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SECOND DIVISION

[G.R. No. 156380. September 8, 2004]

DOMINGO A. CAÑERO, *petitioner, vs.* **UNIVERSITY OF THE PHILIPPINES,** *respondent.*

SYNOPSIS

In 1992, petitioner was granted reconstitution of title to a lot in Barangay Culiat, Tandang Sora, Quezon City. In 1994, petitioner filed an action to quiet said title of the lot against UP. The Court ruled: the lot subject of the case belongs to UP. In numerous jurisprudence, the Court had held that the subject lot is part of the mass of land owned by UP under TCT No. 9462. The most recent case on the matter is Heirs of *Pael v. CA*. The lot in issue therein is the same lot in issue at instant case. Further, the trial court should have dismissed the complaint to quiet title against UP. Petitioner's reconstituted title, which was his basis for filing the action to quiet title, was actually void as the proceedings from which it hailed from, were void. The required notice to adjoining property owners was not given by the trial court, and the subject lot was even registered earlier in the name of UP.

SYLLABUS

1. **CIVIL LAW; LAND TITLES AND DEEDS; RA NO. 26 ON RECONSTITUTION OF TORRENS CERTIFICATES OF TITLE; PROVIDES PROCEDURE FOR MISSING, NOT FICTITIOUS OR EXISTING TITLES.—** R.A. No. 26 provides for a special procedure for the reconstitution of Torrens certificates of title that are missing but not fictitious titles or titles which are existing. It is an absolute absurdity to reconstitute existing certificates of title that are on file and available in the registry of deeds.

2. **REMEDIAL LAW; CIVIL PROCEDURE; JURISDICTION; ABSENCE THEREOF MAKES JUDGMENT RENDERED VOID AND MAY BE IGNORED.—** When a judgment is void for lack of jurisdiction and its nullity is shown by virtue of its

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own recitals, it may be said to be a lawless thing, which can be treated as an outlaw and slain at sight, or ignored wherever and whenever it exhibits its head. RTC Branch 82 never acquired jurisdiction over the reconstitution proceedings because it failed to notify the respondent, an adjoining property owner. Its judgment must perforce be declared void. A void judgment is not entitled to the respect accorded to a valid judgment, but may be entirely disregarded or declared inoperative by any tribunal in which effect is sought to be given to it. It has no legal or binding effect or efficacy for any purpose or at any place. It cannot affect, impair or create rights. It is not entitled to enforcement and is, ordinarily, no protection to those who seek to enforce. In other words, a void judgment is regarded as a nullity, and the situation is the same as it would be if there was no judgment. It accordingly, leaves the parties litigants in the same position they were in, before the trial.

3. CIVIL LAW; LAND TITLES AND DEEDS; RA NO. 26 ON RECONSTITUTION OF TORRENS CERTIFICATES OF TITLES; REQUIRES NOTICE TO ADJOINING PROPERTY OWNERS.— The reconstitution proceedings are void for lack of notice to adjoining property owners as required under Sections 12 and 13 of Republic Act No. 26 (An Act Providing A Special Procedure For the Reconstitution Of Torrens Certificate Of Title Lost Or Destroyed). Judicial reconstitution of title partakes of a land registration proceeding. Thus, notice of the proceedings must be given in the manner set forth by the letter of the law. A cursory perusal of the petition for reconstitution filed by petitioner, clearly reveals that the adjoining property owners were never mentioned and, hence, not notified. It is hoary doctrine that defects in the notices required under the law to be sent to interested parties, deprive the court of jurisdiction. As early as the case of *Manila Railroad Company vs. Moya,* we had already ruled that if no notice of the date of hearing of a reconstitution case is served on a possessor or one having interest in the property involved, he is deprived of his day in court and the order of reconstitution is null and void, even if, otherwise, the said order should have been final and executory.

4. ID.; ID.; REGISTRATION; WHERE TWO REGISTRATIONS WERE MADE, EARLIER REGISTRATION PREVAILS.— Even if the validity of petitioner's title to the lot had been sustained, it cannot be overlooked that petitioner had registered

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his title 18 years after respondent UP. The established rule unbent by the passage of time is that where there are two certificates of title purporting to cover the same land, the person claiming under the certificate earlier registered is the rightful owner of the lot in dispute. UP's title is earlier and should be upheld.

5. REMEDIAL LAW; EVIDENCE; FACTUAL FINDINGS OF APPELLATE COURT, RESPECTED.— As a rule, the findings of fact of the Court of Appeals are final and conclusive and cannot be reviewed on appeal by this Court. As there is no patent error in the appreciation of the facts by the appellate court, we sustain its judgment.

6. ID.; SPECIAL CIVIL ACTIONS; *CERTIORARI*; PROPER REMEDY TO ASSAIL INTERLOCUTORY ORDER OF TRIAL COURT, WHERE GRAVE AND IRREPARABLE DAMAGE WILL ACCRUE HAD PETITIONER WAITED TO AVAIL REMEDY OF APPEAL.— Respondent UP had correctly availed of the remedy of *certiorari* when it assailed the interlocutory order of the trial court to the appellate court. While in the regular course of appeal, the interlocutory acts of the court may be assigned as errors, such remedy may not necessarily be adequate as it can be availed of only in the future and prejudice may have been caused in the interim, hence *certiorari* is permitted to be availed of. In the case at bar, grave and irrepareable damage will accrue to respondent UP had it waited to avail of the remedy of appeal. Moreover, further trial on the merits would have been a wasteful occupation of the lower court's time and resources.

