

## SECOND DIVISION

[ G.R. NO. 152921, October 09, 2006 ]

**RUBEN S. SIA, PETITIONER, VS. ERLINDA M. VILLANUEVA,  
RESPONDENT.**

### D E C I S I O N

**SANDOVAL-GUTIERREZ, J.:**

For our resolution is the instant Petition for Review on Certiorari assailing the Decision<sup>[1]</sup> of the Court of Appeals dated January 7, 2002 in CA-G.R. SP No. 63642.

The instant controversy is an offshoot of this Court's Decision dated April 12, 2000 in *Villanueva v. Malaya*,<sup>[2]</sup> which became final and executory on October 16, 2000. Its factual antecedents, as drawn from the *ponencia* of Justice Minerva P. Gonzaga-Reyes, are as follows:

Don Macario Mariano died on November 2, 1971. He left behind several real properties, including a parcel of land consisting of 2,154 square meters located in Naga City. Constructed thereon were an ancestral house and a commercial building.

After Macario's demise, his surviving spouse, Irene, entered into a joint venture with Francisco Bautista for the development of a memorial park. The joint venture failed.

Hence, Irene filed with the Regional Trial Court (RTC), Branch 22, Naga City, a complaint for rescission of contract against Francisco, docketed as Civil Case No. R-570. After trial, the RTC rendered a Decision ordering the rescission of the contract.

On appeal to the Court of Appeals, the RTC Decision was affirmed with modification in the sense that Irene was also ordered to reimburse Francisco the sum of P395,639.84 for development costs and P155,553.81 for cash advances to the Sto. Niño Memorial Park, Inc., with 12% interest from the date of the judgment until fully paid.

For Irene's failure to comply with her obligation, the trial court issued a writ of execution. On November 24, 1986, the 2,154 square meter lot, including the house and building constructed thereon, was levied on execution.

It appears that as early as April 15, 1975, Irene sold the lot to one Raul Santos, as shown by a Deed of Sale of the same date. Thus, Transfer Certificate of Title (TCT) No. 7261 in the name of Irene was cancelled and in lieu thereof, TCT No. 17745 was issued in the name of Raul Santos.

On June 26, 1988, Irene passed away.

On July 18, 1988, Jose and Erlinda, the legally adopted children of Macario and Irene, filed with the RTC, Branch 21, Naga City, a complaint for annulment of the deed of sale executed by and between Irene and Raul Santos, docketed as Civil

Going back to Civil Case No. R-570 for rescission of contract filed by Irene against Francisco, the subject lot was sold by the sheriff in public auction to Ruben Sia, herein petitioner, being the highest bidder. On December 12, 1988, the sheriff issued to him a Provisional Deed of Sale.

Erlinda tried to redeem the property, but Ruben refused to accept her payment. So Erlinda, through her lawyer, consigned the redemption price to the trial court. Later, she sold the lot and its improvements to the lessees and both parties agreed that the sale shall be effective after she has redeemed the said lot and its improvements from Ruben.

Meanwhile, on December 2, 1989, Jose died leaving his adoptive sister Erlinda as the sole surviving heir of Macario and Irene.

On December 11, 1989, the sheriff issued a Final Deed of Sale of the lot in Ruben's favor. The following day, Ruben filed an *Ex-Parte* Motion for cancellation of TCT No. 17745 in the name of Raul Santos and the issuance, in lieu thereof, of a title in his name. On December 14, 1989, the trial court issued an Order canceling TCT No. 17745 and ordering the Register of Deeds of Naga City to issue a new TCT in Ruben's name. Pursuant to this Order, TCT No. 20201 was registered in his name.

On December 11, 1989, Erlinda filed a "Manifestation for Perfection of Consignation" in Civil Case No. R-570. The following day, she also filed with the RTC, Branch 24, Camarines Sur, a petition for *mandamus*, docketed as Spec. Proc. No. MC 89-1945, praying that the sheriff and Ruben be ordered to accept her proffered redemption money.

