

THIRD DIVISION

[G.R. No. 167120, April 23, 2014]

RODOLFO V. FRANCISCO, PETITIONER, VS. EMILIANA M. ROJAS, AND THE LEGITIMATE HEIRS OF JOSE A. ROJAS, NAMELY: JOSE FERDINAND M. ROJAS II, ROLANDO M. ROJAS, JOSE M. ROJAS, JR., CARMELITA ROJAS-JOSE, VICTOR M. ROJAS, AND LOURDES M. ROJAS, ALL REPRESENTED BY JOSE FERDINAND M. ROJAS II, RESPONDENTS.

DECISION

PERALTA, J.:

This petition for review on *certiorari* under Rule 45 of the 1997 Revised Rules of Civil Procedure (*Rules*) assails the December 22, 2003 Decision^[1] and February 7, 2005 Resolution^[2] of the Court of Appeals (CA) in CA-G.R. SP No. 62449, which nullified the decision and orders of the Regional Trial Court (RTC) of Binangonan, Rizal, Branch 69, and its predecessor, Court of First Instance (CFI) of Rizal, Branch 10, in Land Registration Case (*LRC*) Case No. 95-0004 (formerly *LRC* Case No. N-9293), captioned *In Re: Application for Registration of Land Title, Rosalina V. Francisco, et al., Applicants*, to wit:

Decision dated September 15, 1977, declaring Rosalina V. Francisco, Carmen V. Francisco, Carmela V. Francisco and herein petitioner Rodolfo V. Francisco as the true and absolute owners of Lots 1, 2, 3, and 4 of Plan Psu-04-001463;^[3]

1. Order dated February 22, 1978, directing the Land Registration Commission to issue a decree of registration over the parcels of land covered by the Decision dated September 15, 1977;^[4]
2. Order dated March 23, 1998, directing the Register of Deeds of Morong, Rizal to issue new certificates of title covering the same parcels of land, which are now technically identified as Lots 6-B, 6-C, 6-D and 6-E, in relation to Lot 6-A of Plan Psu 04-083681;^[5] and
3. Order dated May 8, 2000, requiring the Register of Deeds of Morong, Rizal to show cause why she should not be cited in contempt of court for not issuing new certificates of title covering the same parcels of land.^[6]

The factual antecedents, as the CA thoroughly narrated, appear as follows:

[Respondent] Emiliana M. Rojas is the widow of the late Jose Rojas, while the other [respondents] are the children of the spouses. For purposes of this disposition, [respondents] shall hereafter be collectively referred to as the Rojas.

On the other hand, x x x Rosalina V. Francisco, [petitioner] Rodolfo V. Francisco, and Carmela V. Francisco, hereafter collectively referred to as the Franciscos, are the applicants for registration in Land Registration Case No. 95-0004 from whence the challenged decision and orders sprung.^[7]

Subject of the controversy is a portion of the 3,181.74 hectares of a vast track of land, known as the *Hacienda de Angono*, in Angono, Rizal. The entire *hacienda* used to be owned by one Don Buenaventura Guido y Santa Ana upon whose death left a portion thereof, consisting of the said 3,181.74 hectares, to his two (2) sons Francisco Guido and Hermogenes Guido.

Sometime in September 1911, Decreto No. 6145, covering the same 3,181.74-hectare portion of *Hacienda de Angono* was issued in favor of the brothers Francisco and Hermogenes. On the basis thereof, Original Certificate of Title (OCT) No. 633 over the same 3,181.74 hectares was issued in the names of the two (2) brothers.

Several years later, or on May 12, 1933, OCT No. 633 was cancelled, and, in lieu thereof, Transfer Certificate of Title No. 23377 was issued. Nine (9) years later, or sometime in 1942, the heirs of Francisco and Hermogenes adjudicated among themselves the same 3,181.74 hectares and transferred the one-half (½) portion thereof to Jose A. Rojas, predecessor-in-interest of the [respondents] Rojas. Allegedly, the adjudication was formalized by the heirs of Francisco and Hermogenes only on December 17, 1973, when they purportedly executed an Extra-Judicial Settlement of Estate With Quitclaim.

