

THIRD DIVISION

[CA-G.R. SP NO. 135298, March 24, 2015]

**ALEJANDRO BABINA AND FIDEL AQUINO, PETITIONERS, VS. THE
REGIONAL TRIAL COURT OF TARLAC CITY, BRANCH 63, AND
EDGAR NUQUE, RESPONDENTS.**

DECISION

BARZA, J.:

This is a petition for certiorari and prohibition filed by petitioners Alejandro Babina and Fidel Aquino seeking to nullify the: (a) Order dated July 10, 2013,^[1] which denied petitioners' motion to vacate the decision dated November 3, 2004; and, (b) Order dated January 28, 2014,^[2] denying petitioners' motion for reconsideration, issued by Branch 63 of the Regional Trial Court, Tarlac City.

The antecedents as culled from the record are, as follows:

Private respondent Edgar Nuque (Nuque) filed before the court a *quo* a case for *Cancellation of Title with Damages*, docketed as Civil Case No. 9401, alleging therein that he is the owner of Lot Nos. 6018 and 6019, covered by TCT No. 2501 and Lot No. 2625, covered by TCT No. 10327, having acquired the same in a public auction sale. Respondent discovered that petitioner Fidel Aquino (Aquino) was able to obtain OCT No. 17563 over respondent's property, through Free Patent Application No. 03190-96-834, filed before the Department of Environment and Natural Resources (DENR). Later, Aquino sold said property to spouses Alejandro and Erlinda Babina (spouses Babina), wherein the latter were able to secure TCT No. 351681, in lieu of OCT No. 17563.

The court a *quo* ordered a relocation survey on the property and found out that the property purchased by Nuque at the public auction sale covered by TCT No. 10327 is the same property covered by OCT No. 17563 applied for by Aquino through free patent. The court a *quo* found that the DENR has no authority to issue free patent covering the subject property because this is no longer part of the public domain as the same had long been a private property. It also found spouses Babina not to be buyers in good faith. In its decision dated **November 3, 2004**,^[3] the court a *quo* rendered null and void OCT No. P-17563 and TCT No. 351681, and declaring as valid TCT No. 2501 and TCT No. 10327.

Aquino and spouses Babina appealed the court a *quo*'s decision to this Court docketed as CA-GR CV No. 84201, which on October 13, 2005, affirmed the decision of the court a *quo* consequently dismissing the appeal. The decision was assailed up to the Supreme Court, which issued a resolution dated July 19, 2006, dismissing the case and declared the same as "CLOSED and TERMINATED"^[4]. Having become final and executory on August 8, 2007, an Entry of Judgment was issued by the Supreme Court.

On June 30, 2008, the court a *quo* issued a Writ of Execution. In the Sheriff's Return dated April 29, 2009, said writ was returned fully satisfied.

On June 22, 2012, Aquino and spouses Babina filed an *Urgent Motion to Vacate the Decision dated November 3, 2004*.^[5] They alleged therein that the assailed decision is null and void because the court a *quo* did not acquire jurisdiction over the subject matter and the nature of the action for failure of Nuque to state the assessed value of the properties.

The court a *quo* denied said motion in its assailed Order dated July 10, 2013^[6] stating that the Decision dated November 3, 2004 can no longer be examined or vacated because it has long become final and executory and the judgment has already been executed and satisfied. A motion for reconsideration was filed but this was denied in the other assailed Order dated January 28, 2014.

Sans Erlinda Babina, Aquino and Alejandro Babina (petitioners) come to this Court, through this petition, assigning the lone error that:

The respondent court gravely abused its discretion amounting to lack or excess of jurisdiction in issuing the assailed Order dated July 10, 2013, which denied the petitioner's Urgent Motion to Vacate the decision dated November 3, 2004. It ignored that the Decision dated November 3, 2004 did not become final and executory and could be assailed anytime because it is void and that the decision is void because the respondent court did not have jurisdiction over the subject matter and the nature of the action, owing to the private respondent's failure to state the assessed value of the real property, title owner which was sought to be cancelled, as required under sections 19 and 33 of Batas Pambansa (B.P) Bilang 129, as amended and existing applicable jurisprudence.^[7]

Petitioners insist that the court a *quo* did not acquire jurisdiction over the subject matter and prayed that the assailed orders be nullified and a writ of prohibition be issued perpetually restraining further proceedings in Civil Case No. 9401^[8].

There is no merit in the petition.

With the amendment of Batas Pambansa 129 by Republic Act 7601, it expanded the exclusive original jurisdiction of the first level courts to include real actions involving property with an assessed value of less than Php20,000.00. The power of the RTC, under Section 19 of Batas Pambansa 129, as amended, to hear actions involving title to, or possession of, real property or any interest in it now covers only real properties with assessed value in excess of Php20,000.00. But the RTC retained the exclusive power to hear actions the subject matter of which is not capable of pecuniary estimation. Thus:

SEC. 19. Jurisdiction in Civil Cases. — Regional Trial Courts shall exercise exclusive original jurisdiction:

(1) In all civil actions in which the subject of the litigations is incapable of