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Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

FELISISIMA RICAFORT,	G.R. No. 215590
SPOUSES JIMMY AND ELMA	
RICAFORT, EDGARDO	Present:
GONZALES, AVELINA	
RICAFORT, SPOUSES	PERLAS-BERNABE, S.A.J.,
VALENTIN AND LORENA	<i>Chairperson,</i>
BUSTAMANTE, FELIX	HERNANDO,
BEROIN, JR., JULIO BEROIN,	INTING,
GAVINO BALIBER,	GAERLAN, and
CRISANTA BALIBER, ARIEL	LOPEZ, J.,** JJ.
CLAVERO, PEDRO	
CLAVERO, EFREN	
BUSTAMANTE, DANILO	
BORELA, EFREN	
LLAVANES, LOURDES	
BUSTAMANTE, DOMINGO	
BALIBER, EULOGIA	
RACELIS, SATURNINO	
RACELIS, JR., MARIO	
CLAVERO, MACARIO	
DILIA,* ALFREDO DELA	
ROSA, RODOLFO	
BUSTAMANTE, JESUS	
CLAVERO, JESUS	
BERGANTIN, ZALDY	
IBASCO, ROMEO MIRANDO,	
POBLEO CLAVERO, GERRY	
BALIBER, JULIO CLAVERO,	
STEVE BEROIN, ROSE	
MARIE BUSTAMANTE,	
ROGELIO RICAFORT, LUZ	
MARMOL, ANTONIO	
PACAO, CORAZON PACAO,	
DIVINA BORELA, ELMO	

* Spelled as Della and Delia in some parts of the *rollo*.
** Designated additional member per Raffle dated August 25, 2021.

**MORTE, GIOVANE
 BALIBER, ARNEL DELA
 ROSA, ANTHONY DELA
 ROSA, GERRY BEROIN,
 ROSE ANN BALIBER,
 AIREEN CLAVERO,
 GENELYN CABANERO,
 GILDA CLAVERO, EUGENIA
 BUSTAMANTE, NOLI
 BANDIN, ROSITA BANDIN,
 GERRY DATO, FERNANDO
 PACAO, represented by JESUS
 BERGANTIN,**

Petitioners,

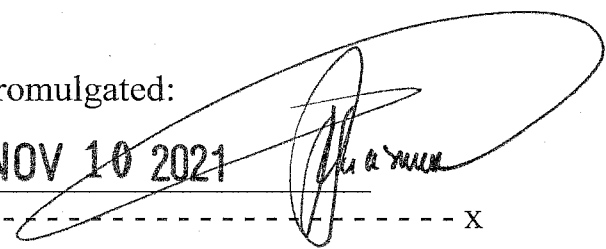
- versus -

**CORAZON P. FAJARDO,
 EDILBERTO P. FAJARDO,
 JR., SILVESTRE P. FAJARDO,
 CAMILO P. FAJARDO,
 DEMETRIO P. FAJARDO,
 CONCESA FAJARDO-BAESA,
 MARTA FAJARDO-GAITE,
 CLARO P. FAJARDO, and
 ANGUSTIA IMPERIAL,**

Respondents.

Promulgated:

NOV 10 2021



X-----X

DECISION

INTING, J.:

Before the Court is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court assailing the Decision² dated May 30, 2014 and the Resolution³ dated October 17, 2014 of the Court of Appeals (CA) in CA-G.R. SP. No. 118886 which denied in due course and

¹ *Rollo*, pp. 18-47.

² *Id.* at 293-310; penned by Associate Justice Elihu A. Ybañez with Associate Justices Japar B. Dimaampao (now a Member of the Court) and Carmelita S. Manahan, concurring.

³ *Id.* at 321-324.



dismissed the petition for *certiorari* and prohibition filed by petitioners⁴ based on the doctrine of immutability of judgment.⁵

The Antecedents

Edilberto Fajardo (Edilberto),⁶ Corazon Dela⁷ Provedincia (Corazon),⁸ and Angustia Imperial (Angustia) (collectively, respondents) are the co-owners of 138.3201 hectares of land commonly known in the area as the "Banasi Ranch" located in Sitio Banasi, San Jose, Bula, Camarines Sur and covered by Transfer Certificate of Title (TCT) No. RT-10742 (17353)⁹ (subject land).¹⁰

Sometime in 1966, Felix Beroin, Sr. (Felix) and Pobleo Clavero (Clavero), who were then engaged in quarrying and stockpiling of gravel and sand from the nearby Pawili River, asked permission from Edilberto to construct shed houses inside the subject land where they could take their rest after work. Without hesitation, Edilberto acceded to the request. However, without his consent, Felix and Clavero invited their co-workers Hilario Sinfuego (Sinfuego) and Lucas Robosa (Robosa) to settle in the ranch with them. They then started converting a portion of the property into rice lands.¹¹ When Presidential Decree No. (PD) 27¹² was promulgated in 1972, Felix, Clavero, Sinfuego, and Robosa (collectively, Farmer Group) availed themselves of its benefits and claimed that they were tenants of the subject land. As a result, the Department of Agrarian Reform (DAR) issued Certificate of Land Transfers (CLT) in favor of 26 individuals, including the Farmer Group.

⁴ The following are petitioners: Felicisima Ricafort, Spouses Jimmy and Elma Ricafort, Edgardo Gonzales, Avelina Ricafort, Spouses Valentin and Lorena Bustamante, Felix Beroin, Jr., Julio Beroin, Gavino Baliber, Crisanta Baliber, Ariel Clavero, Pedro Clavero, Efren Bustamante, Danilo Borela, Efren Llavanos, Lourdes Bustamante, Domingo Baliber, Eulogia Racelis, Saturnino Racelis, Jr., Mario Clavero, Macario Dilia, Alfredo Dela Rosa, Rodolfo Bustamante, Jesus Clavero, Jesus Bergantin, Zaldy Ibasco, Romeo Mirando, Pobleo Clavero, Gerry Baliber, Julio Clavero, Steve Beroin, Rose Marie Bustamante, Rogelio Ricafort, Luz Marmol, Antonio Pacao, Corazon Pacao, Divina Borela, Elmo Morte, Giovane Baliber, Arnel Dela Rosa, Anthony Dela Rosa, Gerry Beroin, Rose Ann Baliber, Airen Clavero, Genelyn Cabanero, Gilda Clavero, Eugenia Bustamante, Noli Bandin, Rosita Bandin, Gerry Dato and Fernando Pacao, *id.* at 10.

