

## FIRST DIVISION

[ G.R. NO. 166781, September 05, 2006 ]

**ALEJANDRO MORAGA, REPRESENTED BY ENRIQUE MORAGA,  
PETITIONER, VS. SPS. JULIAN AND FELICIDAD SOMO, SPS.  
REYNALDO AND CARMELITA FERNANDEZ, AND GIL AND  
HERMINILDO SAN DIEGO RESPONDENTS.**

### D E C I S I O N

#### **CHICO-NAZARIO, J.:**

This Petition for Review under Rule 45 of the Rules of Court, filed by petitioner Enrique Moraga, seeks to nullify and set aside the 23 April 2004 Decision<sup>[1]</sup> and 11 January 2005 Resolution of the Court of Appeals in CA-G.R. SP No. 70051 which reversed and set aside the Decision of the Department of Agrarian Reform Adjudication Board (DARAB) in DARAB Case No. 5086 dated 11 January 2001.

The property in dispute is a parcel of agricultural land consisting of 1.7467 hectares which is located in Pandayan, Meycauayan, Bulacan, and covered under Transfer Certificate of Title (TCT) No. T-5926 in the name of Victoriano Ipapo who died on 6 June 1976. This property was tenanted by Alejandro Moraga, the deceased father of petitioner Enrique Moraga.

On 7 March 1973, Victoriano Ipapo sold the landholding to his daughters Felicidad, Carmelita, and Herminigilda, and their respective spouses, Julian Somo, Reynaldo Fernandez and Gil San Diego (respondents) for P10,000.00 per Bilihan Tuluyan of even date.

Inasmuch as an affidavit of consent of the tenant is required by the agrarian laws in the transfer of title, Alejandro Moraga on 19 November 1979 executed a *Sinumpaang Salaysay* admitting that he had knowledge and consent of the sale. Thus, on 19 November 1979, a new certificate of title over the disputed land, TCT No. T-29031 (M), was issued in favor of the respondents.

Unknown to respondents, on 22 July 1981, a Certificate of Land Transfer (CLT) No. 0-042737 was issued in favor of Alejandro Moraga for the same parcel of agricultural land. On the basis of such CLT, Alejandro Moraga, on 3 November 1993, filed an application for the issuance of Emancipation Patent (EP) over the land in question before the Provincial Assessor of Bulacan. Apparently, respondents belatedly filed a written protest of the application since on 16 September 1993, EP No. 496453 was granted to Alejandro Moraga, and pursuant to which TCT No. EP-108(M) was likewise issued in his favor.

On 11 October 1993, respondents filed with the DARAB a complaint for Cancellation of the Certificate of Land Transfer and the Emancipation Patent and for Ejectment against Enrique and Mercedes Moraga (Moragas), the surviving heirs of the late

Alejandro Moraga who died on 25 August 1993. Mercedes Moraga is the surviving spouse of the deceased Alejandro Moraga. The case was docketed as DARAB Case No. 567- Bul '93.

Respondents alleged in their complaint, among other things, the following: (1) that the proceedings leading to the issuance of the CLT in favor of Alejandro Moraga were irregular, i.e., the issuance of such CLT was based on a fraudulent or false certification of the Provincial Assessor of Bulacan stating that the total landholding of their predecessor-in-interest, Victoriano Ipapo, was 9.2986 hectares, when in truth and in fact, it was only 6.3197 hectares, (2) that the CLT was issued in violation of respondents' and/or Victoriano Ipapo's retention rights, 3) that the tenants, the Moragas violated their obligations as tenants.

Finding that the EP was issued not in accordance with Presidential Decree No. 27 and that the Moragas violated their obligations as tenants of the subject landholding, the Provincial Adjudicator, in a decision dated 30 June 1994, rendered a judgment in favor of respondents. The dispositive portion of the decision reads:

WHEREFORE, premises considered judgment is hereby rendered as follows:

1. Finding the landholding of the late Victoriano Ipapo not covered by P.D. 27. Accordingly, EP No. 496453 issued in favor of Alejandro Moraga is hereby recalled and cancelled.
2. Ordering defendant Alejandro Moraga and all other persons acting in his behalf to vacate the premises in question for the peaceful possession of the plaintiff.<sup>[2]</sup>

The Moragas filed a motion for reconsideration which was denied for lack of merit.