APPEARANCES OF COUNSEL

*Mauricio Law Offic*e for petitioner.
UP Office of Legal Services for respondent.

D E C I S I O N

PUNO, *J.*:

Before us is the petition for *certiorari* filed by DOMINGO A. CAÑERO against the UNIVERSITY OF THE PHILIPPINES (hereinafter, referred to as "UP," for brevity), assailing the

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Decision[1] and Resolution[2] of the Court of Appeals, which, on December 14, 2001, reversed and set aside the decision of the lower court and dismissed petitioner's Complaint for Quieting of Title and Cancellation of Entry in the Tax Declaration.[3]

The facts show that on December 26, 1991, petitioner and his spouse Juanita L. Cañero filed a petition for reconstitution of title of a lot in *Barangay* Culiat, Tandang Sora, Quezon City. The petition alleged that the lot had been registered by the Register of Deeds of Quezon City in the name of the spouses Cañero, as evidenced by Transfer Certificate of Title (TCT) No. 240042. Allegedly, however, the original copy of TCT No. 240042, in the custody of the Register of Deeds of Quezon City, was burned when the Quezon City Hall was razed by a fire on June 11, 1998.[4] The spouses had declared the lot for taxation purposes[5] in the year 1992. The spouses prayed that the reconstitution should be based on their owner's duplicate copy and other pertinent documents in their possession.

The petition was assigned to Branch 82 of the Regional Trial Court (RTC) of Quezon City, presided by Judge Salvador C. Ceguera. On January 9, 1992, the trial court issued an order,[6] notifying all persons who had an interest in the property to file their claims or objections thereto. The order stated:

> Let a copy of this ORDER/NOTICE be published once a week for two (2) consecutive weeks in the Official Gazette and that the same be also posted in the main entrance of the City Hall of Quezon City, the Bulletin Boards of this Court, the Sheriff's Office of Quezon City and at the *Barangay* Hall of the *Barangay* where the property

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[1] Dated December 14, 2001.

[2] Dated December 16, 2001.

[3] *Domingo A. Cañero vs. University of the Philippines and the Register of Deeds for Quezon City* (Civil Case No. Q-94-21587).

[4] Certification of the Register of Deeds, Exhibit "H" for the Petitioner, Original Records, p. 15.

[5] *Id.*, p. 29.

[6] *Id.*, p. 19.

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subject of this petition is situated, all at the expense of the herein petitioners. Similarly, let copies of the said Order together with the petition be furnished to all government agencies concerned, such other interested parties, the petitioners and/or counsel for their reference, information and guidance.[7]

Hence, the trial court: 1) served copies of the Order to various government agencies, among which were the Land Registration Authority,[8] the Land Management Bureau,[9] the Register of Deeds of Quezon City,[10] the Solicitor General,[11] and the Office of the City Prosecutor;[12] 2) caused the publication of the Order in the Official Gazette on 10 February 1992 and on 17 February 1992;[13] and 3) posted copies of the Order at the entrance of the Quezon City Hall, at the bulletin boards of the Quezon City Regional Trial Court, and at the Culiat *Barangay* Hall.[14] Despite the notices, no opposition was filed against the petition. On April 1, 1992, it issued the Order[15] granting the petition for reconstitution and the Register of Deeds issued TCT No. RT-57204(240042) in favor of the Cañero spouses.

Sometime later, petitioner received information that respondent UP had claimed title and secured a tax declaration in its name for the said lot. Moreover, Tax Declaration No. C-128-00026, issued by the City Assessor of Quezon City in the name of petitioner carried an annotation that the lot appeared to duplicate the property of respondent UP under Tax Declaration No. B-128-00238.

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[7] Original Records, p. 19.

[8] Exhibit "A-4"; *Id.*, p. 19.

[9] Exhibit "A-3"; *Id.*

[10] Exhibit "A-2"; *Id.*

[11] Exhibit "A-1"; *Id.*

[12] Exhibit "A-5"; *Id.*

[13] *Id.*, pp. 23-27.

[14] *Id.*, p. 21.

[15] *Id.*, pp. 43-44.

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On September 6, 1994, petitioner filed an action[16] to quiet the title of the said lot with the RTC of Quezon City against UP and the City Assessor of Quezon City. Petitioner relied on his reconstituted title. He averred that even before the title was issued in his and his wife's name, his father had been in open, continuous and uninterrupted possession of the lot. He alleged that his "designated caretakers" occupy the lot at present. Petitioner contended that UP has no legal title or claim over the lot since it failed to raise objections during the reconstitution proceedings. Thus, petitioner prayed to: 1) deny any claim which respondent UP may have over his lot; 2) cancel any land title which respondent UP has for the property; and 3) cancel the annotation in Tax Declaration No. C-128-00026 stating that his lot appears to duplicate respondent UP's property covered under Tax Declaration No. B-128-00238.

