Supreme Court E-Library

THIRD DIVISION

[G.R. No. 161034. June 30, 2009]

ZENAIDA ACOSTA, EDUARDO ACOSTA, ARNOLD ACOSTA, DELIA ACOSTA, SPS. TEODULO MACHADO and AURORA ORENZA, SPS. ROLDAN PALARCA and PACITA PANGILINAN, SPS. FROMENCIO JONATAS and LUCENA M. MARIANO, SPS. MARCIAL IGLESIA and VIRGINIA LAPURGA, ATTY.-IN-FACT FELINO MACARAEG, SPS. MANUEL MANGROBANG and VALERIANA SOTIO, SPS. VIRGINIA DELA ROSA and ROMEO DELA ROSA, SPS. PACIFICO SOTIO and LOLITA SORIANO, JUAN DALINOC (deceased), represented by DAUGHTER CONSUELO DALINOC, SPS. MARIANO TORIO and MAXIMA MACARAEG, REPRESENTED BY LEGAL HEIRS TORIBIA TORIO and MAYUMI MACARAEG, TEOFILO MOLINA and AVELINO DIZON, *petitioners, vs.* **TRINIDAD SALAZAR and ANICETA SALAZAR,** *respondents.*

SYLLABUS

1. REMEDIAL LAW; CIVIL PROCEDURE; JURISDICTION; REGISTRATION OF LAND; PROCEEDING *IN REM*.— It is true that the registration of land under the Torrens system is a proceeding *in rem* and not *in personam*. Such a proceeding *in rem*, dealing with a tangible *res*, may be instituted and carried to judgment without personal service upon the claimants within the state or notice by mail to those outside of it. Jurisdiction is acquired by virtue of the power of the court over the *res*. Such a proceeding would be impossible were this not so, for it would hardly do to make a distinction between constitutional rights of claimants who were known and those who were not known to the plaintiff, when the proceeding is to bar all.

2. ID.; ID.; ID.; PETITION FOR CANCELLATION OF ENTRIES CLASSIFIED AS QUASI *IN REM*; CASE AT BAR.—

Interestingly, however, the proceedings instituted by the Salazars – both in Branch 63 of the RTC of Tarlac for the cancellation of entries in OCT No. 40287 and later in Branch 64 of the RTC of Tarlac for quieting of title – can hardly be classified as actions *in rem*. The petition for cancellation of entries annotated at the back of OCT No. 40287 ought to have been directed against specific persons: namely, the heirs of Juan Soriano as appearing in Entry No. 20102 and, indubitably, against their successors-in-interest who have acquired different portions of the property over the years because it is in the nature of an action *quasi in rem*. Accordingly, the Salazars should have impleaded as party defendants the heirs of Juan Soriano and/or Vicenta Macaraeg as well as those claiming ownership over the property under their names because they are indispensable parties. This was not done in this case. Since no indispensable party was ever impleaded by the Salazars in their petition for cancellation of entry filed before Branch 63 of the RTC of Tarlac, herein petitioners are not bound by the dispositions of the said court. Consequently, the judgment or order of the said court never even acquired finality.

3. ID.; ID.; VOID ORDERS; MAY BE ENTIRELY DISREGARDED OR DECLARED INOPERATIVE BY ANY TRIBUNAL IN WHICH EFFECT IS SOUGHT TO BE GIVEN TO IT.— Paraphrasing by analogy this Court's ruling in *Metropolitan Waterworks & Sewerage System v. Sison*, a void order is not entitled to the respect accorded to a valid order. It 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 and thus cannot affect, impair or create rights. It is not entitled to enforcement and is, ordinarily, no protection to those who seek to enforce the same. Accordingly, all proceedings founded on the void court order are themselves regarded as invalid, and the situation is the same as it would be if there was no order issued by the court. It leaves the party litigants in the same position they were in before the trial. A void order, like any void judgment, may be said to be a lawless thing which can be treated as an outlaw and slain at sight.

