

FIRST DIVISION

[G.R. No. 201271, September 20, 2017]

ROBERTO A. TORRES, IMMACULADA TORRES-ALANON, AGUSTIN TORRES, AND JUSTO TORRES, JR., PETITIONERS, VS. ANTONIA F. ARUEGO, RESPONDENT.

D E C I S I O N

DEL CASTILLO, J.:

This Petition for Review on *Certiorari*^[1] under Rules 45 of the Rules of Court seeks to annul and set aside the September 12, 2011 Resolution^[2] and March 26, 2012 Resolution^[3] of the Court of Appeals (CA) in CA-G.R. SP No. 113405 which dismissed petitioners' Roberto A. Torres, Immaculada Torres-Alanon, Agustin Torres and Justo Torres, Jr. (petitioners) Petition for *Certiorari* for lack of merit and denied their Motion for Reconsideration, respectively.

The Factual Antecedents

On March 7, 1983, Antonia F. Aruego (Antonia) and Evelyn F. Aruego (Evelyn), represented by their mother and guardian *ad litem* Luz M. Fabian, filed a Complaint^[4] with the Regional Trial Court (RTC) of Manila for "Compulsory Recognition and Enforcement of Successional Rights" against Jose E. Aruego, Jr. and the five minor children of Gloria A. Torres, represented by their father and guardian *ad litem* Justo M. Torres, Jr. (collectively defendants). The Complaint was docketed as Civil Case No. 83-16093.

In their Complaint, Antonia and Evelyn alleged that they are the illegitimate children of the deceased Jose M. Aruego (Aruego) who had and maintained an amorous relationship with Luz Fabian, their mother, up to the demise of Aruego on March 30, 1982.

Alleging further that they are in continuous possession of the status of children of the deceased Aruego and not being aware of any intestate proceeding having been filed in court for the settlement of the estate of Aruego, they have thus filed this complex action for compulsory acknowledgment and participation in said inheritance. In paragraph 10 of their Complaint, they enumerated the following properties left by the deceased Aruego, so far as known to them:

10. The deceased Jose M. Aruego left, among other things, so far as known to the plaintiffs, the following properties:

(a) Undivided one-third (1/3) share to a parcel of land covered by T.C.T. No. 30770 of the Registry of Deeds of Quezon City, Metro Manila, with an area of 797 square meters, more or less.

(b) Undivided one-half (1/2) share to the parcels of land covered by:

T.C.T. No. 48618 of the Registry of Deeds for the Province of Pangasinan, with an area of 68,365 square meters, more or less.

T.C.T. No. 18683 of the Registry of Deeds for the Province of Pangasinan, with an area of 23,131 square meters, more or less.

T.C.T. No. 21319 of the Registry of Deeds for the Province of Pangasinan, with an area of 12,956 square meters, more or less.

T.C.T. No. 21317 of the Registry of Deeds for the Province of Pangasinan, with an area of 7,776 square meters, more or less.

T.C.T. No. 21315 of the Registry of Deeds for the Province of Pangasinan, with an area of 34,889 square meters, more or less.

T.C.T. No. 21316 of the Registry of Deeds for the Province of Pangasinan, with an area of 6,083 square meters, more or less.

T.C.T. No. 127154 of the Registry of Deeds for the Province of Pangasinan, with an area of 757 square meters, more or less.

T.C.T. No. 9598 of the Registry of Deeds for the Province of Pangasinan, with an area of 1,167 square meters, more or less.

T.C.T. No. 1060 of the Registry of Deeds for the Province of Pangasinan, with an area of 44,602 square meters, more or less.

(c) Undivided one-half share of whatever rights, interests and participation the deceased Jose M. Aruego has on the University Stock Supply, Inc., a corporation organized and existing under Philippine laws.^[5]

In their Answer,^[6] defendants denied the allegations of the Complaint and set forth affirmative defenses to dispute the claim of Antonia and Evelyn that they are the illegitimate children of the deceased Aruego.

After trial on the merits, the court rendered a Decision^[7] on June 15, 1992, disposing as follows:

WHEREFORE, judgment is rendered -

1. Declaring Antonia Aruego as illegitimate daughter of Jose Aruego and Luz Fabian;
2. Evelyn Fabian is not an illegitimate daughter of Jose Aruego with Luz Fabian;
3. Declaring that, the estate of deceased Jose Aruego are the following:
 1. Real [Estate] Properties covered by TCT No. 48680, exh "K";
 2. TCT No. 18683, exh "K-1";
 3. TCT No. 12150, exh "K-2";
 4. TCT No. 21316, exh "K-3";
 5. TCT No. 21311, exh "K-4";
 6. TCT No. 21318, exh "K-5";
 7. TCT No. 127154, exh "K-6";
 8. TCT No. 9598, exh "K-7";
 9. TCT No. 1060, exh "K-8";
 10. TCT No. 30730, exh "K-9";
 11. share in the University Book Store.
4. Antonia Aruego is entitled to a share equal to 1/2 portion of share of the legitimate children of Jose Aruego;
5. Defendants are hereby ordered to recognize Antonia Aruego as the illegitimate daughter of Jose Aruego;
6. Defendants are hereby ordered to deliver to Antonia Aruego's share in the estate of Jose Aruego, Sr.;
7. Defendants to pay plaintiff (Antonia Aruego) counsel the Sum of P10,000.00 as Atty's. fee.
8. Cost against the defendants.

