



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated April 24, 2023, which reads as follows:

“G.R. No. 262439 (Luningning E. Garcia, Rodolfo E. Garcia, Sps. Roberto and Pureza Garcia, Sps. Roderic and Sheryl Garcia, Sps. Elizalde and Maria G. Magdael, Roda G. Puspup, Sps. Leah and Edgardo Moreno, and Sps. Ramon Genesis and Alma Lopez, *Petitioners*, vs. Rogelio R. Dumail, Gery Dumail, Rosario L. Mariano, Dante Mariano, Mignette Mariano, Marrietta M. Eugenio, Analiza Mariano Gamil, Rhodora Mariano, Venancio Mangrobang, Rowena Mangrobang, Jeffrey Mangrobang, Edwin Mangrobang, Leonora M. Cruz, Maria Concepcion C. Albo, Maria Theresa C. Vinluan, Joel Cruz, Rosalinda M. Cruz Abrera and Benjamin M. Cruz [Heirs of Segundo Mariano & Francisca Salazar], Registry of Deeds of Malabon City, and Sheriff Ronelio Salamanca, *Respondents*). – This resolves the Petition for [Review] on *Certiorari* under Rule 45¹ (Petition) assailing the Decision² dated April 6, 2022, and the Resolution³ dated July 26, 2022, of the Court of Appeals (CA) in CA-G.R. CV No. 115086, which affirmed the Decision⁴ dated August 8, 2019, and the Order⁵ dated November 20, 2019, of Branch 74, Regional Trial Court (RTC Branch 74), Malabon City, in Civil Case No. 1852-MN.

The RTC dismissed for lack of merit the complaint for cancellation of title, reconveyance, damages, injunction, with prayer for temporary restraining order and/or writ of preliminary injunction (Complaint) filed by Luningning Garcia, Rodolfo Garcia, Sps. Roberto and Pureza Garcia, Sps. Roderic and Sheryl Garcia, Sps. Elizalde and Ma. Luisa G. Magdael, Roda G. Puspup, Sps. Leah and Edgardo Moreno, and Sps. Ramon Genesis and Alma Lopez (collectively, “petitioners”) against the heirs of Segundo Mariano

¹ *Rollo*, pp. 3 to 17. The Petition was designated as “Petition for *Certiorari* under Rule 45.” Considering that the Petition was filed within the 15-day reglementary period under Section 2 of Rule 45 of the Rules of Court, the Court shall treat the petition as a Petition for Review on *Certiorari* under Rule 45 in the interest of substantial justice.

² *Id.* at 22-35. Penned by Associate Justice Marlene B. Gonzales-Sison and concurred in by Associate Justices Geraldine C. Fiel-Macaraig and Jennifer Joy C. Ong.

³ *Id.* at 37-39. Penned by Associate Justice Marlene B. Gonzales-Sison and concurred in by Associate Justices Geraldine C. Fiel-Macaraig and Jennifer Joy C. Ong.

⁴ RTC records, pp. 392-397. Penned by Judge Celso R.L. Magsino, Jr.

⁵ *Id.* at 415-416.

(Segundo) and his wife Francisca Salazar, namely: Rogelio R. Dumail, Gery Dumail, Rosario L. Mariano, Dante Mariano, Mignette Mariano, Marrietta M. Eugenio, Analiza Mariano Gamil, Rhodora Mariano, Venancio Mangrobang, Rowena Mangrobang, Jeffrey Mangrobang, Edwin Mangrobang, Leonora M. Cruz, Maria Concepcion C. Albo (Ma. Concepcion),⁶ Maria Theresa C. Vinluan (Ma. Theresa), Joel Cruz, Rosalinda M. Cruz Abrera (Rosalinda), and Benjamin M. Cruz (Benjamin) (collectively, “respondent-heirs”); Registry of Deeds of Malabon City; and Sheriff Rogelio Salamanca (Sheriff Salamanca) (collectively, “respondents”).⁷

The Antecedents

Basilio Mariano was the former registered owner of a 2,790-square-meter parcel of land located in Bayan-Bayanan, Malabon City, covered by Transfer Certificate of Title (TCT) No. 39941 (subject property). Upon his death, the subject property was inherited by his father, Andres Mariano (Andres). TCT No. 39941 was then cancelled and TCT No. 18962 was issued in the name of Andres.⁸

On September 1, 1947, Andres executed a Last Will and Testament (Will) bequeathing the subject property to Segundo. Andres’ Will was the subject of probate proceedings docketed as SP No. 917 at the then Court of First Instance of Rizal (CFI).⁹ Andres had three children aside from Segundo, namely: Manuel Mariano, Diego Mariano, and petitioners’ predecessor-in-interest, Maria Mariano Garcia (Maria).¹⁰