On September 28, 1994, defendant CITY ASSESSOR OF QUEZON CITY (City Assessor for brevity) filed its answer[17] explaining its annotation on petitioner's Tax Declaration No. C-128-00026. The City Assessor alleged that on March 19, 1994, Cañero presented his owner's duplicate copy of TCT No. 240042 to declare his property for tax purposes. When the property was plotted on the tax map, it appeared to overlap and duplicate a portion of the property owned by respondent UP.[18] UP had declared the said property for tax purposes many years earlier, the latest declaration of which was in 1985, under Tax Declaration No. B-128-00238, with property Index No. 15-2094, under TCT No. 192689, dated August 15, 1973. In contrast, Cañero's property was declared for tax purposes for the first time only on 19 March 1992. Prior to this date, the City Assessor had no knowledge of the existence of TCT No. 240042. Thus, the City Assessor issued Tax Declaration No.

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[16] Captioned "*Domingo A. Cañero vs. University of the Philippines and the Register of Deeds for Quezon City*, docketed as Q-94-21587; Original Records, pp. 1-13.

[17] Original Records, pp. 55-66.

[18] Certification, *Id*. at 74.

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C-128-00026, with the annotation that for taxation purposes, Canero's property appeared to duplicate UP's property. Moreover, on May 5, 1994, the City Assessor was furnished a copy of a letter by UP, addressed to the General Manager of the National Housing Authority, that UP owns the entirety of its campus, including the lot of Cañero.

For its part, respondent UP filed a Motion to Dismiss, alleging that it had been in open, continuous and uninterrupted possession of the said lot from the year 1914.[19] Tracing its origin, it alleged that the government owned several parcels of land amounting to some 4,930,981.3 square meters in Diliman, Quezon City, under TCT No. 36048, which was derived from Original Certificate of Title No. 730, issued in 1914. *On March 1, 1949,* the Republic of the Philippines, through President Elpidio Quirino, sold these lots to UP. Thereafter, TCT No. 36048 was cancelled, and in *lieu* thereof, TCT No. 9462 was issued in the name of UP. TCT No. 9462 was later subdivided into five (5) titles, among which is TCT No. 192689, that covers the lot being claimed by petitioner Cañero. *UP owns or maintains several buildings in the area, among them, the PHILCOA Wet Market, the Asian Institute of Tourism, the Philippine Social Sciences Building, the National Hydraulic Center, the UP Sewage Treatment Plant, the Petron Gas Station, the U.P. Arboretum, the Campus Landscaping Office, the Philippine Atomic Energy Commission Building, and the INNOTECH Building.* Respondent UP averred that petitioner was never in possession of the lot, and his cause of action, whether for quieting of title or annulment of title, has already prescribed. Petitioner opposed UP's Motion to Dismiss. Finally, UP assailed the validity of the reconstitution proceedings on the ground that a jurisdictional requirement prescribed under Republic Act (R.A.) No. 26, was not complied with as the trial court failed to notify it and the other owners of properties adjoining the lot about the same.

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[19] *Rollo,* p. 98.

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Midstream, petitioner filed an "Urgent Motion To Amend Complaint Or To Consolidate This Case With Other Cases Which Have Raised The Issue Of Ownership Over The Same Property In Question Here."[20] Petitioner alleged that he learned of the pendency of a case before Branch 84, Quezon City RTC, captioned Civil Case Q-92-11187 (*Felix Rodeo, et al. vs. Jorge Chin and Renato B. Mallari*) and of Land Registration Commission (LRC) Case No. Q-5910 (92) (In Re: Petition for Reconstitution of Original Certificate of Title No. 192689; University of the Philippines, petitioner), pending before Quezon City RTC, Branch 105. Petitioner stated that these two cases "purport to determine the ownership of the property which is the subject of the quieting of title petition here."[21] Petitioner sought to amend his complaint to include the parties in the aforementioned cases as defendants in the proceedings to quiet title.

UP filed its Opposition to petitioner's Urgent Motion to Amend Complaint or to Consolidate with other cases.[22] It alleged that it had not yet received a copy of the purported Amended Complaint, in violation of Section 3 of Rule 10 of the Revised Rules of Court. It stated that Civil Case No. Q-92-11187 is an action for the cancellation/nullification of the title of Messrs. Chin and Mallari. UP was not impleaded as a party and could not be bound by any decision rendered therein. On the other hand, on June 17, 1994, in LRC Case No. Q-5910 (92), the RTC already granted UP's petition for reconstitution, after denying petitioner's Motion to Intervene on the ground that the issue of ownership is not involved in reconstitution proceedings. Finally, UP claimed that there was no common question of law or fact among Civil Case No. Q-92-11187, LRC Case No. Q-5910 (92), and the case for quieting of title. It was pointed out that petitioner's Urgent Motion merely showed

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[20] Original Records, pp. 124-125.

[21] *Id*. at 119.

[22] *Id*., pp. 134-139.

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that he does not even know the exact location and metes and bounds of the property he claims to own.