⁵ *Id.* at 307-309.

⁶ Edilberto is now deceased and is represented by his legal heirs, *id.* at 296.

⁷ Sometimes spelled as "de la" in some parts of the *rollo*.

⁸ Married to Edilberto Fajardo.

⁹ Referred to as 17253 in some parts of the *rollo*.

¹⁰ *Rollo*, p. 123, 127, and 295-296.

¹¹ *Id.* at 105-106.

¹² Entitled, "Decreeing the Emancipation of Tenant from the Bondage of the Soil, Transferring to Them the Ownership of the Land They Till and Providing the Instruments and Mechanism Therefor," approved on October 21, 1972.

Aggrieved, Edilberto and Angustia filed before the then Ministry of Agrarian Reform their separate petitions for cancellation of the 26 CLTs.¹³

After conducting formal hearings, then DAR Secretary Conrado Estrella¹⁴ (Secretary Estrella) issued an Order dated October 15, 1981 resolving the controversy in favor of respondents. Secretary Estrella ruled that the subject land is pasture and livestock land and the CLT beneficiaries are squatters thereon. Accordingly, the CLTs issued to the Farmer Group were cancelled. The Farmer Group elevated the matter to the Office of the President. On June 7, 1983, the appeal was dismissed by way of a Decision penned by then Presidential Assistant for Legal Affairs Manuel Lazaro.¹⁵

Subsequently, the Farmer Group instituted 17 individual cases against Edilberto before the Regional Trial Court (RTC) docketed as Civil Case No. P-1838 for threatened ejectment. On October 30, 1987, the cases were dismissed in a summary judgment rendered by Judge Benjamin V. Panga. On October 8, 1991, the Farmer Group petitioned the local office of the DAR for the inclusion of the subject land within the coverage of the Comprehensive Agrarian Reform Program (CARP) with the Farmer Group as possible beneficiaries.¹⁶

On November 10, 1992, the records of the case were transmitted to the Bureau of Land Acquisition and Distribution (BLAD) of the DAR for implementation. On November 16, 1992, a Memorandum was issued by Gloria J. Fabia, BLAD Officer-In-Charge, addressed to the Regional Director of the DAR Region V, at Sagpoon, Daraga, Albay, with the information that the Orders of Secretary Estrella and the Office of the President had become final and executory.¹⁷

Consequently, the CLTs of the Farmer Group were cancelled.

However, the Farmer Group refused to peacefully vacate the subject land. Eventually, Edilberto filed before Branch 31, RTC, Pili, Camarines Sur, a case for: (1) ejectment with preliminary injunction against Felix, Dionesio Beroin (Dionesio), Alberto Tormes (Tormes),

¹³ *Rollo*, p. 106.

¹⁴ Formerly Minister of Agrarian Reform.

¹⁵ *Id.* at 105-106.

¹⁶ *Id.* at 107.

¹⁷ *Id.*

Eugenio Bustamante (Eugenio), Rodolfo Bustamante (Rodolfo), Clavero, Sinfuego, Tomasa Tañada (Tomasa), Saturnino Racelis, Sr., (Saturnino) Macario Dilia (Macario), and Guillermo Belo (Guillermo) docketed as Civil Case No. P-1838; and (2) an action for recovery of possession with preliminary injunction and with damages against Robosa docketed as Civil Case No. P-1815 and jointly tried with Civil Case No. P-1838.¹⁸

In their Answer, the Farmer Group argued that: (1) while the subject land is exempted from the coverage of Operation Land Transfer pursuant to PD 27, it does not necessarily follow that it cannot be covered by Republic Act No. (RA) 6657, otherwise known as the Comprehensive Agrarian Reform Law of 1988 (CARL); (2) based on Tax Declaration No. 019-396 issued by the Municipal Assessor's Office of Bula, Camarines Sur to Fajardo, only a portion of the subject land (*i.e.*, 123.3991 hectares out of the 138.3201 hectares) has been declared as pasture land and substantial portions thereof are devoted to sugar cane, rice, corn, and other crops by other lessees from Iriga City; and (3) the Department of Agrarian Reform Adjudication Board (DARAB), not the RTC, is the proper venue since the action is a violation of their rights as tenants.¹⁹

Ruling of the RTC

In the Joint Decision²⁰ dated June 27, 1995, in Civil Case Nos. P-1838 and P-1815, Branch 31, RTC, Pili, Camarines Sur, ruled in favor of respondents and directed the Farmer Group to vacate and surrender the portion of the subject land which they are occupying and remove any construction they have made thereon, *viz.*:

WHEREFORE, in view of all the foregoing, decision is rendered in these two (2) cases in favor of plaintiff and hereby ordering all of the herein defendants in said two cases to vacate and surrender the portions of the land of plaintiff above-described they are presently occupying to him and remove their respective huts, sheds, and other constructions they have made thereon within thirty (30) days from finality hereof and to pay the cost herein.

All other claims and counter-claims by each party against the other are hereby dismissed for lack of sufficient merit.

¹⁸ *Id.* at 98.

¹⁹ *Id.* at 100-101 and 109.

²⁰ *Id.* at 98-103; penned by Presiding Judge Martin P. Badong, Jr.

SO ORDERED.²¹

It held that the very same issues were already raised and resolved by Branch 33, RTC, in Civil Cases No. P-1085, declaring that the members of the Farmer Group were not bonafide tenants of the land owned by respondents; and that the RTC was bound by such ruling to ensure uniformity and stability of its decisions.²²

Aggrieved, the Farmer Group appealed before the CA. It was docketed as CA-G.R. CV No. 51376.