In the proceedings therein, the subject property was adjudicated in favor of Segundo by virtue of an Amended Project of Partition which was approved by the CFI in an Order dated May 19, 1949.¹¹ Maria did not question the adjudication of the subject property in favor of her brother, Segundo.¹² Thereafter, TCT No. 18962 was cancelled and TCT No. (19694)-1670 was issued in the name of Segundo.¹³

Segundo and his wife, Francisca, died on January 23, 1973, and February 10, 1962, respectively.¹⁴

⁶ “Alibo” in some parts of the *rollo*. *Rollo*, p. 25, CA Decision.

⁷ *Id.* at 22-23 and 25, CA Decision.

⁸ *Id.* at 23.

⁹ *Id.*

¹⁰ *Id.* at 29.

¹¹ *Id.* at 23.

¹² *Id.* at 31-32.

¹³ *Id.* at 24.

¹⁴ *Id.*

In 2014, Horacio S. Mariano (Horacio), as respondent-heirs' attorney-in-fact, filed a Petition for Issuance of Second (New) Owner's Duplicate Copy of TCT No. (19694)-1670¹⁵ with Branch 170, Regional Trial Court (RTC Branch 170), Malabon City, docketed as LRC Case No. 14-021, on June 24, 2014. Thereafter, he filed a complaint for unlawful detainer before Branch 55, Metropolitan Trial Court (MeTC Branch 55), Malabon City, docketed as Civil Case No. JL00-1308, on July 21, 2014, against petitioners.¹⁶

On October 8, 2014, the RTC Branch 170 issued a decision in favor of respondent-heirs. In the Decision¹⁷ dated February 2, 2015, the MeTC Branch 55 likewise ruled in favor of respondent-heirs and ordered petitioners to vacate the premises they respectively occupied. Petitioners, however, refused to vacate the premises which prompted Sheriff Salamanca to evict them from the subject property.¹⁸

In turn, petitioners filed the aforementioned Complaint against respondents with the RTC Branch 74 and averred that they have been in open, public, and continuous possession of the house and lot located at Celia St., Bayan-Bayanan, Malabon City, which they inherited from Maria, the legitimate heir of Andres. They argued that Segundo's title over the subject property was spurious.¹⁹

Petitioners added that the Affidavit of Loss²⁰ and Special Powers of Attorney (SPAs) in favor of Horacio and Zenaida M. Domingo dated October 6 and October 16, 2008, respectively, were falsified because Segundo died on January 25, 1973. According to them, Horacio, Lourdes, Ma. Concepcion, Ma. Teresa, Rosalinda, and Benjamin used the fraudulent, forged, and falsified TCT, SPA, and Affidavit of Loss in the unlawful detainer case against them.²¹

Trial on the merits ensued.²²

Ruling of the RTC

In the Decision²³ dated August 8, 2019, the RTC Branch 74 dismissed petitioners' Complaint. The dispositive portion of the Decision reads:

¹⁵ Id. at 25.

¹⁶ Id. at 24.

¹⁷ RTC Records, pp. 274-283. Penned by Judge John Voltaire C. Ventura.

¹⁸ Id. at 286.

¹⁹ Id. at 25.

²⁰ *Rollo*, p. 43.

²¹ Id. at 26.

²² Id.

²³ RTC records, pp. 392-397. Penned by Judge Celso R.L. Magsino, Jr.

The plaintiffs have failed to establish the factual and legal bases of their claim in the instant case. The Court has no right to disturb defendants' title to the land subject matter of this case. Much less does this Court have the power to amend, revise and or set aside the final and executory judgment which plaintiffs pray for [*sic*].

WHEREFORE, in view of the foregoing, the instant complaint is hereby dismissed for lack of merit.

SO ORDERED.²⁴ (Emphases omitted.)

The RTC Branch 74 found that there was a valid transfer of ownership of the subject property from Andres to Segundo. As to the cancellation of the reconstituted TCT No. (19694)-1670, the RTC ruled that petitioners are not the proper party as they failed to establish their ownership of the subject property.²⁵

Further, the RTC Branch 74 opined that the Complaint is barred by *res judicata* considering that the adjudication of the subject property in favor of Segundo in SP No. 917 way back in 1949 is binding against the whole world.²⁶

Petitioners filed a motion for reconsideration, but the RTC Branch 74 denied it in its Order²⁷ dated November 20, 2019. Thus, they filed an appeal with the CA.²⁸

Ruling of the CA

In the assailed Decision²⁹ dated April 6, 2022, the CA denied petitioners' appeal:

WHEREFORE, premises considered, the appeal filed by appellants is DENIED. The assailed Decision dated August 8, 2018 and Order dated November 20, 2019 of the RTC National Capital Region in Civil Case No. 1852-MN, Branch 74, Malabon City are affirmed.