4. CIVIL LAW; LAND TITLES; DEEDS AND REGISTRATION; TORRENS SYSTEM; RATIONALE; CASE AT BAR.— More crucial is the fact that both parties in this case are dealing with

Supreme Court E-Library

property registered under the Torrens system. To allow any individual, such as the Salazars in this case, to impugn the validity of a Torrens certificate of title by the simple expediency of filing *ex parte* petition for cancellation of entries would inevitably erode the very reason why the Torrens system was adopted in this country, which is to quiet title to land and to put a stop forever to any question on the legality of the title, except claims that were noted, at the time of registration, in the certificate, or which may arise subsequent thereto. Once a title is registered under the Torrens system, the owner may rest secure, without the necessity of waiting in the portals of the courts or sitting in the *"mirador su casa"* to avoid the possibility of losing his land. Rarely will the court allow another person to attack the validity and indefeasibility of a Torrens certificate, unless there is compelling reason to do so and only upon a direct action filed in court proceeded in accordance with law.

APPEARANCES OF COUNSEL

Orlando M. Lambino for petitioners.
Eriberto S. Guerrero, Jr. for respondents.

D E C I S I O N

NACHURA, *J.*:

This is a petition for review on *certiorari* assailing the July 25, 2003 Decision[1] of the Court of Appeals (CA) as well as its November 25, 2003 Resolution[2] in CA-G.R. CV No. 70161, which reversed and set aside the December 20, 2000 Decision[3] of the Regional Trial Court (RTC), Branch 64, Tarlac City in Civil Case No. 7256. Said RTC decision dismissed the complaint for quieting of title filed by herein respondents Trinidad Salazar and Aniceta Salazar against petitioners.

---

[1] Penned by Associate Justice Remedios A. Salazar-Fernando, with Associate Justices Delilah Vidallon Magtolis (retired) and Arturo D. Brion (now Supreme Court Associate Justice), concurring; *rollo* pp. 72-88.

[2] *Id.* at 95-96.

[3] CA *rollo*, pp. 40-43.

Supreme Court E-Library

Below are the facts.

On November 19, 1985, respondents Trinidad and Aniceta Salazar (hereinafter, Salazars), filed a petition for the cancellation of the entries annotated at the back of Original Certificate of Title (OCT) No. 40287 registered in the names of spouses Juan Soriano and Vicenta Macaraeg, who died without issue.[4] The Salazars claim that two of the entries – Entry Nos. 19756 and 20102 – annotated at the back of the aforesaid title are void since no consolidation of rights appear in the Registry of Deeds (RD) of Tarlac to support the entries; and that Transfer Certificate of Title (TCT) No. 9297, which supposedly cancelled OCT No. 40287, is non-existent according to a certification issued by the RD.[5] On October 21, 1986, RTC Branch 63 of Tarlac resolved to grant the petition and ordered the cancellation of Entry No. 20102.[6] No respondent was impleaded in the said petition.

Subsequently, the Salazars filed an urgent motion praying for the issuance of an order to direct the RD of Tarlac to recall all titles issued under Entry Nos. 19756 and 20102 and to cancel

---

[4] Docketed as LRC Land Case No. L-2829 before Branch 63, RTC of Tarlac and entitled: IN RE: CANCELLATION OF ENTRY, TITLE AND ISSUANCE OF TRANSFER TITLE, TRINIDAD SALAZAR AND ANICETA SALAZAR, Petitioners; I Records, p. 222-223.

[5] CA *Rollo*, p. 74.

[6] The dispositive portion of the October 21, 1986 Order reads:

WHEREFORE, The Register of Deeds of Tarlac is hereby ordered after payment of the required legal fees to CANCEL Entry No. 20102 found at the back of Original Certificate of Title No. 40287 of the Land Records of Tarlac and to issue a new transfer certificate of title over Lots (sic) Nos. 75, 76, and 288 embraced in OCT No. 40287 in the names of Trinidad Salazar married to Loreto Dasala and Aniceta Salazar married to Pablo Dungca both residents of Paniqui, Tarlac, thus partially cancelling OCT No. 40287 with respect to said lots.