Petitioner filed a Manifestation[23] with the lower court, averring that Quezon City RTC Branch 85 has issued a judgment in Civil Case Q-93-18569 (*Maria Destura vs. Jorge Chin, et al.*).[24] The judgment ordered the reinstatement of TCT No. 36048 in the names of Spouses Antonio Pael and Andrea Alcantara and Crisanto Pael. Petitioner averred that the judgment covered their lot.[25]

Petitioner's case for quieting of title was off-loaded to Branch 222 of the RTC of Quezon City. The records do not show whether the Urgent Motion to Amend the Complaint or Consolidate the Cases was resolved by either of the two lower courts which, exercised jurisdiction over the case.

The presentation of evidence on the Motion to Dismiss commenced on October 6, 1995. UP presented the testimonies of the following witnesses: 1) Constantino Rosas, the City Assessor of Quezon City; 2) Mr. Nestor Dagaraga, Chief of the Tax Mapping Division of the City Assessor's Office of Quezon City;[26] 3) Engineer Ernesto Erive, Chief of Surveys Division of the Lands Management Sector, Department of Environment and Natural Resources, National Capital Region; and 4) Engineer Privadi J.G. Dalire, Chief of the Geodetic Surveys Division of the Land Management Bureau.

On August 15, 1997, petitioner started the presentation of his evidence. Petitioner called as his witness, Atty. Liwliwa H. Bucu, the present Branch Clerk of Court of Quezon City RTC, Branch 82, the court which took cognizance of petitioner's reconstitution proceedings.

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[23] Records, pp. 148-149.

[24] *Id.*, pp. 150-155.

[25] *Id.*, p. 148.

[26] TSN, December 8, 1995; Original Records, pp. 809-823.

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Both parties presented voluminous documentary evidence.

Thereafter, the trial court denied respondent's Motion to Dismiss. It held that:

a) UP's claim that the action to quiet title was in actuality a petition to annul UP's title, is unsupported by evidence;

b) Prescription cannot bar petitioner's action to quiet title as Cañero is in possession of the land through the presence therein of "designated caretakers";

c) Since both UP and petitioner submit they are in possession of the land, a full blown trial on the merits is necessary to enable both parties to substantiate their claims;

d) The trial court believes it can render judgment in accordance with petitioner's prayer as he cannot be deemed to be without sufficient cause of action; and

e) The presumption of regularity in the performance of official function of the trial court which granted the reconstitution proceedings still remains, because UP has not adduced sufficient evidence, either in a proceeding to annul the said judgment or in an answer as a special or affirmative defense.

Respondent UP's Motion for Reconsideration was denied, hence, it elevated the order to the Court of Appeals *via* a petition for *certiorari* under Rule 65 of the Revised Rules of Court, alleging grave abuse of discretion amounting to lack of jurisdiction on the part of the trial court. It raised the following issues:

I. WHETHER OR NOT RESPONDENT JUDGE GRAVELY ABUSED HIS DISCRETION IN HOLDING THAT THE COMPLAINT FOR QUIETING OF TITLE IS NOT A COLLATERAL ATTACK ON THE UNIVERSITY'S TITLE.

II. WHETHER OR NOT RESPONDENT JUDGE GRAVELY ABUSED HIS DISCRETION IN HOLDING THAT THE PROCEEDINGS IN CIVIL CASE NO. Q-91-5467 WERE VALID DESPITE LACK OF NOTICE TO THE

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UNIVERSITY, AN INDISPENSABLE JURISDICTIONAL REQUIREMENT.[27]

The Court of Appeals found in favor of respondent UP. The dispositive portion of its Decision states:

> WHEREFORE, premises considered, the Orders dated April 23, 1998 and September 15, 1998 of the respondent Judge are hereby REVERSED and SET ASIDE, and respondent Domingo A. Cañero's complaint for "Quieting of Title and cancellation of Entry in the Tax Declaration" is hereby DISMISSED.[28]

On January 2, 2004, petitioner filed his Motion for Reconsideration of the Court of Appeals' decision. UP filed its Opposition. The Special Former Third Division of the Court of Appeals denied petitioner's Motion.

On January 8, 2003, petitioner raised the matter to this Court through an ordinary appeal. Petitioner posted the following issues:

> I. Whether or not the reversal and/or nullification by the Honorable Court of Appeals of the April 23, 1998 and September 15, 1998 orders of the Honorable Regional Trial Court of Quezon City-Branch 222, which denied Respondent's motion to dismiss the complaint in Civil Case No. Q-94-21587, is/are in accord with law and/or with the applicable decisions of this Most Honorable Court.
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> II. Whether or not the Honorable Court of Appeals deprived the Petitioner of his constitutional and statutory right to due process in reversing and/or nullifying the April 23, 1998 and September 15, 1998 orders of the Honorable Regional Trial Court of Quezon City-Branch 222, which denied Respondent's motion to dismiss the complaint in Civil Case No. Q-94-21587.[29]

In a Manifestation which he filed with the trial court, petitioner declared that the lot here in dispute is the *same property* as the

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[27] Petition for *Certiorari*; CA Records, p. 6.

[28] *Id.* at 260-261.

[29] *Rollo*, p. 5.