SO ORDERED.³⁰ (Emphases omitted.)

The CA agreed with the RTC Branch 74 that petitioners are barred by *res judicata* from relitigating the validity of the issuance of title over the subject property in favor of Segundo, pursuant to the concept of conclusiveness of judgment. It found that there is identity of the parties in the

²⁴ Id. at 397.

²⁵ Id. at 394-395.

²⁶ Id. at 396.

²⁷ Id. at 415-416.

²⁸ *Rollo*, pp. 27-28.

²⁹ Id. at 22-35. Penned by Associate Justice Marlene B. Gonzales-Sison and concurred in by Associate Justices Geraldine C. Fiel-Macaraig and Jennifer Joy C. Ong.

³⁰ Id. at 34.

present case and SP No. 917 considering that petitioners were Maria's descendants.³¹

Petitioners moved for the reconsideration of the above Decision, but the CA denied it in the assailed Resolution³² dated July 26, 2022.

Hence, the petition.

Petitioners' Arguments

Petitioners maintain that the issuance of title in favor of Segundo was tainted with fraud and irregularity. They further maintain that the newly-issued TCT was acquired by respondent-heirs through falsified SPAs purportedly issued by Segundo, who was already dead on the date the SPAs were executed.³³ Petitioners, thus, contend that the transfer of ownership as well as their title are null and void by reason thereof.³⁴ Citing *De Leon v. Balinag*,³⁵ they pray that the Court set aside the principle of *res judicata* in favor of substantial justice.³⁶

Issue

The core issue for the Court's resolution is whether the CA erred in ruling that petitioners are barred by *res judicata* from relitigating the validity of the issuance of title in favor of Segundo, pursuant to the concept of conclusiveness of judgment.

The Court's Ruling

The petition is bereft of merit.

As aptly held by both the RTC Branch 74 and the CA, petitioners are already barred from relitigating Segundo's title over the subject property in view of the finality of the CFI's Order in SP No. 917.

The second kind of *res judicata*, or conclusiveness of judgment, applies when all the following elements are present: "(1) the judgment sought to bar the new action must be final; (2) the decision must have been rendered by a court having jurisdiction over the subject matter and the parties; (3) the disposition of the case must be a judgment on the merits; and (4) there must

³¹ Id. at 31-32.

³² Id. at 37-39.

³³ Id. at 11.

³⁴ Id. at 14.

³⁵ 530 Phil. 299 (2016).

be as between the first and second action, identity of parties, but not identity of causes of action.”³⁷

All the aforementioned elements are present in the case. *First*, the CFI’s Order dated May 19, 1949 in SP No. 917 which approved the Amended Project of Partition had long attained finality. *Second*, the CFI, acting as the probate court, issued the Order in the testate proceeding of Andres’ Will, the common ancestor of the parties. *Third*, the adjudication of the subject property in favor of Segundo is a final judgment on the merits. *Lastly*, the parties in the present case and SP No. 917 are similar because petitioners are the heirs of Maria. The two cases, despite having different causes of action, have the same underlying issue: whether there was a valid transfer of title from Andres to Segundo. Verily, the CFI’s Order dated May 19, 1949, is *res judicata* in the present case on the question of the validity of the transfer of title from Andres to Segundo.

Indeed, there have been instances where the application of the doctrine of *res judicata* was relaxed in the higher interest of justice, but such relaxation was limited to cases wherein the Court found that “technicalities have overtaken the resolution of substantial issues” and the parties were prevented “from presenting the merits of their respective claims and defenses.”³⁸ In the case, however, petitioners failed to allege, much less prove, that Maria, their predecessor-in-interest, was prevented from objecting to Andres’ testamentary disposition bequeathing the subject property to Segundo in SP No. 917. Verily, the relaxation of the rule on *res judicata* is not warranted in the case at bar.

It is understandable that petitioners are aggrieved, having resided in the subject property for decades. Petitioners’ adverse possession, however, no matter how long, will not ripen into ownership considering that the subject property is a registered land³⁹ and covered by a Torrens title which carries with it a strong presumption of validity.⁴⁰ Further, “[e]very litigation must come to an end once a judgment becomes final, executory and unappealable.”⁴¹ Thus, the Court will not disturb the CFI’s Order dated May 19, 1949, in SP No. 917 adjudicating the subject property to Segundo.

