. The other two exceptions are: (1) in cases of special and exceptional nature where it becomes imperative in the higher interest of justice to direct the suspension of its execution; and, (2) whenever it is necessary to accomplish the ends of justice.

[39] Concurring opinion in *Baclayon v. Court of Appeals*, G.R. No. 89132, 26 February 1990, 182 SCRA 761, 776-777.

[40] Records, G.R. No. 96086, Vol. I, p. 329.

[41] G.R. No. 78210, 28 February 1989, 170 SCRA 776, 782-783, citing *Vda. de Buncio v. Estate of the late Anita de Leon*, 156 SCRA 352 (1987).

[42] *Magdangal v. City of Olongapo*, G.R. No. 83828, 16 November 1989, 179 SCRA 506, 509, citing *San Diego v. Cardona*, 70 Phil. 281 (1940); *Deang v. Intermediate Appellate Court*, G.R. No. 71313, 24 September 1987, 154 SCRA 250.

[43] *Philippine Rabbit Bus Lines, Inc. v. Arciaga*, G.R. No. L-29701, 16 March 1987, 148 SCRA 433, 438, citing *Henson v. Director of Lands*, 55 Phil. 586 (1931).

[44] Rollo, G.R. No. 96086, p. 35.

[45] Act No. 496, 6 November 1902.

[46] P.D. No. 1529, 11 June 1978.

[47] *Gabriel v. Court of Appeals*, G.R. No. L-26348, 30 March 1988, 159 SCRA 461, 469-470, citing *Gustilo v. Maravilla*, 48 Phil. 442 (1925); *Angelo v. Director of Lands*, 49 Phil. 838 (1926).

[48] *Winkleman v. Veluz*, 43 Phil. 604, 609 (1922).

[49] See *Agne v. Director of Lands*, G.R. No. L-40399, and *Agne v. Intermediate Appellate Court*, G.R. No. 72255, both prom. 6 February 1990, 181 SCRA 793, 809.

[50] *Baranda v. Baranda*, G.R. No. 73275, 20 May 1987, 150 SCRA 59, 73.

[51] Ibid.

[52] *Ibid*, p. 74.

[53] See *Agne v. Director of Lands*, *supra*, and *Agne v. Intermediate Appellate Court*, *supra*, where a patent and certificate of title were issued on a private land, the Court without ordering the cancellation of the title issued upon the patent, directed the defendant registered owner to reconvey the property to the plaintiff.

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