

FIRST DIVISION

[G. R. No. 142549, March 09, 2010]

FIDELA R. ANGELES, PETITIONER, VS. THE SECRETARY OF JUSTICE, THE ADMINISTRATOR, LAND REGISTRATION AUTHORITY, THE REGISTER OF DEEDS OF QUEZON CITY, AND SENATOR TEOFISTO T. GUINGONA, JR., RESPONDENTS.

D E C I S I O N

VELASCO JR., J.:

The property involved in this case is covered by Original Certificate of Title (OCT) No. 994, which encompasses One Thousand Three Hundred Forty-Two (1,342) hectares of the Maysilo Estate, previously described by this Court *En Banc* as a "vast tract of land [that] stretches over three cities, comprising an area larger than the sovereign states of Monaco and the Vatican."^[1] What we have before us now is touted as "one of the biggest and most extensive land-grabbing incidents in recent history."^[2]

The existence of several cases already decided by this Court dealing with this infamous estate has made the job of deciding this particular petition easy, on one hand, as there are cases squarely on point and at the outset, applicable; but complicated, on the other hand, as such applicability must be determined with thoroughness and accuracy to come up with a just, equitable, and fair conclusion to a controversy that has now lasted for almost forty-five (45) years.

Submitted for Decision is a **petition for *mandamus*** seeking respondents Secretary of Justice, the Administrator of the Land Registration Authority (LRA), and the Register of Deeds of Quezon City to comply with the **Order^[3] dated January 8, 1998** issued by the Regional Trial Court (RTC) of Caloocan City in **Civil Case No. C-424**, entitled *Bartolome Rivera, et al. v. Isabel Gil de Sola, et al.* (the RTC Order), which was issued a Certificate of Finality on March 12, 1998.

On May 3, 1965, petitioner, together with other individuals, all of them claiming to be the heirs of a certain Maria de la Concepcion Vidal, and alleging that they are entitled to inherit her proportional share in the parcels of land located in Quezon City and in the municipalities of Caloocan and Malabon, Province of Rizal, commenced a **special civil action for partition and accounting** of the property otherwise known as Maysilo Estate covered by OCT No. 994, allegedly registered on **April 19, 1917** with the Registry of Deeds of Caloocan City. This was docketed as **Civil Case No. C-424** in the RTC of Caloocan City, Branch 120.

Some of said alleged heirs were able to procure Transfer Certificates of Title (TCTs) over portions of the Maysilo Estate. They also had led this Court to believe that OCT No. 994 was registered twice, thus, in *Metropolitan Waterworks and Sewerage Systems (MWSS) v. Court of Appeals*,^[4] reiterated in *Heirs of Luis J. Gonzaga v.*

Court Of Appeals,^[5] the Court held that OCT No. 994 dated April 19, 1917, and not May 3, 1917, was the valid title by virtue of the prior registration rule.

In the **RTC Order** sought to be implemented, Judge Jaime D. Discaya **granted the partition and accounting** prayed for by plaintiffs in that case; directed the respective Registers of Deeds of Caloocan City and Quezon City to issue transfer certificates of title in the names of all the co-owners, including petitioner, for twelve (12) parcels of land with an aggregate area of One Hundred Five Thousand and Nine Hundred Sixty-Nine square meters (105,969 sq. m.), more or less; and ordered that said parcels of land be sold, subject to the confirmation of the Court, and the proceeds be divided among the plaintiffs in proportion to their respective interests in the property.

The dispositive portion of said Order reads as follows:

WHEREFORE, premises considered, the recommendation of the Commissioners in their Joint Commissioners' Report dated October 21, 1997 and Supplemental Commissioners' Report dated December 30, 1997 that the following lots with transfer certificates of title to be issued by the Register of Deeds of Caloocan City in the names of all co-owners be sold and the proceeds thereof divided among themselves in proportion to their respective interest in the property, is approved.

The Register of Deeds of Caloocan City and of Quezon City are hereby directed to issue transfer certificates of title in the names of all the co-owners for the following lots, namely:

x x x x

Any sale of above-mentioned lots shall be subject to confirmation by this Court pursuant to Section 11, Rule 69 of the Rules of Civil Procedure.^[6]

Petitioner alleges that the respective Registers of Deeds of Caloocan City and Quezon City refused to comply with the RTC Order because they were still awaiting word from the LRA Administrator before proceeding. Counsel for petitioner then requested the LRA Administrator to direct said Registers of Deeds to comply with the Order.