DAR CLOA No. 00495527

Meantime, the Municipal Agrarian Reform Officer (MARO) of Bula, Camarines Sur sent a Notice of Coverage dated July 26, 1995 to respondents and placed the portion of 123.3890 hectares of the subject land under the coverage of RA 6657. For the notice of coverage, neither the Office of the MARO nor the Office of the Provincial Agrarian Reform Officer of Camarines Sur received a reply from respondents.²³ Thus, documentation process proceeded after compliance with the requisite due process. Thereafter, the subject land was placed under compulsory acquisition pursuant to Section 16²⁴ of RA 6657, through the Land Bank of the Philippines (Land Bank) and the DAR.²⁵

Eventually, TCT No. RT-10742 (17353) was partially cancelled and DAR Certificate of Land Ownership Award (CLOA) No. 00495527 with an area of 123.3490 hectares was issued by the DAR in favor of 57 farmer-beneficiaries.²⁶

²¹ *Id.* at 103.

²² *Id.* at 102.

²³ *Id.* at 147.

²⁴ Section 16 of Republic Act No. (RA) 6657 enumerates the procedure for acquisition of private lands.

²⁵ *Rollo*, p. 147

²⁶ The following are the 57 farmer beneficiaries: (1) Juanito Baal; (2) Brisanta P. Baliber; (3) Domingo Baliber; (4) Gerry P. Baliber; (5) Marife Y. Benamira; (6) Adriano B. Bernas; (7) Jesus A. Bergantin; (8) Consolacion L. Beroín; (9) Dionisio T. Beroín; (10) Felix T. Beroín, Jr.; (11) Julio T. Beroín; (12) Steve C. Beroín; (13) Luciana E. Besada; (14) Guillermo M. Bolo; (15) Danilo C. Borela; (16) Domiciano G. Borela; (17) Jicky M. Borela; (18) Randy M. Borela; (19) Efren B. Bustamante; (20) Eugenia B. Bustamante; (21) Lourdes B. Bustamante; (22) Rodolfo M. Bustamante; (23) Rosemarie DL. Bustamante; (24) Valentin Bustamante; (25) Domingo G. Cabañero; (26) Ariel B. Clavero; (27) Cenon B. Clavero; (28) Jesus M. Clavero; (29) Julio M. Clavero; (30) Mario M. Clavero; (31) Pedro A. Clavero; (32) Publeo A. Clavero; (33) Jerry C. Dato; (34) Nancy B. De La Rosa; (35) Hobert D. Delaña; (36) Macario A. Dilla; (37) Pablo B. Esplana; (38) Zaldy O. Ibasco; (39) Efren M. Llavanés; (40) Edmundo C. Marmol; (41) Germino G. Miranda; (42) Juan D. Miranda; (43) Segundo C. Nobleza; (44) Fernando J. Pacao; (45) Victor B. Padua; (46) Edgardo P. Pantón; (47) Jaime G. Racelis; (48) Saturnino C. Racelis, Jr.; (49)

On December 24, 1997, CLOA No. 00495527 was registered with the Registry of Deeds of Camarines Sur as TCT No. 5983²⁷ and released on February 17, 1998.²⁸

It was only on July 27, 1998 that respondents filed a Petition For Exemption/Exclusion from CARP Coverage of the subject land before the DAR Regional Office V alleging that the subject land is a pasture land as indicated in the tax declaration and was declared as such in the Order of then DAR Secretary Estrella dated October 15, 1981 and affirmed by the Office of the President in a Decision dated June 7, 1983 in a case for petition for cancellation of CLTs pursuant to PD 27.²⁹

In an Order³⁰ dated June 9, 1999, then Regional Director Dominador B. Andres held that while the tax declaration and the Office of the President Decision dated June 7, 1983 indicate that the subject land is devoted to pasture, the actual field investigation jointly conducted by the DAR, the *Barangay* Agrarian Reform Committee of Sitio Banasi, Pawili, Bula Camarines Sur, and the Land Bank representative shows otherwise.³¹ Per investigation reports dated June 26, 1995 and September 28, 1998, the character of the subject land as pasture land has long ceased to exist as it is already being utilized as farmland for rice, corn, coconut, and sugar cane. *It is, therefore, automatically reverted to agricultural, hence, should be covered by CARP.*³²

Moreover, the DAR further held that the cancellation of the Farmer Group's CLTs does not affect the subsequent coverage of the subject land and the identification of potential CARP beneficiaries pursuant to Section 22 of RA 6657 considering that the beneficiaries possess all the qualification and none of the disqualifications provided by law.³³

Accordingly, the DAR denied respondents' petition for exclusion from CARP coverage for lack of merit.³⁴

Saturnino B. Racelis, Sr.; (50) Avelina V. Ricafort; (51) Elma C. Ricafort; (52) Felicisima V. Ricafort; (53) Rogelio V. Ricafort; (54) Juanito M. Robosa; (55) Hilario C. Sinfuego; (56) Alberto M. Tormes, Jr.; and (57) Feliciano V. Tormes; *id.* at 144-145.

²⁷ *Id.* at 141-146.

²⁸ *Id.* at 61.

²⁹ *Id.* at 25.

³⁰ *Id.* at 147-150.

³¹ *Id.* at 148.

³² *Id.* at 148-149.

³³ *Id.* at 149-150.

³⁴ *Id.* at 150.