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lot in Civil Case No. Q-93-18569.[30] The said case was raised to the Court of Appeals, and later to the Supreme Court as *Heirs of Pael vs. Court of Appeals.*[31]

We rule that the lot subject of the case at bar belongs to respondent UP. In numerous earlier jurisprudence, we have held that this subject lot is part of the mass of land owned by respondent UP under TCT No. 9462. The most recent case, *Heirs of Pael vs. Court of Appeals,* cannot be more categorical. There, we stated:

> The disputed property, however, is part of the UP Diliman Campus, covered by TCT No. 9462. It was established, after the survey conducted by the Department of Environment and Natural Resources, National Capital Region (DENR-NCR) that the property claimed by Chin and Mallari overlaps the property covered by UP's title. x x x
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> It is judicial notice that the legitimacy of UP's title has been settled in several other cases decided by this Court. The case of *Tiburcio, et al. vs. People's Homesite & Housing Corp. (PHHC), et al.* (106 Phil. 477 [1959]) was an action for reconveyance of a 430-hectare lot in Quezon City, filed by the heirs of Eladio Tiburcio against PHHC and UP. A portion of the disputed land was covered by TCT No. 1356 registered in the name of PHHC and another portion was covered by TCT No. 9462 registered in the name of UP. Affirming the validity of TCT No. 1356 and TCT No. 9462, this Court ruled:
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> > . . . the land in question has been placed under the operation of the Torrens system since 1914 when it has been originally registered in the name of defendant's predecessor-in-interest. It further appears that sometime in 1955 defendant People's Homesite & Housing Corporation acquired from the original owner a parcel of land embracing practically all of plaintiff's property for which Transfer Certificate of Title No. 1356 was issued in its favor, while defendant University of the Philippines likewise acquired from the same owner another portion of land which embraces the remainder of the property for which Transfer

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[30] Original Records, p. 148.

[31] *Heirs of Antonio Pael and Andrea Alcantara and Crisanto Pael vs. Court of Appeals, Jorge H. Chin and Renato B. Mallari*, G.R. No. 133547 and G.R. No. 133843, November 11, 2003.

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> Certificate of Title No. 9462 was issued in its favor. It is, therefore, clear that the land in question has been registered in the name of defendant's predecessor-in-interest since 1914 under the Torrens system and that notwithstanding what they now claim that the original title lacked the essential requirements prescribed by law for their validity, they have never taken any step to nullify said title until 1957 when they instituted the present action. In other words, they allowed a period of 43 years before they woke up to invoke what they claim to be erroneous when the court decreed in 1914 the registration of the land in the name of defendants' predecessor-in-interest. Evidently, this cannot be done for under our law and jurisprudence, a decree of registration can only be set aside within one year after entry on the ground of fraud provided no innocent purchaser for value has acquired the property.

Thus, this Court held that the decree of registration in the name of the predecessor-in-interest of PHHC and UP, as well as the titles issued pursuant thereto have become incontrovertible.

This Court again affirmed the validity and indefeasibility of UP's title in the case of *Galvez vs. Tuason* (10 SCRA 344 [1964]). where Maximo Galvez and the heirs of Eladio Tiburcio sought the recovery of a parcel of land in Quezon City registered under the names of Mariano Severo, Maria Teresa Eriberta, Juan Jose, Demetrio Asuncion, Augusto Huberto, all surnamed Tuason *y* de la Paz, UP, and PHHC. This is the same land subject of the controversy in *Tiburcio vs. PHHC*. This Court held in Galvez that the question of ownership of the disputed land has been thrice settled definitely and conclusively by the courts: first, in the proceedings for the registration of the property in the name of the Tuasons; second, in the application filed by Marcelino Tiburcio with the Court of First Instance of Rizal for registration of the disputed property in his name which was dismissed by said court; and third, in the action for reconveyance filed by the heirs of Eladio Tiburcio against PHHC and UP which was also dismissed by the court, which dismissal was affirmed by this Court in *Tiburcio vs. PHHC*. We held that the issue of ownership of the property was already beyond review.

The rulings in *Tiburcio vs. PHHC* and *Galvez vs. Tuason* were reiterated by this Court in *PHHC vs. Mencias* (20 SCRA 1031 [1967]) and *Varsity Hills vs. Mariano* (163 SCRA 132 [1988]).

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Finally, it should be emphasized that this Court's Decision in *Tiburcio, et al. vs. PHHC*, as well as in the subsequent cases upholding the validity and indefeasibility of the certificate of title covering the UP Diliman Campus, precludes the courts from looking anew into the validity of UP's title. Thus, the appellate court's discourse in the case at bar as regards the origin of UP's certificate of title, whether it came from OCT 730 or OCT 735 is intolerable, to say the least. The rule is that material facts or questions which were in issue in a former action and were there admitted or judicially determined are conclusively settled by a judgment rendered therein and that such facts or questions become *res judicata* and may not again be litigated in a subsequent action between the same parties or their privies, regardless of the form the issue may take in the subsequent action, whether the subsequent action involves the same or a different form of proceedings, or whether the second action is upon the same or a different cause of action, subject matter, claim or demand, as the earlier action. In such cases, it is also immaterial that the two actions are based on different grounds, or tried on different theories, or instituted for different purposes, and seek different reliefs. By the same token, whatever is once irrevocably established as the controlling legal principle or decision continues to be the law of the case between the same parties in the same case, whether correct on general principles or not, so long as the facts on which such decision was predicated continue to be the facts of the case before the court. (*J.C. Lopez & Associates, Inc. vs. Commission on Audit*, 364 SCRA 472 [2001], citing *Veloso, Jr. vs. Court of Appeals*, 261 SCRA 196 [1996].)