The LRA Administrator, Mr. Alfredo R. Enriquez, sent counsel for petitioner a **letter-reply**^[7] dated March 27, 2000, with two attachments: 1) the 1st Indorsement^[8] dated September 22, 1997 (the 1st Indorsement) issued by then Department of Justice (DOJ) Secretary Teofisto T. Guingona, Jr. (respondent Guingona), and 2) LRA Circular No. 97-11^[9] issued to all Registers of Deeds. The letter-reply reads in part:

We regret to inform you that your request cannot be granted in view of the directive of the Department of Justice in its 1st Indorsement dated 22 September 1997, copy enclosed, as a result of the inquiry conducted by the Composite Fact-Finding Committee (created under DOJ Department

Order No. 137) finding that **there is only one OCT No. 994 which was issued by the Rizal Register of Deeds on 3 May 1917 (and not on 19 April 1919)** pursuant to Decree No. 36455 in Land Registration Case No. 4429. Pursuant to this DOJ directive, this Authority issued LRA Circular No. 97-11 to all Registers of Deeds, copy attached, stating the following:

x x x x

In compliance with the DOJ directive, this Authority, in its 1st Indorsement dated 27 March 1998, x x x had recommended to the Office of the Solicitor General the filing of an appropriate pleading relative to the said Order dated 8 January 1998.

The findings of the DOJ on OCT No. 994 are in fact sustained by the Senate Committee on Justice and Human Rights and Urban Planning in its Senate Committee Report No. 1031 dated 25 May 1998 x x x.^[10] (Emphasis ours.)

The LRA Administrator likewise wrote that in Senate Committee Report No. 1031 dated May 25, 1998, the Senate Committees on Justice and Human Rights and Urban Planning came up with the following findings:

i. There is only one Original Certificate of Title (OCT) No. 994 and this was issued or registered on May 3, 1917[.].

ii. The [OCT] No. 994 dated April 19, 1917 is non-existent. It was a fabrication perpetrated by Mr. Norberto Vasquez, Jr., former Deputy Registrar of Deeds of Caloocan City.

iii. The alleged surviving heirs could not have been the true and legal heirs of the late Maria de la Concepcion Vidal as government findings showed the physical and genetic impossibility of such relationship[.]

iv. Mr. Norberto Vasquez, Jr., former Deputy Registrar of Deeds of Caloocan City, acted maliciously, fraudulently and in bad faith, by issuing "certifications" and/or written statements to the effect that OCT No. 994 was issued or registered on April 19, 1917 when in truth and in fact it was issued or registered on May 3, 1917.

v. Atty. Yolanda O. Alfonso, Registrar of Deeds of Caloocan City, likewise acted maliciously, fraudulently and in bad faith, when she signed the TCTs issued in the name of Eleuteria Rivera which bear a wrong date of the registration of OCT No. 994. Malice was evident because she had previously issued certificates of title in the names of other individuals which were derived from OCT No. 994 dated May 3, 1917 and she had in fact questioned the falsity of April 19, 1917 as the correct date of the registration of OCT No. 994.^[11] (Underscoring in the original.)

The letter-reply further stated that OCT No. 994 was intact and was being kept in the LRA "to prevent its alteration and tampering." We quote the last portion of said letter-reply:

As found by the Senate Committees, the mess caused by the former Register of Deeds and Deputy Register of Deeds in making it appear that OCT No. 994 was issued in 19 April 1917, thus giving the wrong impression that there were two (2) OCT No. 994, resulted in the double, if not multiple, issuance of transfer certificates of title covering the subdivided portions of the Maysilo Estate, including the parcels of land mentioned in the subject Order dated 8 January 1998. Our Authority, as the protector of the integrity of the Torrens title is mandated to prevent anomalous titling of real properties and put a stop to further erode the confidence of the public in the Torrens system of land registration.