Aggrieved, respondents filed a Motion for Reconsideration but the DAR denied it in an Order dated November 5, 1999.³⁵ Respondents then appealed the denial of their petition for exemption/exclusion to the Office of the DAR Secretary docketed as DARCO Order No. EXC-0702-035.³⁶

CA-G.R. CV No. 51376

In the Decision³⁷ dated July 22, 2003, the CA denied the Farmer Group's appeal and held that: (1) exclusive original jurisdiction over the case is within the RTC and not the DARAB because the subject land is a pasture land which is beyond the coverage of RA 6657;³⁸ (2) no tenancy relationship exists between respondents and the Farmer Group;³⁹ and (3) the Order dated October 15, 1981 issued by Secretary Estrella and the Decision dated June 7, 1983 of the Office of the President declaring the land in question as pasture land is not only accorded great respect but even finality.⁴⁰

The dispositive portion of the Decision reads:

WHEREFORE, the appealed judgment is hereby AFFIRMED
en toto.

SO ORDERED.⁴¹

On July 22, 2003, CA-G.R. CV No. 51376 became *final and executory* and recorded in the Book of Entries of Judgment.⁴² Edilberto then filed a Motion for Issuance of a Writ of Execution which the RTC granted on March 4, 2005.⁴³

On April 26, 2005, before the writ could be enforced, the DAR Legal Assistance entered its appearance as counsel for the Farmer Group

³⁵ *Id.* at 25.

³⁶ *Id.* at 151.

³⁷ *Id.* at 104-118; penned by Associate Justice Ruben T. Reyes (a retired Member of the Court) with Associate Justices Elvi John S. Asuncion and Lucas P. Bersamin (a retired Chief Justice of the Court), concurring.

³⁸ *Id.* at 112-113.

³⁹ *Id.* at 115.

⁴⁰ *Id.* at 116.

⁴¹ *Id.* at 117.

⁴² *Id.* at 128-129.

⁴³ *Id.* at 58.

and moved to quash the writ of execution alleging that after judgment, there has been a change in the status of the Farmer Group from mere tenants to owners of the land by virtue of CLOA No. 00495527(TCT No. 5980). The DAR argued that by reason of a change of situation the judgment becomes inequitable it being prejudicial to the rights of the Farmer group.⁴⁴

Initially, the RTC in its Order⁴⁵ dated July 14, 2005, denied DAR's motion to quash writ of execution for lack of merit taking into account that the joint decision of the RTC, as affirmed *in toto* by the CA, was already final and executory.⁴⁶ However, upon further motion of the Farmer Group, the RTC reconsidered and recalled the writ of execution in its Order⁴⁷ dated September 1, 2005.

Edilberto moved for reconsideration but the RTC denied it on November 29, 2005.⁴⁸

Aggrieved, respondents filed a Petition for *Certiorari* before the CA alleging grave abuse of discretion on the part of the RTC in recalling the writ of execution docketed as CA-G.R. SP No. 93072.⁴⁹

In the interim, the DAR denied respondents' appeal for exclusion from CARP coverage for lack of merit in its Order⁵⁰ dated February 7, 2007 in DARCO Order No. EXC-0702-035, Series of 2007.

Unsatisfied, respondents filed a petition for review before the Office of the President docketed as O.P. Case No. 07-C-086.⁵¹

CA-G.R. SP No. 93072

On March 30, 2007, the CA Fourteenth Division rendered a Decision⁵² granting respondents' Petition for *Certiorari*, annulling, and setting aside the RTC Orders dated September 1, 2005 and November

⁴⁴ *Id.* at 121.

⁴⁵ *Id.* at 121-122; penned by Presiding Judge Jose C. Sarcilla

⁴⁶ The RTC received a copy of the Entry of Judgment on November 2, 2004; *id.* at 121.

⁴⁷ *Id.* at 123-125.

⁴⁸ *Id.* at 130.

⁴⁹ *Id.*

⁵⁰ *Rollo*, pp. 151-153; penned by OIC-Secretary Nasser C. Pangandaman.

⁵¹ *Id.* at 155.

⁵² *Id.* at 126-135; penned by Associate Justice Ricardo R. Rosario (now a Member of the Court), with Associate Justices Rebecca De Guia Salvaor and Magdangal M. De Leon, concurring.

29, 2005, and reinstating the Writ of Execution⁵³ dated March 15, 2005, viz.:

WHEREFORE, the petition for certiorari is GRANTED. The Order of the Regional Trial Court, Branch 31, Pili, Camarines Sur, dated 1 September 2005, recalling its Writ of Execution, and the Order dated 29 November 2005, denying reconsideration thereof, are ANNULLED and SET ASIDE.

The Writ of Execution dated 15 March 2005 is hereby REINSTATED.

SO ORDERED.⁵⁴

In an Entry of Judgment promulgated dated May 5, 2007, CA-G.R. SP No. 93072 was declared final and executory.⁵⁵

Pursuant thereto, Edilberto filed a motion to serve and enforce the writ of execution with the RTC which the latter granted in an Order dated December 7, 2007. On January 10, 2008 a writ of execution was issued in favor of respondents directing Sheriff Felix F. Gumba (Sheriff Gumba) to serve and execute the Joint Decision dated June 27, 1995 in Civil Case Nos. P-1838 and P-1815.⁵⁶

Subsequently, the Office of the President, through Executive Secretary Eduardo R. Ermita (Secretary Ermita) granted respondents' petition for exemption/exclusion from the CARP Coverage in the Decision⁵⁷ dated April 16, 2008, which reads:

WHEREFORE, premises considered, the assailed Orders of the Department of Agrarian Reform dated February 7, 2007, June 9, 1999 and November 5, 1999, respectively, are hereby SET ASIDE. The Petition for Exemption/Exclusion from the Comprehensive Agrarian Reform Program (CARP) Coverage is hereby GRANTED. DAR, through its representatives, is hereby directed to CANCEL the Certificate of Land Ownership Awards (CLOAs) previously issued to fifty seven (57) farmer beneficiaries.

SO ORDERED.⁵⁸

⁵³ *Id.* at 137-140.

⁵⁴ *Id.* at 135.

⁵⁵ *Id.* at 373.

⁵⁶ *Id.* at 330.

⁵⁷ *Id.* at 155-159; penned by Executive Secretary Eduardo R. Ermita.

⁵⁸ *Id.* at 159.

Accordingly, the CLOAs granted in favor of the 57 farmer-beneficiaries were cancelled.