The Moragas then appealed to the Court of Appeals.

In the meantime, respondents filed an application for retention with the Department of Agrarian Reform (DAR) which was opposed by petitioner Enrique Moraga. In an Order dated 22 February 1994, the Regional Director of DAR Region III granted the application for retention by respondents.

Petitioner appealed to the Secretary of Agrarian Reform who affirmed the decision of the Regional Director in an Order dated 14 October 1994.

Unfazed, petitioner appealed the ruling of the Secretary of Agrarian Reform to the Court of Appeals. Said appealed ruling of the Secretary of Agrarian Reform was consolidated by the Court of Appeals with the appealed decision of the DARAB in Case No. 567-Bul '93. The consolidated cases were docketed as CA- G.R. No. SP No. 38445.

In a Decision dated 28 September 1995, the Court of Appeals dismissed the two appeals in CA-G.R. SP No. 38445, thus affirming the rulings of the DARAB and the Secretary of Agrarian Reform. The decision became final and executory since no either motion for reconsideration nor appeal from the same were ever filed by any

party.

While the CA-G.R. SP No. 38445 was still pending before the Court of Appeals, petitioner and Mercedes Moraga, on 6 April 1995, filed before the Provincial Adjudicator of Malolos, Bulacan, a complaint for Redemption against respondents which was docketed as DARAB Case No. 927-Bul '95. The complaint alleged that upon Alejandro Moraga's death, the Moragas succeeded Alejandro Moraga as tenants over the parcel of land that is the subject of the controversy. It was likewise averred that the sale entered into between Victoriano Ipapo and respondents on 7 March 1973, involving the said property, was made without the written notice given to Alejandro Moraga and the DAR, in violation of Section 2 of Republic Act No. 3844, as amended by Republic Act No. 6389. Within the purview of the said provisions of law, the Moragas were exercising their right of redemption over the said landholding.

In a Decision dated 23 November 1995, the Provincial Adjudicator, taking into consideration the earlier ruling of the Court of Appeals in CA-G.R. SP No. 38445, which affirmed the judgment of the DARAB ordering Alejandro Moraga to vacate the premises of land in question and the order of the Secretary of Agrarian Reform granting respondents' application for retention, opined that the case for redemption has been rendered moot and academic inasmuch as respondents, by virtue of the said ruling of the Court of Appeals, had acquired vested rights over the subject property. Accordingly, such vested rights entitled respondents to exercise all the attributes of ownership, hence, said property is beyond the reach of redemption. The Provincial Adjudicator further argued that even if the action for redemption may be availed of, the same is still barred by prescription considering that the Moragas exercised the said right only after 22 years had lapsed.

On appeal, the DARAB in Case No. 927-Bul '95 affirmed with modification the decision of the Provincial Adjudicator. The DARAB, while sustaining the Provincial Adjudicator's ruling that the Moragas' right to redeem has prescribed, stated that the heirs of Alejandro Moraga shall remain as tenants and are entitled to security of tenure, to wit:

WHEREFORE, premises considered, the appealed decision is hereby MODIFIED declaring the heirs of the late Alejandro Moraga, herein plaintiffs, are not entitled to redeem the subject property. However, they shall remain as tenants thereof entitled to security of tenure.<sup>[3]</sup>

The Moragas filed a motion for reconsideration of the foregoing decision denying their claim for redemption.

Respondents likewise filed a motion for reconsideration of the said decision insofar as it decreed that Alejandro Moraga's heirs shall "remain tenants entitled to security of tenure."

Both motions were denied by the DARAB.

Hence, both parties appealed to the Court of Appeals.

The appeal of the Moragas which assailed the DARAB decision denying their claim for redemption was docketed as CA-G.R. SP No. 63895, while the appeal of respondents questioning the DARAB decision ordering the heirs of Alejandro Moraga to "remain as tenants entitled to security of tenure" was docketed as CA-G.R. SP No. 70051.