The new transfer certificate issued to petitioners is hereby subject to real estate tax lien due to the government to be annotated in said new title.

SO ORDERED. (II Records, p. 736.)

Supreme Court E-Library

all the tax declarations issued based thereon. The motion was granted in an Order issued on November 7, 1986.[7]

On November 20, 1986, the Salazars filed a second urgent motion praying that the owners of the affected property be ordered to appear before the court to show cause why their titles should not be cancelled.[8]

On October 20, 1987, the Salazars filed a new motion praying that the RD of Tarlac be ordered to comply with the court's order issued on November 7, 1986. The RD, however, explained that to comply with the said court order would remove the basis for the issuance of TCT No. 9297 which title had, in turn, been cancelled by many other transfer certificates of title and would indubitably result in the deprivation of the right to due process of the registered owners thereof.[9] On this basis, the RTC denied the motion and advised the Salazars to elevate the matter *en consulta* to the Land Registration Commission (now Land Registration Authority or LRA). After the Salazars moved for reconsideration, the RTC directed the RD of Tarlac to comply with the October 21, 1986 and November 7, 1986 orders. Threatened with contempt, the RD elevated the matter *en consulta* to the National Land Titles and Deeds Registration Administration, which, in turn, issued a resolution directing the RD to comply with the RTC's orders.[10] On March 7, 1989,

---

[7] Pertinent portion of the November 7, 1986 Order reads:

WHEREFORE, the URGENT MOTION is hereby granted for being resoundingly meritorious.

The Register of Deeds of Tarlac, Tarlac is ordered to implement the cancellation of Entries No. 19556 (sic) and 20102 at the back of Original Certificate of Title No. 40287 of its office by recalling and cancelling all the titles it had issued based on the cancelled entries and for the Assessor's Office, Tarlac, Tarlac to cancel all tax declarations it had issued based on said cancelled entries. The Assessor is directed to declare or re-declare for taxation purposes Lots (sic) 75, 76 and 288 of the Cad. Survey of Ramos, in the name of the titled owner, Juan Soriano based on the latter's title.

`SO ORDERED. (*Id.* at 737.)

[8] *Rollo,* pp. 75 and 148.

[9] *Id.* at 75.

[10] *Id.* at 75-76.

Supreme Court E-Library

OCT No. 40287 was reconstituted and TCT No. 219121 was issued in the names of the Salazars, *sans* Entry Nos. 19756 and 20102.

It was at this stage of the proceedings that herein petitioners together with other subsequent purchasers for value of the disputed property – twenty-seven (27) titleholders in all[11] – filed their formal written comment dated April 17, 1989.[12] In their comment, the oppositors contended, among others, that they had acquired their titles in good faith and for value, and that the lower court, acting as a land registration court, had no jurisdiction over issues of ownership.[13]

On September 14, 1989, the said court, apparently realizing its mistake, issued an Order, stating thus:

> Upon motion of Atty. Alcantara and without objection on the part of Atty. Molina and Atty. Lamorena, all the incidents in this case are hereby withdrawn without prejudice to the filing of an appropriate action in a proper forum.
>
> SO ORDERED.[14]

This prompted the Salazars to file a complaint for quieting of title impleading herein petitioners as well as other individuals who claim to have purchased the said property from the heirs of Juan Soriano. The case was docketed as Civil Case No. 7256 before Branch 64 of the RTC of Tarlac.[15] The complaint alleged that TCT No. 219121 was issued in the names of the Salazars without Entry Nos. 19756 and 20102 at the back of said title, but the previous TCTs issued by the RD of Tarlac as well as the tax declarations existing in the Assessor's Office have not been cancelled and revoked by the said government agencies to the detriment and prejudice of the complainants

---

[11] CA *rollo*, p. 103.