SO ORDERED.^[8]

Defendants filed a Motion for Partial Reconsideration^[9] but it was denied by the lower court in its Order^[10] dated January 14, 1983. They filed a Notice of Appeal^[11] on February 12, 1993 but it was denied due course by the lower court in its Order^[12] dated February 26, 1993 on the ground that it was filed out of time.

Subsequently, defendants (now petitioners) filed with the CA a Petition for Prohibition and *Certiorari* with Prayer for a Writ of Preliminary Injunction.^[13] On August 31, 1993, the CA dismissed the Petition for lack of merit,^[14] denied petitioners Motion for Reconsideration in a Minute Resolution dated October 13, 1993.^[15]

On December 3, 1993, petitioners appealed the CA's Decision dated August 31, 1993 to this Court through a Petition for Review on *Certiorari*.^[16] In a Decision^[17] dated March 13, 1996, this Court denied the Petition and affirmed the CA's Decision dated August 31, 1993 and Resolution dated October 13, 1993.

On December 4, 1996, the court *a quo* issued a Writ of Execution^[18] to execute its Decision dated June 15, 1992.

On August 15, 1997, plaintiff Antonia (now respondent) filed a Motion for Partition^[19] with the court *a quo* alleging that its June 15, 1992 Decision became final and executory in view of the denial of the notice of appeal filed by petitioners and the dismissal of their Petition for Prohibition and *Certiorari* by the CA and the subsequent denial of their appeal to the Supreme Court on March 13, 1996.

On November 6, 1997, respondent filed a Motion to Implement Decision^[20] dated June 15, 1992 which was granted by the court *a quo* in its Order^[21] dated December 5, 1997.

On December 12, 1998, petitioners filed a Verified Complaint^[22] with the RTC of Quezon City docketed as Civil Case No. Q-98-36300, seeking to nullify the Deed of Absolute Sale^[23] dated May 14, 1998 and the corresponding titles (TCT No. 188200^[24] and TCT. No. 191257^[25]) issued in relation thereto, which was executed by respondent in favor of Sharon Cuneta, Inc. covering the 1/2 portion of the lot covered by TCT No. 30730, one of the enumerated properties comprising the estate of the deceased Aruego as declared in the June 15, 1992 Decision of the lower court.

On July 1, 1999, respondent filed anew a Motion for Partition^[26] dated June 28, 1999 praying for the implementation of the June 15, 1992 Decision of the court *a quo*.

In view of the pendency of Civil Case No. Q-98-36300, the court *a quo* in its Order^[27] dated November 8, 1999 resolved to defer the resolution of respondent's Motion for Partition dated June 28, 1999 on the ground that the controversy involved in the Quezon City RTC case would constitute a prejudicial question to the issue involved in the Motion for Partition. Respondent's motion for reconsideration having been denied by the court *a quo* in its Order^[28] dated March 21, 2000, she filed a Petition for *Certiorari*^[29] in the CA. It was docketed as CA-G.R. SP No. 58587.

Finding that no prejudicial question existed between the two cases involved, the CA granted the Petition for *Certiorari* on March 23, 2004.^[30] The CAs' Decision became final and executory for failure of petitioners to appeal therefrom. Thereupon,

respondent moved that her Motion for Partition be given due course.

Petitioners opposed the motion arguing in the main that the partition of the estate of Aruego could not take place by virtue of respondent's mere motion considering that there was no conclusive adjudication of the ownership of the properties declared as constituting the estate of Jose M. Aruego and that all the identities of his heirs had yet to be determined.^[31]

Unconvinced, the lower court rejected the arguments of petitioner and granted respondent's motion in its Order^[32] dated July 23, 2009 disposing as follows:

WHEREFORE, the motion is hereby GRANTED. The court orders:

1. The Defendants to submit, within 30 days from notice of this order, an accounting of all the fruits, rents, profits, and income from the properties belonging to the estate of Jose M. Aruego from the time of his death until the actual division thereof among his heirs;
2. Each [party] to nominate three (3) competent and disinterested persons and submit, within 15 days from notice of this Order, the names of said persons from which this court shall choose three (3) commissioners who will be tasked to perform the following:
 - a) To make an updated project of partition specifying the metes and bounds of the particular portion of the property assigned to plaintiff; and,
 - b) Upon approval by the court of the project of partition, to effect the same and deliver to plaintiff her share thereon.

SO ORDERED.^[33]

Petitioners filed a Motion for Reconsideration^[34] but it was denied by the court *a quo*.^[35]

Unsatisfied, petitioners filed a Petition for *Certiorari*^[36] with the CA. It was docketed as CA-G.R. SP No. 113405. In a Resolution^[37] promulgated on September 12, 2011, the CA dismissed the petition for lack of merit^[38] and later denied petitioners' Motion for Reconsideration in its Resolution^[39] dated March 26, 2012.

Hence, this Petition for Review on *Certiorari* under Rule 45^[40] filed by petitioners anchored on the following grounds:

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THE ASSAILED RESOLUTIONS ERRED IN DENYING PETITIONERS-APPELLANTS' PETITION FOR CERTIORARI CONSIDERING THAT:

- A. THE ASSAILED RESOLUTION ERRONEOUSLY APPLIED THE DOCTRINE OF IMMUTABILITY OF FINAL JUDGMENTS AND THE EXCEPTIONS THERETO.