625 Phil. 243

THIRD DIVISION

[G.R. No. 181502, February 02, 2010]

FLORENCIA G. DIAZ, PETITIONER, VS. REPUBLIC OF THE PHILIPPINES, RESPONDENT.

R E S O L U T I O N

CORONA, J.:

This is a letter-motion praying for reconsideration (for the third time) of the June 16, 2008 resolution of this Court denying the petition for review filed by petitioner Florencia G. Diaz.

Petitioner's late mother, Flora Garcia (Garcia), filed an application for registration of a vast tract of land[1] located in Laur, Nueva Ecija and Palayan City in the then Court of First Instance (CFI), Branch 1, Nueva Ecija on August 12, 1976.[2] She alleged that she possessed the land as owner and worked, developed and harvested the agricultural products and benefits of the same continuously, publicly and adversely for more or less 26 years.

The Republic of the Philippines, represented by the Office of the Solicitor General (OSG), opposed the application because the land in question was within the Fort Magsaysay Military Reservation (FMMR), established by virtue of Proclamation No. 237 (Proclamation 237)[3] in 1955. Thus, it was inalienable as it formed part of the public domain.

Significantly, on November 28, 1975, this Court already ruled in *Director of Lands v. Reyes*[4] that the property subject of Garcia's application was inalienable as it formed part of a military reservation. Moreover, the existence of Possessory Information Title No. 216 (allegedly registered in the name of a certain Melecio Padilla on March 5, 1895), on which therein respondent Parañaque Investment and Development Corporation anchored its claim on the land, was not proven. Accordingly, the decree of registration issued in its favor was declared null and void.

Reyes notwithstanding, the CFI ruled in Garcia's favor in a decision[5] dated July 1, 1981.

The Republic eventually appealed the decision of the CFI to the Court of Appeals (CA). In its decision[6] dated February 26, 1992, penned by Justice Vicente V. Mendoza (Mendoza decision),[7] the appellate court reversed and set aside the decision of the CFI. The CA found that *Reyes* was applicable to petitioner's case as it involved the same property.

The CA observed that Garcia also traced her ownership of the land in question to Possessory Information Title No. 216. As Garcia's right to the property was largely

dependent on the existence and validity of the possessory information title the probative value of which had already been passed upon by this Court in *Reyes,* and inasmuch as the land was situated inside a military reservation, the CA concluded that she did not validly acquire title thereto.

During the pendency of the case in the CA, Garcia passed away and was substituted by her heirs, one of whom was petitioner Florencia G. Diaz.[8]

Petitioner filed a motion for reconsideration of the Mendoza decision. While the motion was pending in the CA, petitioner also filed a motion for recall of the records from the former CFI. Without acting on the motion for reconsideration, the appellate court, with Justice Mendoza as *ponente*, issued a resolution[9] upholding petitioner's right to recall the records of the case.

Subsequently, however, the CA encouraged the parties to reach an amicable settlement on the matter and even gave the parties sufficient time to draft and finalize the same.

The parties ultimately entered into a compromise agreement with the Republic withdrawing its claim on the more or less 4,689 hectares supposedly outside the FMMR. For her part, petitioner withdrew her application for the portion of the property inside the military reservation. They filed a motion for approval of the amicable settlement in the CA.[10]

On June 30, 1999, the appellate court approved the compromise agreement.[11] On January 12, 2000, it directed the Land Registration Administration to issue the corresponding decree of registration in petitioner's favor.[12]

However, acting on a letter written by a certain Atty. Restituto S. Lazaro, the OSG filed a motion for reconsideration of the CA resolution ordering the issuance of the decree of registration. The OSG informed the appellate court that the tract of land subject of the amicable settlement was still within the military reservation.

On April 16, 2007, the CA issued an amended resolution (amended resolution)[13] annulling the compromise agreement entered into between the parties. The relevant part of the dispositive portion of the resolution read:

> **ACCORDINGLY,** the Court resolves to:
>
> (1) x x x x x x
> (2) x x x x x x
> (3) x x x x x x
> (4) x x x x x x
> (5) x x x x x x
>
> (6) **REVERSE** the Resolution dated June 30, 1999 of this Court approving the Amicable Settlement dated May 18, 1999 executed between the Office of the Solicitor General and Florencia Garcia Diaz[;]
>
> (7) **ANNUL and SET ASIDE** the Amicable Settlement dated May 18,

1999 executed between the Office of the Solicitor General and Florencia Garcia Diaz; the said Amicable Settlement is hereby **DECLARED** to be without force and effect;

(8) **GRANT** the *Motion for Reconsideration* filed by the Office of the Solicitor General and, consequently, **SET ASIDE** the Resolution dated January 12, 2000 which ordered, among other matters, that a certificate of title be issued in the name of plaintiff-appellee Florencia Garcia Diaz over the portion of the subject property in consonance with the Amicable Settlement dated May 18, 1999 approved by the Court in its Resolution dated June 30, 1999;

(9) **SET ASIDE** the Resolution dated June 30, 1999 approving the May 18, 1999 Amicable Settlement and the Resolution dated September 20, 1999 amending the aforesaid June 30, 1999 Resolution; and

(10) **REINSTATE the Decision dated February 26, 1992 dismissing applicant-appellee Diaz' registration herein.**

SO ORDERED.