On December 14, 1989, the trial court treated Erlinda's "Manifestation for Perfection of Consignation" as a motion for consignation, but denied the same on the ground that a Final Deed of Sale had already been signed by the sheriff in favor of Ruben. Erlinda then moved for the cancellation of the Final Deed of Sale. In two separate Orders, both dated December 18, 1989, the trial court denied her motion, declaring that the cancellation of the Final Deed of Sale is a matter that should be threshed out in a separate proceeding. Likewise, the trial court denied her motion for reconsideration of the Order dated December 18, 1989.

Erlinda then filed with the Court of Appeals a petition for *certiorari* and prohibition with prayer for the issuance of a writ of preliminary injunction and/or restraining order.

On August 13, 1990, the Court of Appeals rendered a Decision dismissing her petition, thus:

ACCORDINGLY, the instant petition is hereby DISMISSED for lack of merit and correspondingly, the preliminary injunction issued on January 23, 1990 is hereby lifted and dissolved. Private respondent Sia is hereby declared the rightful and registered owner of the property covered by Transfer Certificate of Title No. 20201 of the Register of Deeds of Naga City and is hereby entitled to the immediate possession thereof. Without costs in this instance.

SO ORDERED.

Erlinda filed a motion for reconsideration, but it was denied by the Court of Appeals in a Resolution dated September 13, 1990.

Erlinda filed with this Court two separate petitions, docketed as G.R. Nos. 94617 and 95281, respectively, assailing the Decision of the Court of Appeals dated August 13, 1990.

In G.R. No. 94617, Erlinda and the lessees of the commercial building assailed the Decision of the Court of Appeals for upholding the writ of possession issued by the trial court in Ruben's favor. The lessees claimed that the writ is void as against them for it was issued in an ejectment case in which they were not impleaded.

In G.R. No. 95281, Erlinda submitted that the Court of Appeals erred in holding that she has no right to redeem the subject lot from Ruben Sia; and in authorizing him to take immediate possession of the lot in controversy.

On February 18, 1991, G.R. Nos. 94617 and 95281 were consolidated considering that they arose from the same Decision of the Court of Appeals and that there is no material inconsistency between the issues raised therein by the parties.

On April 12, 2000, this Court, through Justice Minerva P. Gonzaga-Reyes, rendered a Decision in G.R. Nos. 94617 and 95281, the dispositive portion of which reads:

WHEREFORE, the Decision of the Court of Appeals in CA-G.R. SP No. 19533 is ANNULLED and SET ASIDE, a new one entered ORDERING the Provincial Sheriff of Camarines Sur to accept payment of redemption money for the property levied in Civil Case No. R-570 from petitioner Erlinda Mariano, computed as of November 22, 1989, and upon receipt thereof, to execute and deliver to Erlinda Mariano a duly accomplished certificate of redemption of said property. The Definite Deed of Sale issued in favor of private respondent Ruben Sia and the alias writ of execution issued pursuant to the Order of the Regional Trial Court, Branch 22 of Camarines Sur dated August 28, 1990 are NULLIFIED. Costs against private respondent.

SO ORDERED.

As earlier stated, on October 16, 2000, this Court's Decision in G.R. Nos. 94617 and 95281 became final and executory. Erlinda then filed with the trial court a motion for the issuance of a writ of execution.

On February 28, 2001, the trial court issued an Order granting the writ prayed for, thus:

It appearing that a Decision, dated April 12, 2000, has been rendered by the Supreme Court in G.R. No. 94617, entitled *Erlinda M. Villanueva v. Hon. Angel Malaya, et al.*, and G.R. No. 95281, entitled *Erlinda M. Villanueva v. Court of Appeals*, which decision has become final and executory on October 16, 2000, as provided in the Entry of Judgment, issued by said Court, the Motion for Issuance of Execution, dated