

FIRST DIVISION

[G.R. No. 128177, August 15, 2001]

HEIRS OF ROMAN SORIANO, PETITIONERS, VS. THE HONORABLE COURT OF APPEALS, SPOUSES BRAULIO ABALOS AND AQUILINA ABALOS, RESPONDENTS.

D E C I S I O N

YNARES-SANTIAGO, J.:

May a winning party in a land registration case effectively eject the possessor thereof, whose security of tenure rights are still pending determination before the DARAB?

The instant petition for certiorari seeks to set aside the Decision^[1] dated September 20, 1996 of the Court of Appeals in CA-G.R. SP No. 34930 as well as its Resolution^[2] dated January 15, 1997, denying petitioners' Motion for Reconsideration.

We quote the undisputed facts as narrated by the Court of Appeals, to wit –

The property subject of this case is a parcel of land containing an area of 24,550 square meters, more or less, located in Lingayen, Pangasinan, and particularly described as follows:

A parcel of land (Nipa with an area of 8,410 square meters; fishpond with an area of 14,000 square meters; and residential land with an area of 1,740 square meters, more or less. Bounded on the N, by river and Filemon Anselmo; on the South by Alejandro Soriano and Filemon Anselmo; and on the West by Fortunata Soriano.

Originally owned by Adriano Soriano until his death in 1947, the above-described property passed on to his heirs who leased the same to spouses David de Vera and Consuelo Villasista for a period of fifteen (15) years beginning July 1, 1967 with Roman Soriano, one of the children of Adriano Soriano, acting as caretaker of the property during the period of the lease. After executing an extra judicial settlement among themselves, the heirs of Adriano Soriano subsequently subdivided the property into two (2) lots, Lot No. 60052 and Lot No. 8459. Lot No. 60052 was assigned to Lourdes, Candido and the heirs of Dionisia while Lot No. 8459 was assigned to Francisca, Librada, Elocadio and Roman. In 1971, Lot No. 60052 was sold by Lourdes, Candido and the heirs of Dionisia to petitioner spouses Braulio and Aquilina Abalos (hereinafter referred to as

petitioners), while, Elocadio, Francisca and Librada sold their three-fourths shares in Lot No. 8459 also to petitioners.

On March 14, 1968, the de Vera spouses ousted Roman Soriano as caretaker and appointed Isidro Verzosa and Vidal Verzosa as his substitutes. Thereafter, Roman Soriano filed *CAR Case No. 1724-P-68* for reinstatement and reliquidation against the de Vera spouses. The agrarian court authorized the ejectment of Roman Soriano but on appeal, the decision was reversed by the Court of Appeals, which decision became final and executory. However, prior to the execution of the said decision, the parties entered into a post-decisional agreement wherein the de Vera spouses allowed Roman Soriano to sub-lease the property until the termination of the lease in 1982. In an Order dated December 22, 1972, the post-decisional agreement was approved by the agrarian court.

On August 16, 1976, petitioners filed with the Regional Trial Court of Lingayen, Pangasinan, Branch 38, an application for registration of title over Lot No. 60052 and three-fourths (3/4) *pro-indiviso* of Lot No. 8459, docketed as *LRC Case No. N-3405*. Said application for registration was granted by the trial court, acting as a land registration court, per Decision dated June 27, 1983. On appeal, the Court of Appeals affirmed the decision of the land registration court. The petition for review filed with the Supreme Court by Roman Soriano docketed as *G.R. 70842*, was denied for lack of merit and entry of judgment was entered on December 16, 1985.

Meanwhile, it appears that on July 15, 1983, a day after the promulgation of the land registration court's decision, Roman Soriano, together with Elocadio and Librada Soriano, filed before the Regional Trial Court of Lingayen, Branch 37, and against petitioners, an action for annulment of document and/or redemption, ownership and damages, docketed as *Civil Case No. 159568 (sic; should be 15958)*. Petitioners filed a motion to dismiss on the ground of *res judicata*, pendency of another action, laches, misjoinder of parties and lack of jurisdiction, which was denied by the trial court.

Thereafter, on August 22, 1984, or eleven (11) years after the approval of the post-decisional agreement between Roman Soriano and the spouses de Vera in *CAR Case No. 1724-P-68* for reinstatement and reliquidation, petitioners filed with the agrarian court a motion for execution of said post-decisional agreement which allowed Roman Soriano to sub-lease the property. The motion prayed that petitioners be placed in possession of the subject property, jointly with Roman Soriano, and to levy so much of Roman's property to answer for the use and occupation by Soriano of 6/7 share of the property. On October 25, 1984, Roman Soriano filed a motion to suspend hearing on the rental demanded by petitioners, which, however, was denied by the agrarian court. The agrarian court likewise authorized the substitution of the de Vera spouses by petitioners. Soriano's motion for reconsideration was also denied, prompting Soriano to file a petition for certiorari with the Court of Appeals.

In the meantime, Roman Soriano died on December 11, 1985. Thus, the complaint in *Civil Case No. 159568 (sic)* for annulment of document and/or redemption, ownership and damages, was amended to substitute Soriano's heirs, herein private respondents, as party-plaintiffs. The complaint was again amended to include Juanito Ulanday as party-defendant for having allegedly purchased part of the disputed property from petitioners. On motion of petitioners, the re-amended complaint was dismissed by the trial court on the ground that the re-amended complaint altered the cause of action. Upon reconsideration, the dismissal was set aside and petitioners were ordered to file their Answer, in view of which petitioners filed a petition for certiorari and prohibition with the Court of Appeals, docketed as *C.A. GR SP No. 22149*.

On April 25, 1990, the Court of Appeals denied the petition filed by Roman Soriano (substituted by private respondents) impugning the denial of their motion to suspend hearing on the rental demanded by petitioners, and authorizing the substitution of the de Vera spouses by petitioners, on the ground that no grave abuse of discretion was committed by the agrarian court. Thus, private respondents filed a petition for review on certiorari with the Supreme Court, docketed as *G.R. 93401*.

Meanwhile, on December 7, 1990, the Court of Appeals in *C.A. GR SP No. 22149*, also denied the petition for certiorari and prohibition filed by petitioners, ruling that the land registration court committed no error when it refused to adhere to the rule of *res judicata*. Petitioners then filed with the Supreme Court a petition for review on certiorari, docketed as *G.R. 99843*.

On June 26, 1991, the Supreme Court promulgated its decision in *G.R. 93401*, and granted the petition filed by private respondents. Thus, the decision of the Court of Appeals denying the petition of private respondents was set aside, and the motion for execution filed by petitioners in *CAR Case No. 1724-P-48* was denied.

On June 22, 1993, the Supreme Court, in *G.R. 99843*, reversed and set aside the denial of the Court of Appeals in *C.A. GR SP No. 22149*, and consequently, *Civil Case No. 15958* for annulment of document and/or redemption, ownership and damages, was ordered dismissed.

On October 18, 1993, private respondents filed with the Department of Agrarian Adjudication Board (sic), a complaint against petitioners for "Security of Tenure with prayer for Status Quo Order and Preliminary Injunction" docketed as *DARAB Case No. 528-P-93*.

Meanwhile, it appears that the decision of the land registration court in *LRC Case No. N-3405* was partially executed with the creation of a Committee on Partition per Order dated March 25, 1987. On July 27, 1988, the land registration court approved the partition of Lot No. 8459, with Lot No. 8459-A assigned to private respondent, and Lot No. 8459-B assigned to petitioners. For Lot No. 60052, O.C.T. No. 22670 was issued