Our decision in the *Heirs of Pael vs. Court of Appeals* and petitioner's admission that his lot is the same as the lot in the said case completely negate petitioner's cause of action. Hoist with his own petard, petitioner Cañero is bound by *res judicata*.

Petitioner avers that by filing a Motion to Dismiss based on the ground of lack of cause of action, respondent UP admitted as facts all his allegations therein. Thus, the trial court did not err in ruling that he had sufficient cause of action.

We do not agree. We rule that the appellate court is correct in holding that the trial court should have dismissed the complaint to quiet title. Petitioner's reconstituted title is his basis for filing the action to quiet title against respondent UP. The

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reconstituted title and the proceedings from which it hailed from are, however, void.

R.A. No. 26 provides for a special procedure for the reconstitution of Torrens certificates of title that are missing but not fictitious titles or titles which are existing. It is an absolute absurdity to reconstitute existing certificates of title that are on file and available in the registry of deeds.[32] If we were to sustain petitioner's stance, the establishment of the Torrens system of land titling would be for naught, as cases dealing with claims of ownership of registered land would be teeming like worms coming out of the woodwork. It is self-evident that the trial court's judgment could not be sustained. When a judgment is void for lack of jurisdiction and its nullity is shown by virtue of its own recitals, it may be said to be a lawless thing, which can be treated as an outlaw and slain at sight, or ignored wherever and whenever it exhibits its head.[33] The appellate court acted in accordance with law when it granted respondent's Motion to Dismiss and set aside petitioner's title.

We further note that even if the subject lot had not already been registered in the name of respondent UP, still the reconstitution proceedings are void for lack of notice to adjoining property owners. We quote Sections 12 and 13 of Republic Act No. 26 (An Act Providing A Special Procedure For The Reconstitution Of Torrens Certificate Of Title Lost Or Destroyed), *viz*:

> Sec. 12. Petitions for reconstitution from sources enumerated in Sections 2(c), 2(d), 2(e), 2(f), 3(c), 3(d), 3(e), and/or 3(f) of this Act, shall be filed with the proper Court of First Instance, by the registered owner, his assigns, or any person having an interest in the property. The petition shall state or contain, among other things, the following: (a) that the owner's duplicate of the certificate of title had been lost or destroyed; (b) that no co-owner's, mortgagee's or lessee's duplicate had been issued, or, if any had been issued, the same had

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[32] *Republic of the Philippines vs. Court Of Appeals, et al.*, 94 SCRA 865 (1979).

[33] *Banco Español-Filipino vs. Palanca*, 37 Phil. 921, 949.

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been lost or destroyed; (c) the location, area and boundaries of the property; (d) the nature and description of the buildings or improvements, if any, which do not belong to the owner of the land, and the names and addresses of the owners of such buildings or improvements; (e) the names and addresses of the occupants or persons in possession of the property, *of the owners of the adjoining properties* and of all persons who may have any interest in the property; (f) a detailed description of the encumbrances, if any, affecting the property; and (g) a statement that no deeds or other instruments affecting the property have been presented for registration, or, if there be any, the registration thereof has not been accomplished, as yet. All the documents, or authenticated copies thereof, to be introduced in evidence in support [of] the petition for reconstitution shall be attached thereto and filed with the same; *Provided*, That in case the reconstitution is to be made exclusively from sources enumerated in Section 2(f) or 3(f) of this Act, the petition shall be further accompanied with a plan and technical description of the property duly approved by the Commissioner of Land Registration, or with a certified copy of the description taken from a prior certificate of title covering the same property.

Sec. 13. The Court shall cause a notice of the petition, filed under the preceding section, to be published at the expense of the petitioner, twice in successive issues of the Official Gazette, and to be posted on the main entrance of the provincial building and of the municipal building of the municipality or city in which the land is situated at least thirty days prior to the date of hearing. *The court shall likewise cause a copy of the notice to be sent, by registered mail or otherwise, at the expense of the petitioner, to every person named therein whose address is known, at least thirty days prior to the date of hearing.* Said notice shall state, among other things, the number of the lost or destroyed certificate of title, if known, the name of the registered owner, the names of the occupants or persons in possession of the property, the owners of the adjoining properties and all other interested parties, the location, area and boundaries of the property, and the date on which all persons having any interest therein must appear and file their claim or objections to the petition. The petitioner shall, at the hearing, submit proof of the publication, posting and service of the notice as directed by the court. (*Italics ours*.)