With due respect, the Order dated 8 January 1998 which directs the issuance of transfer certificates of title as direct transfer from OCT No. 994, suffers from certain deficiencies, to wit: OCT No. 994 had long been cancelled totally by the issuance of various certificates of title in the names of different persons; and that the plan and descriptions of the lands were not based on a subdivision plan duly approved by the proper government agency but merely sketch plans, in violation of Section 50 of PD 1529. Obviously, compliance with the Order will result to duplication of certificates of title covering land previously registered in the names of other persons. Besides, in *MWSS vs. CA*, the Supreme Court did not declare the nullity of the certificates of title which emanated from OCT No. 994 issued on 3 May 1917. It merely invalidates the title of *MWSS* and recognizes as valid the title of *Jose B. Dimson*. There was no such declaration as to the various transfer certificates of title emanating from OCT No. 994. Under the law, there must be a separate action in court for the declaration of nullity of certificates of title pursuant to the due process clause of the Constitution.

As observed by the Supreme Court in *Republic vs. Court of Appeals* (94 SCRA 874), *"there are too many fake titles being peddled around and it behooves every official of the government whose functions concern the issuance of legal titles to see to it that this plague that has made a mockery of the Torrens system is eradicated right now through their loyalty, devotion, honesty and integrity, in the interest of our country and people at large."*^[12]

Petitioner avers that respondent Guingona, in issuing the 1st Indorsement,^[13] made a substantive modification of the ruling made by this Court in *MWSS v. Court of Appeals* and *Heirs of Luis Gonzaga v. Court of Appeals*. She further avers that "[n]ot even the Secretary of Justice has the power or authority to set aside or alter an established ruling made by the highest Court of the land." According to petitioner, respondent Guingona claimed to have made his own finding that there is only one OCT No. 994 which was issued by the Register of Deeds of Rizal on May 3, 1917, and not on April 19, 1917, and this finding is a reversal of the decisions of this Court

on "what is the valid OCT No. 994." Petitioner contends that "[t]he rule is well settled that once a decision becomes final[,] the Court can no longer amend, modify, much less set aside the same" and that respondent Guingona usurped judicial functions and did a prohibited act which rendered the Order of no effect.^[14]

Petitioner claims that respondent Guingona was the one who caused the issuance by the LRA Administrator of Circular No. 97-11 dated October 3, 1997, which had the same legal effect on other cases similarly situated without hearing or notice to the parties-in-interest, and that this was contemptuous and contumacious and calls for "condemnation and reproof of the highest degree."^[15]

Petitioner alleges that compliance with a final judicial order is a ***purely ministerial duty***, that she and her co-plaintiffs in Civil Case No. C-424 cannot avail of the benefits granted to them by the Order, and that she has no "plain, speedy and adequate remedy in the ordinary course of law, other than this action."

In his **Comment**,^[16] respondent Guingona raises the following grounds for denial of the petition:

1. Petitioner has no cause of action against respondent Guingona in that the latter is no longer the Secretary of Justice.
2. The issuance of the 1st Indorsement dated September 22, 1997 was pursuant to the report dated August 27, 1997 made by the committee created by Department Order No. 137 dated April 23, 1997 after conducting an independent fact-finding investigation. It did not in any way alter or modify any judgment of this Honorable Court.
3. Petitioner was not denied due process as her rights, if any, under the Order dated January 18, 1998 were not yet in existence at the time the 1st Indorsement was issued.
4. *Mandamus* is not the appropriate remedy to enforce claims of damages.^[17]

Respondent Guingona contends that he was no longer the Secretary of Justice, therefore, he did not anymore possess the mandatory duties being compelled to be performed in this case by way of a writ of *mandamus*; he had no more duty resulting from the said position and could not perform an act that pertained to said duty, even if he wanted to; and since he did not have the powers and duties of the Secretary of Justice, he was therefore not a real party-in-interest in this case.

Respondent Guingona avers that he was prompted to issue DOJ Department Order No. 137 dated April 13, 1997 creating a committee due to several complaints received by the Office of the Secretary of Justice in February 1997. Among others, the complaints prayed for the investigation of certain actions taken by the LRA officials and personnel in connection with transactions involving the Maysilo Estate. According to him, the committee was tasked for the purpose of initiating a fact-