Anent the Affidavit of Loss and the SPAs which were executed in October 2008, more than 35 years after the death of Segundo, these have no bearing on Segundo’s title over the subject property.

³⁷ *Heirs of Elliot v. Corcuera*, G.R. No. 233767, August 27, 2020.

³⁸ *De Leon v. Balinag*, supra citing *Teodoro v. Carague*, 283 Phil. 354 (1992).

³⁹ See Property Registration Decree, Presidential Decree No. 1529, approved on June 11, 1978.

Section 47. Registered land not subject to prescriptions. No title to registered land in derogation of the title of the registered owner shall be acquired by prescription or adverse possession.

⁴⁰ See *Ching v. Court of Appeals*, 260 Phil. 14, 23 (1990).

⁴¹ *Cabuay, Jr. v. Malvar*, 438 Phil 252 (2002).

A petition for the issuance of a new owner's duplicate certificate which was lost or destroyed under Section 109⁴² of the Property Registration Decree merely results in the re-issuance of a new duplicate certificate "which shall contain a memorandum of the fact that it is issued in place of the lost duplicate certificate, but shall in all respects be entitled to like faith and credit as the original duplicate, and shall thereafter be regarded as such for all purposes of this decree."⁴³ It is not a mode of transferring ownership but merely determines whether a re-issuance of such title is proper. Thus, any irregularity in the proceedings before the RTC Branch 170 will only affect the validity of the newly-issued title but will not render TCT No. (19694)-1670, which was issued in the name of Segundo more than 70 years ago, null and void.

In the same vein, the Affidavit of Loss and the SPAs in question likewise have no bearing on respondent-heirs' ownership over the subject property.

To stress, Segundo's ownership over the subject property passed on to his heirs *ipso facto* at the moment of his death by hereditary succession pursuant to Article 777⁴⁴ of the Civil Code. Hence, regardless of whether respondent-heirs were the ones responsible for the falsity in the Affidavit of Loss and SPAs, it will not affect their rights of ownership over the subject property.

Lastly, Section 2, Rule 3 of the Rules of Court requires that "every action must be prosecuted in the name of the real party in interest." "The real party in interest is the party who would be benefited or injured by the judgment, or the party entitled to the avails of the suit."⁴⁵

To the Court's mind, the real parties in interest who may bring an action to nullify the newly-issued title in question are respondent-heirs themselves or their transferees. Petitioners, who are the heirs of Maria, were neither injured by the proceedings nor will they benefit from the annulment of the newly-issued title. By no means will the nullification of the newly-issued title result in the reconveyance of the subject property in their favor.

In fine, the Court finds no compelling reason to reverse the assailed issuances of the CA.

⁴² SECTION 109. *Notice and Replacement of Lost Duplicate Certificate.* — In case of loss or theft of an owner's duplicate certificate of title, due notice under oath shall be sent by the owner or by someone in his behalf to the Register of Deeds of the province or city where the land lies as soon as the loss or theft is discovered. If a duplicate certificate is lost or destroyed, or cannot be produced by a person applying for the entry of a new certificate to him or for the registration of any instrument, a sworn statement of the fact of such loss or destruction may be filed by the registered owner or other person in interest and registered.

Upon the petition of the registered owner or other person in interest, the court may, after notice and due hearing, direct the issuance of a new duplicate certificate, which shall contain a memorandum of the fact that it is issued in place of the lost duplicate certificate, but shall in all respects be entitled to like faith and credit as the original duplicate, and shall thereafter be regarded as such for all purposes of this decree.

⁴³ *Id.*

⁴⁴ Article. 777. The rights to the succession are transmitted from the moment of the death of the decedent.

⁴⁵ See *Salonga v. Warner Barnes & Co., Ltd.*, 88 Phil. 125 (1951).

WHEREFORE, the petition is hereby **DENIED**. The Decision dated April 6, 2022, and the Resolution dated July 26, 2022, of the Court of Appeals in CA-G.R. CV No. 115086 are **AFFIRMED**.

SO ORDERED.”

By authority of the Court:

~~Mis-POC Batt~~
MISAEL DOMINGO C. BATTUNG III
Division Clerk of Court ~~April 24, 2023~~

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Branch 74, 1470 Malabon City
(Civil Case No. 1852-MN)

The Presiding Judge
c/o Sheriff Renelio Salamanca
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Branch 74, 1470 Malabon City

Registry of Deeds
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