[12] *Id.* at 122.

[13] *Id.* at 123.

[14] II Records, p. 771; Exh. "7".

[15] I Records, pp. 1-9.

Supreme Court E-Library

(herein respondents). They also alleged that Pcs-395, from which Lot Nos. 702-A to 702-V were taken, is non-existent and, thus, the court should cause the cancellation and revocation of spurious and null and void titles and tax declarations.[16]

Defendants filed three separate answers. Defendants Raymundo Macaraeg, Martha Estacio (both deceased), Adelaida Macaraeg, Lucio Macaraeg, represented by Eufracia Macaraeg Baluyot as attorney-in-fact, Gregorio Baluyut and Eligia Obcena (hereinafter, Macaraegs) maintained that the November 7, 1986 order of the RTC is null and void because the court did not acquire jurisdiction over the case. They also argued that TCT No. 219121 issued in the name of the Salazars is void and that the case for quieting of title is not a direct, but a collateral, attack against a property covered by a Torrens certificate.[17]

Defendants, now herein petitioners, for their part, maintained that the Plan of Consolidation Subdivision Survey Pcs-396 had been an existing consolidation-subdivision survey plan annotated on OCT No. 40287 under Entry No. 20102 dated February 17, 1950 from which TCT No. 9297 was issued covering Lot Nos. 702-A to 702-V, inclusive, in the names of the heirs of Juan Soriano. They argued that TCT No. 219121 issued in the name of the Salazars is spurious and null and void from the beginning since it was acquired pursuant to an illegal order issued by the court.[18] By way of special and affirmative defenses, they also alleged, among others, (1) that the Salazars were not among the heirs of the late Juan Soriano, not within the fifth civil degree of consanguinity, and hence, they have no right to inherit; (2) that TCT No. 219121 constitutes a cloud upon the Torrens title of herein petitioners, and should therefore be cancelled and revoked; (3) that assuming, without admitting, that the Salazars have any right over the lots in question their right to enforce such action had already prescribed by laches or had been barred by prescription since more than forty (40) years had lapsed

---

[16] *Rollo*, pp. 76-77.

[17] *Id.* at 78.

[18] *Id.* at 78-79.

Supreme Court E-Library

since the heirs of Juan Soriano had registered the lots in question under TCT No. 9297 on February 17, 1950; and (4) that petitioners and/or their predecessors-in-interest acquired the lots in question in good faith and for value from the registered owners thereof.[19]

Defendant spouses Francisco Jonatas and Lucena M. Mariano and spouses Manuel Mangrobang and Valeriana Sotio filed their answers practically raising the same defenses.[20]

Meanwhile, on July 29, 1991, petitioners, together with the Macaraegs and Jonatas, *et al.*, filed before the CA a petition for annulment of judgment[21] rendered by RTC Branch 63 of Tarlac, Tarlac. The case, docketed as CA-G.R. SP No. 25643, was, however, dismissed on the ground of *litis pendencia*.[22]

On December 20, 2000, Branch 64 of the RTC of Tarlac dismissed the complaint for quieting of title. The trial court

---

[19] *Id.* at 80-81.

[20] *Id.* at 81.

[21] CA *rollo,* pp. 101-117.

[22] Pertinent portion of the decision dated January 15, 1993 in CA-G.R. SP No. 25643 reads:

Considering the incidents that form the backdrop of the present petition as hereinabove discussed in this decision, it is clear that the present petition now before this Court is a duplication of the case already filed and pending before Branch 64 of the Regional Trial Court of Tarlac (Civil Case No. 725[6]). The main issue in said case, which is for quieting of the respective titles of all the parties involved, is the validity of the action taken by the respondent Branch 63 of the Regional Trial Court in Case No. L-2829 which led to the issuance of T.C.T. No. 219121 in the names of the Salazars, private respondents in the case now before us. It is apparent that any decision to be rendered in Civil Case No. 7256, which was filed ahead of this case, will settle the issue of who has the valid titles to the property in question. In the determination of this issue, the validity of the orders issued by the respondent Branch 63 necessarily will come to the fore and will have to be determined in the said proceedings.

x x x x x x x x x

WHEREFORE, this petition is DISMISSED with costs against the petitioners.

