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SECOND DIVISION

[G.R. NO. 159595, January 23, 2007]

REPUBLIC OF THE PHILIPPINES, PETITIONER VS. LOURDES ABIERA NILLAS, RESPONDENT.

D E C I S I O N

TINGA, J.:

The central question raised in this Petition for Review is whether prescription or laches may bar a petition to revive a judgment in a land registration case. It is a hardly novel issue, yet petitioner Republic of the Philippines (Republic) pleads that the Court rule in a manner that would unsettle precedent. We deny certiorari and instead affirm the assailed rulings of the courts below.

The facts bear little elaboration. On 10 April 1997, respondent Lourdes Abiera Nillas (Nillas) filed a Petition for Revival of Judgment with the Regional Trial Court (RTC) of Dumaguete City. It was alleged therein that on 17 July 1941, the then Court of First Instance (CFI) of Negros Oriental rendered a *Decision Adicional* in *Expediente Cadastral* No. 14, captioned as *El Director De Terrenos contra Esteban Abingayan y Otros*.[1] In the decision, the CFI, acting as a cadastral court, adjudicated several lots, together with the improvements thereon, in favor of named oppositors who had established their title to their respective lots and their continuous possession thereof since time immemorial and ordered the Chief of the General Land Registration Office, upon the finality of the decision, to issue the corresponding decree of registration.[2] Among these lots was Lot No. 771 of the Sibulan Cadastre, which was adjudicated to Eugenia Calingacion (married to Fausto Estoras) and Engracia Calingacion, both residents of Sibulan, Negros Oriental.[3]

Nillas further alleged that her parents, Serapion and Josefina A. Abierra, eventually acquired Lot No. 771 in its entirety. By way of a Deed of Absolute Sale dated 7 November 1977, Engracia Calingacion sold her undivided one-half (1/2) share over Lot No. 771 to the Spouses Abierra, the parents of Nillas. On the other hand, the one-half (1/2) share adjudicated to Eugenia Calingacion was also acquired by the Spouses Abierra through various purchases they effected from the heirs of Eugenia between the years 1975 to 1982. These purchases were evidenced by three separate Deeds of Absolute Sale all in favor of the Spouses Abierra.[4]

In turn, Nillas acquired Lot No. 771 from her parents through a Deed of Quitclaim dated 30 June 1994. Despite these multiple transfers, and the fact that the Abierra spouses have been in open and continuous possession of the subject property since the 1977 sale, no decree of registration has ever been issued over Lot No. 771 despite the rendition of the 1941 CFI Decision. Thus, Nillas sought the revival of the 1941 Decision and the issuance of the corresponding decree of registration for Lot No. 771. The records do not precisely reveal why the decree was not issued by the Director of Lands, though it does not escape attention that the 1941 Decision was

rendered a few months before the commencement of the Japanese invasion of the Philippines in December of 1941.

No responsive pleading was filed by the Office of the Solicitor General (OSG), although it entered its appearance on 13 May 1997 and simultaneously deputized the City Prosecutor of Dumaguete City to appear whenever the case was set for hearing and in all subsequent proceedings.[5]

Trial on the merits ensued. The RTC heard the testimony of Nillas and received her documentary evidence. No evidence was apparently presented by the OSG. On 26 April 2000, the RTC rendered a Decision[6] finding merit in the petition for revival of judgment, and ordering the revival of the 1941 Decision, as well as directing the Commissioner of the Land Registration Authority (LRA) to issue the corresponding decree of confirmation and registration based on the 1941 Decision.

The OSG appealed the RTC Decision to the Court of Appeals, arguing in main that the right of action to revive judgment had already prescribed. The OSG further argued that at the very least, Nillas should have established that a request for issuance of a decree of registration before the Administrator of the LRA had been duly made. The appeal was denied by the appellate court in its Decision[7] dated 24 July 2003. In its Decision, the Court of Appeals reiterated that the provisions of Section 6, Rule 39 of the Rules of Court, which impose a prescriptive period for enforcement of judgments by motion, refer to ordinary civil actions and not to "special" proceedings such as land registration cases. The Court of Appeals also noted that it would have been especially onerous to require Nillas to first request the LRA to comply with the 1941 decision considering that it had been established that the original records in the 1941 case had already been destroyed and could no longer be reconstructed.