(Emphasis supplied)

Petitioner moved for reconsideration. For the first time, she assailed the validity of the Mendoza decision - the February 26, 1992 decision adverted to in the CA's amended resolution. She alleged that Justice Mendoza was the assistant solicitor general during the initial stages of the land registration proceedings in the trial court and therefore should have inhibited himself when the case reached the CA. His failure to do so, she laments, worked an injustice against her constitutional right to due process. Thus, the Mendoza decision should be declared null and void. The motion was denied.[14]

Thereafter, petitioner filed a petition for review on certiorari[15] in this Court. It was denied for raising factual issues.[16] She moved for reconsideration.[17] This motion was denied with finality on the ground that there was no substantial argument warranting a modification of the Court's resolution. The Court then ordered that no further pleadings would be entertained. Accordingly, we ordered entry of judgment to be made in due course.[18]

Petitioner, however, insisted on filing a motion to lift entry of judgment and motion for leave to file a second motion for reconsideration and to refer the case to the Supreme Court *en banc*.[19] The Court denied[20] it considering that a second motion for reconsideration is a prohibited pleading.[21] Furthermore, the motion to refer the case to the *banc* was likewise denied as the *banc* is not an appellate court to which decisions or resolutions of the divisions may be appealed.[22] We reiterated our directive that no further pleadings would be entertained and that entry of judgment be made in due course.

Not one to be easily deterred, petitioner wrote identical letters, first addressed to Justice Leonardo A. Quisumbing (then Acting Chief Justice) and then to Chief Justice

Reynato S. Puno himself.[23] The body of the letter, undoubtedly in the nature of a third motion for reconsideration, is hereby reproduced in its entirety:

> This is in response to your call for "Moral Forces" in order to "redirect the destiny of our country which is suffering from moral decadence," that to your mind, is the problem which confronts us. (Inquirer, January 15, 2009, page 1)[.]
>
> I recently lost my case with the Supreme Court, G.R. N[o]. 181502, and my lawyer has done all that is humanly possible to convince the court to take a second look at the miscarriage of justice that will result from the implementation of the DISMISSAL in a MINUTE RESOLUTION of our Petition for Review.
>
> **Pending before your Division (First Division) is a last plea for justice so that the case may be elevated to the Supreme Court *en banc*. I hope the Court exercises utmost prudence in resolving the last plea. For ready reference, a copy of the Motion is hereto attached as Annex "A".**
>
> The issue that was brought before the Honorable Supreme Court involves the Decision of then Justice Vicente Mendoza of the Court of Appeals, which is NULL and VOID, *ab initio*.
>
> It is null and void because destiny placed Hon. Justice Vicente Mendoza in a position in which it became possible for him to discharge the minimum requirement of due process, [*i.e*.] the ability of the court to render "impartial justice," because Mr. Justice Mendoza became the *ponente* of the Court of Appeals Decision, reversing the findings of the trial court, notwithstanding the fact that he, as Assistant Solicitor General, was the very person who appeared on behalf of the Republic, as the oppositor in the very same land registration proceedings in which he lost.
>
> In other words, he discharged the duties of prosecutor and judge in the very same case.
>
> In the case of the "Alabang Boys[,]" the public was outraged by the actions of Atty. Verano who admitted having prepared a simple resolution to be signed by the Secretary of Justice.
>
> In my case, the act complained of is the worst kind of violation of my constitutional right. It is simply immoral, illegal and unconstitutional, for the prosecutor to eventually act as the judge, and reverse the very decision in which he had lost.
>
> If leaked to the tri-media[,] my case will certainly evoke even greater spite from the public, and put the Supreme Court in bad light. I must confess that I was tempted to pursue such course of action. I however believe that such an action will do more harm than good, and even destroy the good name of Hon. Justice Mendoza.

> I fully support your call for "moral force" that will slowly and eventually lead our country to redirect its destiny and escape from this moral decadence, in which we all find ourselves.
>
> I am content with the fact that at least, the Chief Justice continues to fight the dark forces that surround us everyday.
>
> I only ask that the Supreme Court endeavor to ensure that cases such as mine do not happen again, so that the next person who seeks justice will not experience the pain and frustration that I suffered under our judicial system.

Thank you, and more power to you, SIR. (Emphasis in the original).

The language of petitioner's letter/motion is unmistakable. It is a thinly veiled threat precisely worded and calculated to intimidate this Court into giving in to her demands to honor an otherwise legally infirm compromise agreement, at the risk of being vilified in the media and by the public.

This Court will not be cowed into submission. We deny petitioner's letter/third motion for reconsideration.

APPLICABILITY
OF *REYES*

The Court agrees with the Republic's position that *Reyes* is applicable to this case.

To constitute *res judicata*, the following elements must concur:

> (1) the former judgment or order must be final;
> (2) the judgment or order must be on the merits;
> (3) it must have been rendered by a court having jurisdiction over the subject matter and parties; and
> (4) there must be between the first and second actions, identity of parties, of subject matter, and of causes of action. [24]

The first three requisites have undoubtedly been complied with. However, petitioner takes exception to the fourth requisite, particularly on the issue of identity of parties. In her petition for review filed in this Court, she contends that since the applicants in the two cases are different, the merits of the two cases should, accordingly, be determined independently of each other.[25]

This contention is erroneous.

The facts obtaining in this case closely resemble those in *Aquino v. Director of Lands*.[26] In that case, Quintin Tañedo endeavored to secure title to a considerable tract of land by virtue of his possession thereof under CA 141. When the case eventually reached this Court, we affirmed the trial court's decision to dismiss the