SO ORDERED. (CA *rollo,* pp. 124-125.)

Supreme Court E-Library

faulted the Salazars for failure to present proof that they are heirs of the late Juan Soriano.[23] It also declared TCT No. 219121 issued in the name of the Salazars as null and void, and affirmed TCT No. 9297 as well as all certificates of title derived therefrom.[24]

Unsatisfied, the Salazars appealed to the CA,[25] which ruled in their favor.

According to the CA, it was erroneous for Branch 64 of the RTC of Tarlac to reverse and declare as null and void the decision of Branch 63, which is a court of equal rank. Such issue should have been properly ventilated in an action for annulment of final judgment. Consequently, the orders issued by RTC Branch 63, had become final and executory, hence, covered by *res judicata*.[26]

The CA also struck down the arguments raised by the appellees that the orders of RTC Branch 63 are null and void for lack of proper notice. It ratiocinated that the proceeding is a land registration proceeding, which is an action *in rem*. This being so, personal notice to the owners or claimants of the

---

[23] II Records, pp. 825-829.

[24] The *fallo* of the December 20, 2000 RTC Decision reads:

WHEREFORE, judgment is hereby rendered:

1. Dismissing the complaint;
2. Ordering the Register of Deeds to cancel TCT No. 219121;
3. Restoring or maintaining the validity of [E]ntry No. 20102 at the back of OCT No. 40287 and also affirming TCT No. 297 and all titles derived therefrom.

No pronouncement as to costs.

SO ORDERED. (*Id.* at 828-829.)

[25] Filed on June 15, 2001 and docketed as CA-G.R. CV-No. 70161; CA *rollo*, p. 19.

[26] *Rollo*, p. 86.

Supreme Court E-Library

land sought to be registered is not necessary in order to vest the court with jurisdiction over the *res* and over the parties.[27]

A motion for reconsideration[28] was filed, but the same was denied.[29] Hence, this petition.

Pivotal to the resolution of this case is the determination of the validity of the action taken by the Salazars in Branch 63 of the RTC of Tarlac.

We rule for petitioners.

It is true that the registration of land under the Torrens system is a proceeding *in rem* and not *in personam*. Such a proceeding *in rem*, dealing with a tangible *res*, may be instituted and carried to judgment without personal service upon the claimants within the state or notice by mail to those outside of it. Jurisdiction is acquired by virtue of the power of the court over the *res*. Such a proceeding would be impossible were this not so, for it would hardly do to make a distinction between constitutional rights of claimants who were known and those who were not known to the plaintiff, when the proceeding is to bar all.[30]

Interestingly, however, the proceedings instituted by the Salazars – both in Branch 63 of the RTC of Tarlac for the cancellation of entries in OCT No. 40287 and later in Branch 64 of the RTC of Tarlac for quieting of title – can hardly be classified as actions *in rem*. The petition for cancellation of entries annotated at the back of OCT No. 40287 ought to have been directed against specific persons: namely, the heirs of Juan Soriano as appearing in Entry No. 20102 and, indubitably, against their successors-in-interest who have acquired different portions of the property over the years because it is in the nature of an action *quasi in rem*. Accordingly, the Salazars should have impleaded as party defendants the heirs of Juan

---

[27] *Id.* at 87.

[28] *Id.* at 89-94.

[29] *Id.* at 95-96.

[30] Peña, *Registration of Land Titles and Deeds*, 1988 ed., p. 42.