Consequently, petitioners⁵⁹ filed with the Office of the President a Motion for Intervention with Motion for Reconsideration of the Decision dated April 16, 2008 rendered by Secretary Ermita. Petitioners then walked from Bula, Camarines Sur to Malacañang Palace to bring their plight to the attention of the President.⁶⁰

In his Report dated March 5, 2008 relative to the implementation of the writ of execution in Civil Case Nos. P-1838 and P-1815, Sheriff Gumba stated that despite receipt of the copy of the writ, the number of houses/shanties constructed within the subject land increased from 40 to 66 because the Farmer group allowed their relatives and privies to construct shanties within the subject land.⁶¹

Acting on the sheriff report, respondents filed a Motion for the Issuance of Writ of Demolition dated September 14, 2010 to which petitioners filed their Opposition dated November 5, 2010.⁶²

Meanwhile, in a Memorandum-Explanation⁶³ addressed to the Office of the President dated November 27, 2008, the DAR Region V recommended the reinstatement of the Order dated June 9, 1999 denying respondents' petition for exclusion from CARP coverage for lack of merit. On December 10, 2008, the Office of the President remanded the O.P. Case No. 07-C-086 to the DAR for revaluation and resolution.⁶⁴

DARCO EXC-0812-575

In its Order⁶⁵ dated December 19, 2008, the DAR granted the Farmer Group's motion for reconsideration and reinstated the order denying respondents' petition for exclusion from CARP coverage. The dispositive portion of which reads:

⁵⁹ Petitioners are CLOA beneficiaries and their successors-in-interest represented by Banasi Agrarian Reform Farmer Beneficiary Association thru its President, Jesus A. Bergantin.

⁶⁰ *Id.* at 63.

⁶¹ *Id.* at 374.

⁶² *Id.* at 374-375.

⁶³ *Id.* at 177-182; signed by Regional Director Atty. Maria Celestina M. Manlagñit-Tam.

⁶⁴ *Id.* at 183.

⁶⁵ *Id.* at 183-185; penned by Secretary Nasser C. Pangandaman.

WHEREFORE, premises considered, the Motion for intervention and reconsideration be GRANTED on the premise that the reason for which the Delia Sutton ruling was rendered no longer exists in the present case, particularly the exclusivity of the use thereof for the industry of livestock-raising. Rather it is not geared and developed for plain agricultural production. Thus, the REVERSED Order of the DAR be, as it should be, REINSTATED confirming the CARP coverage.

SO ORDERED.⁶⁶

This notwithstanding, the RTC in an Order⁶⁷ dated January 6, 2011 granted respondents' Motion for the Issuance of Writ of Demolition.

Anent the opposition filed by the Farmer Group, the RTC ratiocinated that while most of the occupants of the houses or shanties in the subject land were never impleaded as among original defendants in Civil Case No. P-1838, it could not be denied that these people are the original defendants' successors-in-interest, privies, and assigns.⁶⁸ Accordingly, it directed petitioners⁶⁹ to voluntarily remove their respective houses and/or shanties and other constructions and improvements built thereon within 30 days from notice, otherwise, a special order of demolition shall be issued upon them. In its Special Order⁷⁰ dated February 18, 2011, the RTC granted respondents' Motion for the Issuance of Writ of Demolition of the 66 houses and/or shanties, constructions, and other improvements built by petitioners. On February

⁶⁶ *Id.* at 185.

⁶⁷ *Id.* at 86-88.

⁶⁸ *Id.* at 86.

⁶⁹ The 66 occupants directed by the RTC to remove their houses/shanties are as follows: 1) Zosima Ricafort; (2) Luz Marmol; (3) Felicesima Tormes; (4) Jimmy Ricafort; (5) Ricardo Gonzales; (6) Alfredo Relano; (7) Lorena Bustamante; (8) Francisco Padayao, Sr.; (9) Francisco Padayao, Jr.; (10) Elsie Tortoles; (11) Manuel Berosa; (12) Merly Tortoles; (13) Gorgonio Oliva; (14) Gerry Dato; (15) Fernando Pacao; (16) Eleguio Dato, Sr.; (17) Eleguio Dato, Jr.; (18) Werling Regonaos; (19) Salvacion Avel; (20) Gregorio de Lima; (21) Gavino Baliver; (22) Florenia Bustamante; (23) Felix Beroin, Jr.; (24) Julio Beroin; (25) Ariel Clavero; (26) Pedro Clavero; (27) Efren Bustamante; (28) Danilo Borela; (29) Sps. Antonio & Corazon Pacao; (30) Domingo Padua; (31) Bebina Borela; (32) Efren Llabanes; (33) Elma Marte; (34) Marcelo Nacario; (35) Saturnino Raceles, Jr.; (36) Lourdes Bustamante; (37) Randy Borela; (38) Domingo Baliber; (39) Eulogia Raceles; (40) Rafael Clavero; (41) Diobane Baliber; (42) Noly Berdin; (43) Ely Sinfuego; (44) Macario Delia; (45) Alfredo De La Rosa; (46) Arnel De La Rosa; (47) Anthony De La Rosa; (48) Randy Bustamante; (49) Jesus Clavero; (50) Jesus Bergantin; (51) Zaldy Ibasco; (52) Romeo Mirando; (53) Pobleo Clavero; (54) Gerry Baliber; (55) Jeffrey Sinfuego; (56) Sivano Clavero; (57) Gerry Beroin; (58) Rose Baliber; (59) Melchor Clavero; (60) Estefan Beroin; (61) Aireen Clavero; (62) Manuel Benosa; (63) Rose Marie Bustamante; (64) Genelyn Cabanero; (65) Gilde Clavero (Tomas Tafiada); and (66) Roger Ricafort; *id.* at 87-88.

⁷⁰ *Id.* at 89.