Judicial reconstitution of title partakes of a land registration proceeding. Thus, notice of the proceedings must be given in

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the manner set forth by the letter of the law.[34] A cursory perusal of the petition for reconstitution[35] filed by petitioner, clearly reveals that the adjoining property owners were never mentioned and, hence, not notified. Upon cross-examination by counsel for respondent UP, Atty. Liwliwa Bucu, the clerk of court of Branch 82, declared[36] that aside from the notices sent to the concerned government agencies, the publication in the Official Gazette and the posting of the Order in several conspicuous public places, no other notice was sent by the trial court to any party. Respondent UP owns the entirety of the land surrounding the lot in issue; yet it was not notified of the reconstitution proceedings. It is hoary doctrine that defects in the notices required under the law to be sent to interested parties, deprive the court of jurisdiction. As early as the case of *Manila Railroad Company vs. Moya*,[37] we had already ruled that if no notice of the date of hearing of a reconstitution case is served on a possessor or one having interest in the property involved, he is deprived of his day in court and the order of reconstitution is null and void, even if, otherwise, the said order should have been final and executory.

We explained the rationale of this rule in the case of *Director of Lands vs. Court of Appeals*,[38] *viz*:

> x x x (S)aid defects have not invested the Court with the authority or jurisdiction to proceed with the case because the manner or mode of obtaining jurisdiction as prescribed by the statute which is mandatory has not been strictly followed, thereby rendering all proceedings utterly null and void. We hold that the mere Notice that "all interested parties are hereby cited to appear and show cause if any they have why said petition should not be granted" is not sufficient for the law must be

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[34] *Republic of the Philippines vs. Intermediate Appellate Court and Princess Emme Atik Kiram*, 94 SCRA 865 (1988).

[35] Original Records, pp. 16-18.

[36] *Id.*, p. 589.

[37] L-17913, 14 SCRA 358 (1965).

[38] *The Director of Lands vs. The Court of Appeals and Demetria Sta. Maria Vda. De Bernal, et al.*, 102 SCRA 370 (1981).

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interpreted strictly; it must be applied rigorously, with exactness and precision. x x x

The rule We have stated and quoted from *Manila Railroad Company vs. Hon. Jose M. Moya, et al., supra* is rightly so because one who seeks the reconstitution of his title to property is duty-bound to know who are the occupants, possessors thereof, or persons having an interest in the property involved, specially where the property is so [v]ast and situated in a suitable residential and commercial location, where buildings and improvements have been or are being constructed openly and publicly.

Particularly apt to the case at bar is the ruling of this Court in *Alabang Development Corporation vs. Valenzuela*:[39]

Upon examination of the subject petition for reconstitution, the Court notes that some essential data required in Section 12 and Section 13 of Republic Act 26 have been omitted: the nature and description of the buildings or improvements, which do not belong to the owner of the land, and the names and addresses of the owners of such buildings or improvements, and the names and addresses of the occupants or persons in possession of the property, of the owners of the adjoining properties and of all persons who may have any interest in the property. Neither do these data appear in the Notice of Hearing, such that no adjoining owner, occupant or possessor was ever served a copy thereof by registered mail or otherwise.

x x x x x x x x x

And since the above data do not appear in the Amended Petition, the same data do not also appear in the Notice of Hearing of the petition published in the Official Gazette. Patently, the provisions of Section 12 which enumerates mandatorily the contents of the Petition for Reconstitution and Section 13 which similarly require the contents of the Notice have not been complied with. In view of these multiple omissions which constitute non-compliance with the above-cited sections of the Act, We rule that said defects have not invested the Court with the authority or jurisdiction to proceed with the case because the manner or mode of obtaining jurisdiction as prescribed by the statute which is mandatory has not been strictly followed, thereby

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[39] *Alabang Development Corporation and Ramon D. Bagatsing vs. Hon. Manuel E. Valenzuela, et al.,* 116 SCRA 261 (1982).

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rendering all proceedings utterly null and void. We hold that the mere Notice that "all interested parties are hereby cited to appear and show cause if any they have why said petition should not be granted" is not sufficient for the law must be interpreted strictly; it must be applied rigorously, with exactness and precision.

In sum, RTC, Branch 82 never acquired jurisdiction over the reconstitution proceedings because it failed to notify the respondent, an adjoining property owner. Its judgment must perforce be declared void. A void judgment is not entitled to the respect accorded to a valid judgment, but may be entirely disregarded or declared inoperative by any tribunal in which effect is sought to be given to it. It has no legal or binding effect or efficacy for any purpose or at any place. It cannot affect, impair or create rights. It is not entitled to enforcement and is, ordinarily, no protection to those who seek to enforce. In other words, a void judgment is regarded as a nullity, and the situation is the same as it would be if there was no judgment. It, accordingly, leaves the parties litigants in the same position they were in, before the trial.[40]

Moreover, even if the validity of petitioner's title to the lot had been sustained, it cannot be overlooked that petitioner had registered his title 18 years after respondent UP. The established rule unbent by the passage of time is that where there are two certificates of title purporting to cover the same land, the person claiming under the certificate earlier registered is the rightful owner of the lot in dispute.[41] UP's title is earlier and should be upheld.

The appellate court also correctly ruled that petitioner's action to quiet title had likewise prescribed. Petitioner tried to avoid the bar of prescription by averring that his "designated caretakers" had been occupying the lot at his behest. From the inception of petitioner's action to quiet title in 1991 until the

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[40] *Metropolitan Waterworks & Sewerage System vs. Hon. Nicanor S. Sison, et al.,* 124 SCRA 394 (1983).