Confusingly, some few months thereafter, or on August 20, 1974, the heirs of Don Buenaventura Guido y Santa Ana, represented by their lawyer, requested the then Land Registration Commission (now, Land Registration Authority) to issue the corresponding original certificate of title based on Decreto No. 6145, evidently because OCT No. 633 which was earlier issued on the basis of the same *Decreto* was previously cancelled. The request, however, was denied by the said office on January 8, 1976.

Meanwhile, on March 29, 1976, Alfredo Guido, Sr., representing the other heirs, filed with the Registry of Deeds of Morong a petition for reconstitution of TCT No. 23377, alleging that the original of the same title could not be located in the files of the Registry of Deeds of Rizal when he and his co-heirs sought the registration of their aforementioned [Extra]-Judicial Settlement of Estate With Quitclaim. The petition was supported by the owner's duplicate copy of the title sought to be reconstituted.

On the same date that Guido, Sr. filed the petition for reconstitution, the same was granted and a reconstituted certificate of title – TCT (23377) RT-M-0002 – was issued.

After the reconstitution, the heirs presented before the Registry of Deed of Morong the same Extra-Judicial Settlement of Estate With Quitclaim.

Subsequently, the entire parcel of land covered by Decreto No. 6145 was subdivided into twenty-one (21) lots and twenty-one (21) different certificates of title were issued in lieu of the reconstituted TCT No. 23377.

Thereafter, the heirs who executed the aforesaid document of extra-judicial settlement, including the now spouses Jose Rojas and Emiliana Rojas, sold the property to Pacil Management Corporation (Pacil, for short), and new titles were issued in favor of Pacil on June 26, 1976. Three (3) months later, or on August 26, 1976, Pacil reconveyed all the 21 lots to the former owners. On August 25, 1978, fourteen (14) of the 21 lots were exchanged for shares of stock of Interport Resources Corporation. On April 25, 1980, all the named heirs in the same Extra-Judicial Settlement of Estate With Quitclaim renounced their rights over the remaining portion of the 3,181.74 hectares in favor of their co-heir Alfredo Guido, Sr., in exchange for monetary considerations.

It appears, however, that on August 13, 1976, barely five (5) months from the time Alfredo Guido, Sr. filed his petition for reconstitution of TCT No. 23377 on March 29, 1976, which petition was approved on the same date, an Application for Registration of Title over four (4) parcels of land (lots 1, 2, 3 and 4), as shown in plan Psu-04-001463, which lots are presently alleged by the [respondents] Rojas to be "*overlapping a portion of the area covered by TCT No. 23377,*" x x x was filed with the then Court of First Instance (CFI) of Rizal, Branch 10, by Rosalina, Rodolfo, Carmela and Carmen, all surnamed Francisco (the Franciscos), about which petition the Rojas now claim to be unaware of. Raffled to Branch 10 of the court, the petition was docketed in the same court as Land Registration Case No. N-9293 x x x.

Acting thereon, the said court issued on June 22, 1977 an Order of General Default premised on the fact that despite notice which was duly published, posted and served in accordance with law, "*no person has appeared as respondent in the case or filed an answer within the time for that purpose allowed, with the exception of the Director of Lands, the Provincial Government of Rizal and the Municipal Government of Binangonan, Rizal thru their counsel, who are given ten (10) days from today within which to file their formal opposition.*" x x x

Eventually, in the herein assailed Decision dated September 15, [1977], CFI Branch 10, acting as a land registration court, declared the applicant Franciscos "*the true and absolute owners of Lots 1, 2, 3 and 4 of Plan Psu-04-00460,*" thus:

"WHEREFORE, the Court hereby declares the following the true and absolute owners of Lots 1, 2, 3 and 4 of Plan Psu-04-[001463] in the ratio [as] set opposite their respective names:

*Rosalina Villamor Francisco, widow, of legal age and residing at Angono, Rizal -----
---- 5/8*

*Carmen V. Francisco, single, of legal age and residing at Angono, Rizal -----
----- 1/8*

*Rodolfo V. Francisco, married to Teofila Gil, of legal age and residing at Angono, Rizal -----
---- 1/8*

*Carmela V. Francisco, single, of legal age and residing at Angono, Rizal -----
----- 1/8*

The title to be issued shall contain the inscriptions:

'Lots 2 and 3 of Plan Psu-04-001463 are hereby reserved for the future widening of Manila East Road.'

Once this decision becomes final, let an order for the issuance of decree issue.

SO ORDERED" x x x

The aforequoted decision having become final and executory, the Franciscos filed with the same court (CFI, Branch 10), a petition for the issuance of a decree of registration. And, in the herein assailed Order dated February 22, 1978, the court directed the Commissioner of Land Registration to issue the desired decree x x x.

To complicate matters, it appears that on August 22, 1979, in the then Court of First Instance of Rizal, Branch 155, stationed in Pasig, the Republic of the Philippines, represented by the Solicitor General, filed a complaint for declaration of nullity of Decreto No. 6145 and the owner's duplicate copy of TCT No. 23377 against the heirs of Francisco Guido and Hermogenes Guido, the spouses Jose Rojas and Emiliana Rojas, the Pacil Development Corporation and Interport Resources Corporation, it being alleged in the same complaint that both the Decreto No. 6145 and the owner's copy of TCT No. 23377 were false, spurious and fabricated and were never issued by virtue of judicial proceedings for registration of land either under Act No, 496, as amended, otherwise known as the Land Registration Act, or under any other law. The complaint for annulment was docketed as Civil Case No. 34242.

After trial, the CFI of Rizal, Branch 155, rendered a decision dismissing the Republic's complaint and declaring Decreto No. 6145 and TCT No. 23377 "*genuine and authentic*." We quote the pertinent portions of the decision:

"Considering that Decree 6145 and TCT No. 23377 are genuine and authentic, the decree cannot now be reopened or revived.

'A decree of registration binds the land and quiets title thereto, is conclusive upon all persons and cannot be reopened or revived after the lapse of one year after entry of the decree (Ylarde vs. Lichauco, 42 SCRA 641)

WHEREFORE, premises considered, this case is hereby dismissed. Likewise, the counterclaims of the defendants are dismissed."

From the same decision, the Republic went on appeal to [the Court of Appeals] in CA-G.R. CV No. 12933. And, in a decision promulgated on July 12, 1988, [the CA] dismissed the Republic's appeal and affirmed the appealed decision of the Rizal CFI, Branch 155.

In time, the Republic moved for a reconsideration with an alternative prayer declaring Decreto No. 6145 and its derivative titles authentic except with respect to such portions of the disputed property which were either: (1) possessed and owned by *bona fide* occupants who already acquired indefeasible titles thereto; or (2) possessed and owned by *bona fide* occupants and their families with lengths of possession which amounted to ownership.

In a resolution promulgated on September 14, 1988, [the CA] denied the motion, saying:

"After careful consideration of the motion for reconsideration and defendants-appellees' opposition thereto, We find no cogent reason to justify the reversal of Our decision dated July 12, 1988, hence the motion is DENIED.

Likewise DENIED, is the alternative prayer to modify the aforementioned Decision 'to the extent that the recognition of the authenticity of Decree No. 6145 and TCT No. 23377 shall not affect and prejudice the parcels of land already possessed and owned by bona fide occupants who have already acquired indefeasible title thereto', for to grant said alternative prayer would be to run roughshod over Our decision adverted to."

Undaunted, the Republic, again thru the Solicitor General, went to [this Court] on a petition for review in G.R. No. 84966, entitled ["Republic of