21, 2011, a Writ of Demolition⁷¹ was issued. The following day, Sheriff Gumba gave petitioners a notice to vacate the premises within 3 days from receipt thereof and to deliver the peaceful possession of the subject land to respondents.⁷²

O.P. Case No. 07-C-086

Simultaneously, the Office of the President, through Executive Secretary Paquito N. Ochoa, Jr. (Secretary Ochoa) granted petitioners' motion for reconsideration in its Resolution⁷³ dated February 11, 2011, to wit:

WHEREFORE, premises considered, the Motion for Reconsideration of the intervenors-appellants is hereby GRANTED. The Decision of this Office dated April 16, 2008 is hereby REVERSED and SET ASIDE. The Orders of the DAR dated February 7, 2007, June 9, 1999 and November 5, 1999 are hereby REINSTATED.

SO ORDERED.⁷⁴

Resultantly, the Decision dated April 16, 2008 issued by Secretary Ermita which cancelled the CLOAs issued to petitioners was reversed.

Respondents filed a Motion for Reconsideration but the Office of the President denied it in a Resolution dated June 3, 2013.

For their part, petitioners filed a Very Urgent Manifestation and Motion to Lift the Order dated January 6, 2011 based on the Resolution dated February 11, 2011 issued by Secretary Ochoa.⁷⁵

The Antecedents in the Case (G.R. No. 215590)

In its Order⁷⁶ dated March 2, 2011, the RTC denied petitioners' Urgent Manifestation and Motion to Lift the Order dated January 6, 2011, holding that the Joint Decision in Civil Case Nos. P-1838 and P-1815 has long become final and executory.

⁷¹ *Id.* at 92-95.

⁷² *Id.* at 96-97.

⁷³ *Id.* at 187-190.

⁷⁴ *Id.* at 190.

⁷⁵ *Id.* at 27.

⁷⁶ *Id.* at 90.

Petitioners filed a Motion for Reconsideration but the RTC denied it in its Order⁷⁷ dated March 14, 2011.

Aggrieved, petitioners filed a Petition for *Certiorari* and Prohibition with Prayer for the Issuance of a Temporary Restraining Order and/or Preliminary Injunction⁷⁸ assailing the: (1) Order dated January 6, 2011;⁷⁹ (2) Special Order dated February 18, 2011;⁸⁰ (3) Writ of Demolition dated February 21, 2011; (4) Notice to Vacate⁸¹ dated February 22, 2011; (5) Order⁸² dated March 2, 2011; and (6) Order⁸³ dated March 14, 2011 issued by Presiding Judge Jose C. Sarcilla (Judge Sarcilla), alleging grave abuse of discretion amounting to lack or excess of jurisdiction.

Petitioners asserted that: (1) they are holders of CLOAs duly conferred by a competent authority under the CARP, but they stand to lose all they have simply because the RTC, with grave abuse of discretion, refuses to see, much less accept that the case before it has long ceased to be a mere “possessory action” but an agrarian dispute; and, (2) unless stopped by the CA, the enforcement of the foregoing Orders issued by Judge Sarcilla will dispossess them of their homes and the land from which they earn their livelihood.⁸⁴

Petitioners further alleged that out of the 66 individuals being directed by the RTC to vacate the property, only three individuals were parties to Civil Case No. P-1838, namely: Clavero, Tomasa, and Macario.⁸⁵

On the other hand, the DAR, through the Office of the Solicitor General (OSG), filed a petition-in-intervention stating that: (1) the Republic, through the DAR, distributed the subject land to petitioners as qualified farmer-beneficiaries; (2) on December 29, 1997, the CLOA issued to petitioners were finally registered. Naturally, from that date,

⁷⁷ *Id.* at 91.

⁷⁸ *Id.* at 50-74.

⁷⁹ Ordering the 66 defendants named in the Order and their relatives, successors-in-interest, privies and assigns to voluntarily remove their houses within 30 days, *id.* at 87.

⁸⁰ Granting the motion for issuance of writ of demolition filed by respondents, *id.* at 89.

⁸¹ *Id.* at 96-97.

⁸² Denying the urgent manifestation and motion to lift the order dated January 6, 2011 filed by petitioner, *id.* at 90.

⁸³ Denying petitioners' motion for reconsideration of the Order dated March 2, 2011, *id.* at 91.

⁸⁴ *Rollo*, p. 51.

⁸⁵ *Id.* at 54.

petitioners are the owners of the subject land; (3) it is clear that respondents were divested of their ownership of the subject land as early as December 8, 1997; (4) assuming that respondents had the right to file Civil Case Nos. P-1838 and P-1815 in 1992, such right had long ceased when their title was cancelled and transferred in the name of the Republic in 1997; (5) the registration of the CLOA in favor of petitioners has rendered Civil Case Nos. P-1838 and P-1815 moot; and (6) Special Order of Demolition issued by the RTC effectively plundered petitioners of the rights which the agrarian reform law has vested upon them, which is a clear manifestation of grave abuse of discretion.⁸⁶

CA-G.R. SP No. 118886

In the assailed Decision⁸⁷ dated May 30, 2014, the CA found no grave abuse of discretion amounting to lack or excess of jurisdiction on the part of the RTC in the issuance of the Orders relative to the demolition of petitioners' houses/shanties constructed in the subject land. It held that the questioned Orders were all issued by the RTC to execute a decision which had long become final and executory. Hence, the RTC had no discretion whether to implement the judgment considering that the issuance of a writ of execution for a final and executory judgment is ministerial.

The dispositive portion of the Decision reads:

WHEREFORE, the instant petition is DENIED DUE COURSE and is hereby DISMISSED.

SO ORDERED.⁸⁸

Aggrieved, petitioners filed a Motion for Reconsideration on July 4, 2014. On June 26, 2014, intervenor-DAR also filed its Motion for Reconsideration. However, the CA found no compelling reason to modify, reverse, or set aside its previous decision, and denied the two motions for reconsideration in its Resolution⁸⁹ dated October 17, 2014, to wit:

WHEREFORE, the two (2) Motions for Reconsideration at bar are hereby DENIED.