In the present petition, the OSG strongly argues that contrary to the opinion of the Court of Appeals, the principles of prescription and laches do apply to land registration cases. The OSG notes that Article 1144 of the Civil Code establishes that an action upon judgment must be brought within ten years from the time the right of action accrues.[8] Further, Section 6 of Rule 39 of the 1997 Rules of Civil Procedure establishes that a final and executory judgment or order may be executed on motion within five (5) years from the date of its entry, after which time it may be enforced by action before it is barred by statute of limitations.[9] It bears noting that the Republic does not challenge the authenticity of the 1941 Decision, or Nillas's acquisition of the rights of the original awardees. Neither does it seek to establish that the property is inalienable or otherwise still belonged to the State.

The OSG also extensively relies on two cases, *Shipside Inc. v. Court of Appeals*[10] and *Heirs of Lopez v. De Castro*.[11] Shipside was cited since in that case, the Court dismissed the action instituted by the Government seeking the revival of judgment that declared a title null and void because the judgment sought to be revived had become final more than 25 years before the action for revival was filed. In *Shipside*, the Court relied on Article 1144 of the Civil Code and Section 6, Rule 39 of the 1997 Rules of Civil Procedure in declaring that extinctive prescription did lie. On the other hand, *Heirs of Lopez* involved the double registration of the same parcel of land, and the subsequent action by one set of applicants for the issuance of the decree of

registration in their favor seven (7) years after the judgment had become final. The Court dismissed the subsequent action, holding that laches had set in, it in view of the petitioners' omission to assert a right for nearly seven (7) years.

Despite the invocation by the OSG of these two cases, there exists a more general but definite jurisprudential rule that favors Nillas and bolsters the rulings of the lower courts. The rule is that "neither laches nor the statute of limitations applies to a decision in a land registration case."[12]

The most extensive explanation of this rule may be found in *Sta. Ana v. Menla*,[13] decided in 1961, wherein the Court refuted an argument that a decision rendered in a land registration case wherein the decree of registration remained unissued after 26 years was already "final and enforceable." The Court, through Justice Labrador, explained:

> We fail to understand the arguments of the appellant in support of the assignment [of error] , except insofar as it supports his theory that after a decision in a land registration case has become final, it may not be enforced after the lapse of a period of 10 years, except by another proceeding to enforce the judgment or decision. Authority for this theory is the provision in the Rules of Court to the effect that judgment may be enforced within 5 years by motion, and after five years but within 10 years, by an action (Sec. 6, Rule 39). **This provision of the Rules refers to civil actions and is not applicable to special proceedings, such as a land registration case. This is so because a party in a civil action must immediately enforce a judgment that is secured as against the adverse party, and his failure to act to enforce the same within a reasonable time as provided in the Rules makes the decision unenforceable against the losing party. In special proceedings[,] the purpose is to establish a status, condition or fact; in land registration proceedings, the ownership by a person of a parcel of land is sought to be established. After the ownership has been proved and confirmed by judicial declaration, no further proceeding to enforce said ownership is necessary, except when the adverse or losing party had been in possession of the land and the winning party desires to oust him therefrom.**
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> Furthermore, there is no provision in the Land Registration Act similar to Sec. 6, Rule 39, regarding the execution of a judgment in a civil action, except the proceedings to place the winner in possession by virtue of a writ of possession. The decision in a land registration case, unless the adverse or losing party is in possession, becomes final without any further action, upon the expiration of the period for perfecting an appeal.
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> x x x x **There is nothing in the law that limits the period within which the court may order or issue a decree. The reason is xxx that the judgment is merely declaratory in character and does not need to be asserted or enforced against the adverse party. Furthermore, the issuance of a decree is a ministerial duty both of the judge and of the Land Registration Commission; failure of the**

court or of the clerk to issue the decree for the reason that no motion therefor has been filed can not prejudice the owner, or the person in whom the land is ordered to be registered.[14]

The doctrine that neither prescription nor laches may render inefficacious a decision in a land registration case was reiterated five (5) years after *Sta. Ana,* in *Heirs of Cristobal Marcos, etc., et al. v. De Banuvar, et al.*[15] In that case, it was similarly argued that a prayer for the issuance of a decree of registration filed in 1962 pursuant to a 1938 decision was, among others, barred by prescription and laches. In rejecting the argument, the Court was content in restating with approval the above-cited excerpts from *Sta. Ana*. A similar tack was again adopted by the Court some years later in *Rodil v. Benedicto*.[16] These cases further emphasized, citing *Demoran v. Ibanez, etc., and Poras*[17] and *Manlapas and Tolentino v. Llorente*,[18] respectively, that the right of the applicant or a subsequent purchaser to ask for the issuance of a writ of possession of the land never prescribes.[19]