Supreme Court E-Library

Soriano and/or Vicenta Macaraeg as well as those claiming ownership over the property under their names because they are indispensable parties. This was not done in this case.[31] Since no indispensable party was ever impleaded by the Salazars in their petition for cancellation of entry filed before Branch 63 of the RTC of Tarlac, herein petitioners are not bound by the dispositions of the said court.[32] Consequently, the judgment or order of the said court never even acquired finality.

Apparently realizing their mistake, the Salazars later on filed an action for quieting of title, also an action *quasi in rem*, albeit this time before Branch 64 of the RTC of Tarlac. Because the Salazars miserably failed to prove the basis for their claim, the RTC dismissed the complaint.[33] In fact, the RTC was bold enough to have pronounced thus:

> Who are the heirs of Juan Soriano who caused the consolidation and in whose favor TCT No. 9297 was issued? Certainly, they are not the plaintiffs. If the plaintiffs claim that they are the only heirs, they should file a case against those who executed the consolidation in whose favor [E]ntry [N]o. 20102 was made.
>
> x x x In its order dated February 24, 2000, this Court ruled that it is necessary that plaintiffs should prove that they are the heirs of Juan Soriano, the registered owners as indicated in OCT No. 40287 of (sic) Vicenta Macaraeg, the late spouse. Despite the cue, the plaintiffs opted not to present evidence on how they became the heirs of Juan Soriano or Vicenta Macaraeg. There being [no] evidence presented to prove that plaintiffs are the heirs of the late Juan Soriano and Vicenta Macaraeg, they had no right and cause of action to prosecute this case.[34]

Needless to say, the failure of the Salazars to implead indispensable party defendants in the petition for cancellation of entries in OCT No. 40287 should have been a ground for the RTC to dismiss, or at least suspend, the proceedings of the

---

[31] *Supra* note 4.

[32] *B.E. San Diego, Inc. v. Alzul*, G.R. No. 169501, June 8, 2007, 524 SCRA 402, 432.

[33] *Rollo*, p. 70.

[34] II Records, pp. 827-828.

Supreme Court E-Library

case.[35] Yet, although the action proceeded, any judgment or order issued by the court thereon is still null and void for want of authority on the part of the court to act with respect to the parties never impleaded in the action.[36] Thus, the orders issued by said court dated October 21, 1986 and November 7, 1986 never acquired finality.[37] *Quod ab initio non valet, in tractu temporis non convalescit*.[38]

Paraphrasing by analogy this Court's ruling in *Metropolitan Waterworks & Sewerage System v. Sison*,[39] a void order is not entitled to the respect accorded to a valid order. It 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 and thus cannot affect, impair or create rights. It is not entitled to enforcement and is, ordinarily, no protection to those who seek to enforce the same. Accordingly, all proceedings founded on the void court order are themselves regarded as invalid, and the situation is the same as it would be if there was no order issued by the court. It leaves the party litigants in the same position they were in before the trial.[40] A void order, like any void judgment, may be said to be a lawless thing which can be treated as an outlaw and slain at sight.[41]

---

[35] *Borlasa v. Polistico*, 47 Phil. 345 (1925) and *Cortez v. Avila*, 101 Phil. 705 (1957) cited in I Regalado, *Remedial Law Compendium*, 2002 ed., p. 82.

[36] *Arcelona v. Court of Appeals*, 345 Phil. 250, 267-268 (1997); *Alabang Development Corporation v. Valenzuela*, No. 54094, August 30, 1982, 116 SCRA 261, 277; *Director of Lands v. Court of Appeals*, 181 Phil. 432 (1979); and *Tanhu v. Judge Ramolete*, 160 Phil. 1101 (1975).

[37] *Heirs of Mayor Nemencio Galvez v. Court of Appeals*, G.R. No. 119193, March 29, 1996, 255 SCRA 672, 689-690; *Gomez v. Concepcion*, 47 Phil. 717, 722-723 (1925).