⁸⁶ *Id.* at 301-302.

⁸⁷ *Id.* at 293-310.

⁸⁸ *Id.* at 309.

⁸⁹ *Id.* at 321-324.

SO ORDERED.⁹⁰

Hence, the petition.⁹¹

In the Resolution⁹² dated March 18, 2015, the Court, without giving due course to the petition resolved to: (1) require respondents to submit their comment to the petition within 10 days from notice; and (2) to delete as party respondents in this case the CA, Judge Sarcilla, and Sheriff Gumba pursuant to Section 4,⁹³ Rule 45 of the Rules of Court, as amended.

On December 18, 2017, respondents filed their Comment⁹⁴ to which petitioners filed their Reply with Manifestation as to the Decision of the Court's Second Division in G.R. No. 234933.⁹⁵

The Resolutions issued by Secretary Ochoa affirming the CARP coverage over the subject land was affirmed by the CA in its Decision dated January 17, 2017 and Resolution dated September 18, 2017 in CA-G.R. SP No. 130869⁹⁶ prompting respondents to file a Petition for Review on *Certiorari* before the Court which was docketed as G.R. No. 234933 entitled, "*Sps. Edilberto Fajardo and Corazon dela Providencia and Angustia Imperial vs. Office of the President, rep. By Executive Secretary Paquito N. Ochoa, Jr., et al.*"

G.R. No. 234933

On June 6, 2018, the Court, finding that respondents (therein petitioners) failed to sufficiently show that the CA committed any reversible error in the assailed Decision and Resolution as to warrant the exercise of the Court's discretionary appellate jurisdiction, denied

⁹⁰ *Id.* at 323.

⁹¹ *Id.* at 18-44.

⁹² *Id.* at 340.

⁹³ Section 4, Rule 45 of the Rules of Court provides:

Section 4. Contents of petition. — The petition shall be filed in eighteen (18) copies, with the original copy intended for the court being indicated as such by the petitioner and shall (a) state the full name of the appealing party as the petitioner and the adverse party as respondent, *without impleading the lower courts or judges thereof either as petitioners or respondents*; x x x.

⁹⁴ *Rollo*, pp. 368-381.

⁹⁵ *Id.* at 386-392.

⁹⁶ Penned by Associate Justice Myra V. Garcia-Fernandez, with Associate Justices Rosmari D. Carandang and Mario V. Lopez (now a Member of the Court), concurring.

respondents' Petition for Review on *Certiorari*, and accordingly, affirmed the judgment of the CA, which in turn affirmed the Resolution issued by Secretary Ochoa upholding the DAR's denial of respondents' petition for exemption/exclusion of the subject land from the coverage of the CARP.⁹⁷

Respondents filed a Motion for Reconsideration but the Court denied it with finality in a Resolution⁹⁸ dated January 10, 2019, *viz.*:

Acting on petitioners' [herein respondents] motion for reconsideration of the Resolution dated 6 June 2018 which denied the petition for review on certiorari, the Court resolves to DENY the motion with FINALITY, no substantial argument having been adduced to warrant the reconsideration sought.

No further pleadings or motions shall be entertained in this case. Let entry of final judgment be issued immediately.⁹⁹

The Court is now confronted with the issue of whether the RTC Joint Decision dated June 27, 1995, as affirmed by the CA in CA-G.R. CV No. 51376, which attained finality on July 22, 2003 upon its entry in the Book of Entries of Judgment, may still be reconsidered and set aside by the Court.

Respondents insist on the application of the doctrine of immutability of judgment stating that when the records of Civil Case Nos. P-1815 and P-1838 were remanded to the RTC on account of the finality of the Decision rendered by the CA in CA-G.R. CV No. 51376, the RTC has no more jurisdiction to entertain any issues raised by the losing party (petitioners) because the RTC's jurisdiction is confined only to the execution of the final decisions.¹⁰⁰

On the other hand, petitioners maintain that as beneficiaries of agrarian reform, they are the owners of subject land as evidenced by CLOA No. 00495527 conferred by the DAR and duly registered with the Register of Deeds of Camarines Sur on December 29, 1997.¹⁰¹ They contend that the ministerial duty of the RTC to issue a writ of execution

⁹⁷ *Rollo*, p. 398.

⁹⁸ *Id.* at 396; signed by Division Clerk of Court Maria Lourdes C. Perfecto.

⁹⁹ *Id.*

¹⁰⁰ *Id.* at 378.

¹⁰¹ *Id.* at 18.

ends when facts or circumstances transpire after the judgment has been rendered that would make execution impossible or unjust.¹⁰²

Our Ruling

The petition is meritorious.

The doctrine of immutability of judgment is not absolute and it may be relaxed to serve the ends of justice.

Under the doctrine of immutability of judgment, once a judgment has become final, the issues therein should be laid to rest and may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact and law.¹⁰³ The noble purpose of the doctrine is to write *finis* to disputes once and for all. The orderly administration of justice requires that at the risk of occasional errors, the judgments of a court must reach a point of finality set by the law.¹⁰⁴

Relatively, the prevailing party is entitled as a matter of right, to a writ of execution of a final and executory judgment and the issuance thereof is the court's ministerial duty.¹⁰⁵

Nevertheless, the rule admits of exceptions, *viz.*:

(1) the correction of clerical errors; (2) the so-called *nunc pro tunc* entries which cause no prejudice to any party; (3) void judgments; and (4) whenever circumstances transpire after the finality of the decision rendering its execution unjust and inequitable.¹⁰⁶

Further, jurisprudence dictates that the mandatory character of the doctrine of immutability of judgment may be relaxed in order to serve substantial justice considering, among others, matters of life, liberty, or property; the existence of special or compelling circumstances; and the

¹⁰² *Id.* at 388.

¹⁰³ *Montehermoso v. Batuto*, G.R. No. 246553, December 2, 2020.

¹⁰⁴ *Taisei Shimizu Joint Venture v. Commission on Audit*, G.R. No. 238671, June 2, 2020.