Within the last 20 years, the *Sta. Ana* doctrine on the inapplicability of the rules on prescription and laches to land registration cases has been repeatedly affirmed. Apart from the three (3) cases mentioned earlier, the *Sta. Ana* doctrine was reiterated in another three (3) more cases later, namely: *Vda. de Barroga v. Albano*, [20] *Cacho v. Court of Appeals*,[21] and *Paderes v. Court of Appeals*.[22] The doctrine of stare decisis compels respect for settled jurisprudence, especially absent any compelling argument to do otherwise. Indeed, the apparent strategy employed by the Republic in its present petition is to feign that the doctrine and the cases that spawned and educed it never existed at all. Instead, it is insisted that the Rules of Court, which provides for the five (5)-year prescriptive period for execution of judgments, is applicable to land registration cases either by analogy or in a suppletory character and whenever practicable and convenient.[23] The Republic further observes that Presidential Decree (PD) No. 1529 has no provision on execution of final judgments; hence, the provisions of Rule 39 of the 1997 Rules of Civil Procedure should apply to land registration proceedings.

We affirm *Sta. Ana* not out of simple reflex, but because we recognize that the principle enunciated therein offers a convincing refutation of the current arguments of the Republic.

Rule 39, as invoked by the Republic, applies only to ordinary civil actions, not to other or extraordinary proceedings not expressly governed by the Rules of Civil Procedure but by some other specific law or legal modality such as land registration cases. Unlike in ordinary civil actions governed by the Rules of Civil Procedure, the intent of land registration proceedings is to establish ownership by a person of a parcel of land, consistent with the purpose of such extraordinary proceedings to declare by judicial fiat a status, condition or fact. Hence, upon the finality of a decision adjudicating such ownership, no further step is required to effectuate the decision and a ministerial duty exists alike on the part of the land registration court to order the issuance of, and the LRA to issue, the decree of registration.

The Republic observes that the Property Registration Decree (PD No. 1529) does not contain any provision on execution of final judgments; hence, the application of Rule 39 of the 1997 Rules of Civil Procedure in suppletory fashion. Quite the contrary, it is precisely because PD No. 1529 does not specifically provide for execution of

judgments in the sense ordinarily understood and applied in civil cases, the reason being there is no need for the prevailing party to apply for a writ of execution in order to obtain the title, that Rule 39 of the 1997 Rules of Civil Procedure is not applicable to land registration cases in the first place. Section 39 of PD No. 1529 reads:

> SEC. 39. *Preparation of Decree and Certificate of Title.* — After the judgment directing the registration of title to land has become final, the court shall, within fifteen days from entry of judgment, issue an order directing the Commissioner to issue the corresponding decree of registration and certificate of title. The clerk of court shall send, within fifteen days from entry of judgment, certified copies of the judgment and of the order of the court directing the Commissioner to issue the corresponding decree of registration and certificate of title, and a certificate stating that the decision has not been amended, reconsidered, nor appealed, and has become final. Thereupon, the Commissioner shall cause to be prepared the decree of registration as well as the original and duplicate of the corresponding original certificate of title. The original certificate of title shall be a true copy of the decree of registration. The decree of registration shall be signed by the Commissioner, entered and filed in the Land Registration Commission. The original of the original certificate of title shall also be signed by the Commissioner and shall be sent, together with the owner's duplicate certificate, to the Register of Deeds of the city or province where the property is situated for entry in his registration book.

The provision lays down the procedure that interposes between the rendition of the judgment and the issuance of the certificate of title. No obligation whatsoever is imposed by Section 39 on the prevailing applicant or oppositor even as a precondition to the issuance of the title. The obligations provided in the Section are levied on the land court (that is to issue an order directing the Land Registration Commissioner to issue in turn the corresponding decree of registration), its clerk of court (that is to transmit copies of the judgment and the order to the Commissioner), and the Land Registration Commissioner (that is to cause the preparation of the decree of registration and the transmittal thereof to the Register of Deeds). All these obligations are ministerial on the officers charged with their performance and thus generally beyond discretion of amendment or review.

The failure on the part of the administrative authorities to do their part in the issuance of the decree of registration cannot oust the prevailing party from ownership of the land. Neither the failure of such applicant to follow up with said authorities can. The ultimate goal of our land registration system is geared towards the final and definitive determination of real property ownership in the country, and the imposition of an additional burden on the owner after the judgment in the land registration case had attained finality would simply frustrate such goal.

Clearly, **the peculiar procedure** provided in the Property Registration Law from the time decisions in land registration cases become final is **complete in itself and does not need to be filled in**. From another perspective, the judgment does not have to be executed by motion or enforced by action within the purview of Rule 39 of the 1997 Rules of Civil Procedure.