In a decision dated 29 January 2003, the Special Third Division of the Court of Appeals rendered a judgment in CA-G.R. SP No. 63895 affirming *in toto* the decision of the DARAB. Since no appeal was filed by either party, this decision became final and executory.

On the other hand, the Sixth Division of the Court of Appeals, in resolving the sole issue in CA-G.R. SP No. 70051 on whether or not the DARAB is correct in ordering that the heirs of Alejandro Moraga remain as tenants in the subject landholding, ruled for the respondents. It ratiocinated that the DARAB committed palpable error in decreeing that Alejandro Moraga's heir "shall remain as tenants entitled to security of tenure" considering that the said ruling alters the already final and executory decision of the Court of Appeals in CA-G.R. SP No. 38445, enunciating that the Moragas are not entitled to security of tenure for violating their obligations as tenants.

Undeterred, petitioner filed a motion for reconsideration of the above decision. The Court of Appeals did not budge from its stand and denied the motion in a Resolution dated 11 January 2005.

Hence, the instant petition.

Petitioner submitted the following issues:

A

WHETHER OR NOT PETITIONER HAS A RIGHT OF REDEMPTION OVER THE LANDHOLDING SUBJECT OF THE INSTANT CASE;

B

IF IN THE NEGATIVE, WHETHER OR NOT PETITIONER SHALL REMAIN AS TENANT OF THE LANDHOLDING ENTITLED TO SECURITY OF TENURE;

C

WHETHER OR NOT RESPONDENTS HAVE A LEGAL RIGHT TO EJECT PETITIONER FROM THE LANDHOLDING IN QUESTION;

D

IF IN THE AFFIRMATIVE, WHETHER OR NOT PETITIONER IS ENTITLED TO DISTURBANCE COMPENSATION.<sup>[4]</sup>

As gleaned from the issues presented by petitioner, it is quite evident that petitioner would want this Court to revisit the final and executory decisions of the Court of

Appeals in CA-G.R. SP No. 38445, where petitioner's claim of security of tenure was settled, and in CA-G.R. SP No. 63895 which resolved petitioner's complaint for redemption. However, this cannot be done by this Court without violating the doctrine of *res judicata*.

In *Spouses Barretto v. Court of Appeals*,<sup>[5]</sup> this Court elucidated the doctrine of *res judicata* in this fashion:

Section 47, Rule 39 of the Rules of Court, provides:

Sec. 47. *Effect of judgments or final orders.* - The effect of a judgment or final order rendered by a court of the Philippines, having jurisdiction to pronounce the judgment or final order, may be as follows:

x x x x

(b) In other cases, the judgment or final 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 or special proceeding, litigating for the same thing and under the same title and in the same capacity; and

(c) In any other litigation between the same parties or their successors in interest, that only is deemed to have been adjudged in a former judgment or final order which appears upon its face to have been so adjudged, or which was actually and necessarily included therein or necessary thereto.

The aforecited rule in point embodies the fundamental principles of *res judicata*, finality of judgment and estoppel by judgment, which means that once a judgment has become final and executory, the issues therein litigated upon are laid to rest.

The doctrine of *res judicata* is of two aspects. The first aspect is the effect of a judgment as a bar to the prosecution of a second action upon the same claim, demand or cause of action. The second aspect precludes the relitigation of a particular fact or issue in another action between the same parties or their successors in interest, on a different claim or cause of action.

*Calalang v. Register of Deeds of Quezon City*<sup>[6]</sup> further explained:

The doctrine *res judicata* actually embraces two different concepts: (1) bar by former judgment and (b) conclusiveness of judgment.

The second concept - conclusiveness of judgment -states that a fact or question which was in issue in a former suit and was there judicially passed upon and determined by a court of competent jurisdiction, is conclusively settled by the judgment therein as far as the parties to that action and persons in privity with them are concerned and cannot be again litigated in any future action between such parties or their privies,