[38] That which is void originally does not by lapse of time become valid.

[39] G.R. No. L-40309, August 31, 1983, 124 SCRA 394 (1983).

[40] *Id.* at p. 404, citing 31 Am. Jur., 91-92.

[41] *Arcelona v. Court of Appeals*, G.R. No. 102900, October 2, 1997, 280 SCRA 20, 57; *Leonor v. Court of Appeals*, G.R. No. 112597, April 2, 1996, 256 SCRA 69, 82.

Supreme Court E-Library

More crucial is the fact that both parties in this case are dealing with property registered under the Torrens system. To allow any individual, such as the Salazars in this case, to impugn the validity of a Torrens certificate of title by the simple expediency of filing an *ex parte* petition for cancellation of entries would inevitably erode the very reason why the Torrens system was adopted in this country, which is to quiet title to land and to put a stop forever to any question on the legality of the title, except claims that were noted, at the time of registration, in the certificate, or which may arise subsequent thereto.[42] Once a title is registered under the Torrens system, the owner may rest secure, without the necessity of waiting in the portals of the courts or sitting in the "*mirador su casa*" to avoid the possibility of losing his land.[43] Rarely will the court allow another person to attack the validity and indefeasibility of a Torrens certificate, unless there is compelling reason to do so and only upon a direct action filed in court proceeded in accordance with law.[44]

Finally, this Court also takes note of the fact that for more than 30 years – from the time Entry No. 20102 was annotated at the back of OCT No. 40287 on February 17, 1950 until the time of the filing of the *ex parte* petition for cancellation of entries on the said certificate of title on November 19, 1985 – the Salazars remained deafeningly quiet and never made any move to question the issue of ownership over the said land before the proper forum. They also failed to ventilate their claim during the intestate proceeding filed by the heirs of Juan Soriano sometime in 1939. Likewise, they miserably failed to stop the transfer of portions of the property to petitioners who, for themselves, were able to secure TCTs in their own names. All of these would lead to the inevitable conclusion that if there

---

[42] *Legarda and Prieto v. Saleeby*, 31 Phil. 590-591.

[43] *Id*.

[44] Section 48 of Presidential Decree No. 1529 provides in full:

SEC 48. *Certificate not subject to collateral attack*. – A certificate of title shall not be subject to collateral attack. It cannot be altered, modified, or cancelled except in a direct proceeding in accordance with law.

Supreme Court E-Library

is any validity to the claim of the Salazars over the said property – although such issue is not the subject of the present case – the same had already prescribed[45] or, at the very least, had become stale due to laches.

WHEREFORE, the petition is *GRANTED*. The assailed July 25, 2003 Decision of the Court of Appeals including its November 25, 2003 Resolution are hereby *SET ASIDE*. Accordingly, the December 20, 2000 Decision rendered by Branch 64 of the Regional Trial Court of Tarlac City, Tarlac is *REINSTATED*. Costs against respondents.

SO ORDERED.

Ynares-Santiago (Chairperson), Chico-Nazario, Velasco, Jr., and *Peralta, JJ.,* concur.

SECOND DIVISION

[G.R. No. 165742. June 30, 2009]

TRI-CORP LAND & DEVELOPMENT, INC., represented by SOLITA S. JIMENEZ-PAULINO, *petitioner, vs.* **COURT OF APPEALS and GREYSTONE CORPORATION,** *respondents.*

SYLLABUS

1. REMEDIAL LAW; SPECIAL CIVIL ACTIONS; *CERTIORARI;* GRAVE ABUSE OF DISCRETION, DEFINED.— As defined, grave abuse of discretion means such capricious and whimsical exercise of judgment as is equivalent to lack or excess of

---

[45] Article 1141 of the Civil Code provides in full:

Art. 1141. Real actions over immovables prescribe after thirty years.

This provision is without prejudice to what is established for the acquisition of ownership and other real rights by prescription.