[41] *Legarda and Prieto vs. Saleeby*, 31 Phil. 590 (1915), at 595-596; *Garcia vs. CA*, 95 SCRA 380 (1980).

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filing of his petition for *certiorari* before us in 2003, neither hide nor hair of petitioner's "designated caretakers" was ever seen or mentioned in any pleading filed before this Court or before the lower courts. Even when faced with the threat of dismissal of his action, petitioner still maintained the anonymity of his "designated caretakers." His posture leads us to no other conclusion but that these "designated caretakers" do not exist and are merely part of the myth he propagated to substantiate his claim of ownership of the lot. In contrast, respondent UP was able to prove that it was in possession of the lot by showing the existence therein of buildings and structures it had erected, and which it controls and maintains. Both parties were given more than ample opportunity to substantiate their claims during the hearing of respondent's Motion to Dismiss.

Petitioner asserts that he was deprived of his constitutional right to due process as his title was nullified by the appellate court on grounds not raised in the respondent's petition for *certiorari*. He avers that he should have been afforded the opportunity to establish his title in a full-blown trial based on the merits.

We are not impressed. The appellate court found that the reconstitution proceedings were void as the lot was already registered earlier in the name of respondent. Further, it found that notice to adjoining property owners was not given by the trial court. For this reason, it never acquired jurisdiction over the quieting of title case and all the proceedings granting the petition for reconstitution are null and void.[42] As a rule, the findings of fact of the Court of Appeals are final and conclusive and cannot be reviewed on appeal by this Court.[43] As there is no patent error in the appreciation of the facts by the appellate court, we sustain its judgment.

Respondent UP had correctly availed of the remedy of *certiorari* when it assailed the interlocutory order of the trial

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[42] *Adjap Allama and Hatib Sali Mahaddi vs. Republic of the Philippines*, 206 SCRA 600 (1992).

[43] *Amigo, et al., vs. Teves*, 96 Phil. 252 (1954).

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court to the appellate court. While in the regular course of appeal, the interlocutory acts of the court may be assigned as errors, such remedy may not necessarily be adequate as it can be availed of only in the future and prejudice may have been caused in the interim, hence *certiorari* is permitted to be availed of.[44] In the case at bar, grave and irreparable damage will accrue to respondent UP had it waited to avail of the remedy of appeal. Moreover, further trial on the merits would have been a wasteful occupation of the lower court's time and resources.

The trial court erred when it stated that petitioner should not be bound by the Court's judgments in earlier jurisprudence where we affirmed the validity of the title of respondent UP, as he was not a party to any of these previous cases.[45] All the foregoing cases, akin to petitioner's complaint, deal with the same parcel of land or pieces thereof of the same large mass covered by a single certificate of title, registered under the name of respondent UP. If we were to sustain the trial court's stance that in order to be bound by such jurisprudence, one must be a party to each of the cases aforementioned, our dockets would be clogged *ad infinitum* with complaints filed left and right by unscrupulous land grabbers nipping any piece they can get from the lands of respondent. Certainly, such interpretation of the applicability of *res judicata* is intolerable for it will defeat the indefeasibility of respondent UP's title. Petitioner, just like any other litigant, is bound by our judgment that UP holds title to the lot.

We strongly admonish courts and unscrupulous lawyers to stop entertaining spurious cases seeking further to assail respondent UP's title. These cases open the dissolute avenues of graft to unscrupulous land-grabbers who prey like vultures upon the campus of respondent UP. By such actions, they wittingly or unwittingly aid the hucksters who want to earn a quick buck by misleading the gullible to buy the Philippine counterpart of the proverbial London Bridge. It is well past

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[44] *Villalon, et al. vs. IAC, et al.,* 144 SCRA 443 (1986).

[45] Order, September 15, 1998, *Rollo* at 121.

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time for courts and lawyers to cease wasting their time and resources on these worthless causes and take judicial notice of the fact that respondent UP's title had already been validated countless times by this Court. Any ruling deviating from such doctrine is to be viewed as a deliberate intent to sabotage the rule of law and will no longer be countenanced.

IN VIEW WHEREOF, the judgment of the Court of Appeals is affirmed. The petition for *certiorari* is dismissed. Treble costs against the petitioner.

SO ORDERED.

Callejo, Sr. and *Tinga, JJ.*, concur.

Austria-Martinez, J., on official leave.

Chico-Nazario, J., on leave.

SECOND DIVISION

[G.R. No. 156748. September 8, 2004]

ISAAC CIOCO, JR., REBIE A. MERCADO, BENITO V. GALVADORES, CECILIO SOLVER, CARMELO JUANZO,[1] **BENJAMIN BAYSA, and RODRIGO NAPOLES,** *petitioners, vs.* **C.E. CONSTRUCTION CORPORATION and/or JOHNNY TAN,** *respondents*.

[G.R. No. 156896. September 8, 2004]

C.E. CONSTRUCTION CORPORATION, *petitioner, vs.* **ISAAC CIOCO, JR., REBIE A. MERCADO, BENITO**

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[1] This petitioner was mistakenly identified as Carmelo "Jaunzo" in the title of the assailed decision of the Court of Appeals.