¹⁰⁵ *Gotesco Properties, Inc. v. International Exchange Bank*, G.R. No. 212262, August 26, 2020.

¹⁰⁶ *Gelito v. Heirs of Tirol*, G.R. No. 196367 (Notice), February 5, 2020.

merits of the case.¹⁰⁷ Thus, while it is true that once a judgment has become final, such judgment can no longer be re-litigated and must be enforced by execution as a matter of right. It is likewise true, that where new facts have transpired after the finality of the judgment, the courts, may suspend or refuse the execution thereof and grant relief as the new facts and circumstances warrant, keeping in mind that the mandatory character of the doctrine of immutability of judgment should not be used as a vehicle to perpetuate injustice¹⁰⁸

Issuance of DAR CLOA No. 00495527 (TCT No. 5983) is a supervening event which rendered the execution of the RTC Joint Decision unjust and inequitable.

One of the exceptions to the principle of immutability of final judgments is the existence of supervening events, to wit:

The rule nevertheless admits of exceptions. Specifically, when facts and events transpired after a judgment had become final and executory, which on equitable grounds render its execution impossible or unjust. In which case a stay or preclusion of execution may properly be sought. A suspension or refusal of execution of judgment or order on equitable grounds can only be justified upon facts and events transpiring after the judgment or order had become executory, materially affecting the judgment obligation.¹⁰⁹ (Italics supplied.)

A supervening event, therefore, changes the substance of the judgment and renders the execution thereof inequitable.¹¹⁰

To invoke this exception, the case of *Gelito v. Heirs of Tirol*,¹¹¹ teaches us that the following requisites must be established: *first*, the supervening event must have transpired after the judgment has become

¹⁰⁷ The doctrine of immutability of judgment may be relaxed in order to consider the following circumstances: (a) matters of life, liberty, honor or property; (b) the existence of special or compelling circumstances; (c) the merits of the case; (d) the cause not being entirely attributable to the fault or negligence of the party favored by the suspension of the doctrine; (e) the lack of any showing that the review sought is merely frivolous and dilatory; or (f) the other party will not be unjustly prejudiced by the suspension; *Abrigo v. Flores*, 711 Phil. 251, 261 (2013).

¹⁰⁸ *Gelito v. Heirs of Tirol*, *supra* note 106, citing *Republic v. Dagondon*, 785 Phil. 210, 215-216 (2016).

¹⁰⁹ *Ramirez v. Court of Appeals*, G.R. No. 85469, March 18, 1992.

¹¹⁰ *Dee Ping Wee v. Lee Hiong Wee*, 643 Phil. 366, 393 (2010).

¹¹¹ *Supra* note 108.

final and executory; and *second*, the supervening event must affect or change the judgment's substance that its execution is rendered inequitable.

Applied to this case, the Joint Decision¹¹² dated June 27, 1995, rendered by Branch 31, RTC, Pili, Camarines Sur in favor of respondents and affirmed by the CA Seventh Division in CA-G.R. CV No. 51376¹¹³ became final and executory on *July 22, 2003*. On the other hand, the supervening event *i.e.*, the Resolution¹¹⁴ of the Court in G.R. No. 234933, which *denied with finality* respondents' Motion for Reconsideration of the Decision and the Resolution of the CA in CA-G.R. SP No. 130869, which in turn, affirmed the resolutions issued by Secretary Ochoa denying respondents' petition for exclusion from CARP coverage was promulgated on *January 10, 2019*. Undeniably, the first requisite is present.

Anent the second requisite, the Court, in G.R. No. 234933, concluded with finality that herein petitioners (farmer-beneficiaries) are the rightful owners of the subject land by virtue of the CARP. Indubitably, the change in the status of petitioners to owners of the land and the registration of the CLOA in their favor has rendered Civil Case Nos. P-1838 and P-1815 moot.

Duty of the RTC to issue a writ of execution is no longer ministerial when there are supervening events, as in this case.

While it is clear that petitioners became the owners of the subject land by virtue of the CARP, the CA, however, is of the opinion that the RTC is not given the discretion whether to implement the judgment and that the judge is mandated to effect the execution thereof without delay.¹¹⁵

In the case of *City of Cebu v. Mendoza*,¹¹⁶ the Court explained:

¹¹² *Rollo*, pp. 98-103.

¹¹³ *Id.* at 104-113.

¹¹⁴ *Id.* at 396; signed by Division Clerk of Court Maria Lourdes C. Perfecto.

¹¹⁵ *Id.* at 307.

¹¹⁶ 160 Phil. 869 (1975).

While generally a final and executory judgment may be executed as a matter of right, nevertheless, *when "facts and circumstances transpire which render its execution impossible or unjust, the interested party may ask a competent court to stay its execution or prevent its enforcement"* x x x or *"may ask the court to modify or alter the judgment to harmonize the same with justice and the facts"* x x x.¹¹⁷ (Italics supplied.)

Here, it is undisputed that the land subject of the ejectment case has already been awarded to petitioners through the issuance of CLOA No. 00495527 and subsequently registered with the Register of Deeds on December 29, 1997. Thus, it is clear that the writ of execution had no more leg to stand on.

The RTC in its Order¹¹⁸ dated September 1, 2005, acknowledged petitioners from tenants to owners of the subject land and *correctly* recalled the writ of execution in this wise:

It is a well-known doctrine that when a judgment of a higher court is returned to the lower court, the only function of the latter court is the ministerial duty of issuing the order of execution; the lower court cannot vary the mandate of the superior court, nor examine it for any other purpose than execution, nor review it upon any matter decided on appeal or error apparent, nor intermeddle with it further than to settle so much as has been demanded. However, it is also equally well-known that a stay of execution of a final judgment may be authorized whenever it is necessary to accomplish the ends of justice as when there had been a change in the situation of the parties which make such execution inequitable.

x x x x

WHEREFORE, in light of the foregoing, the Order of July 14, 2005 is reconsidered and set aside. Consequently, the Writ of Execution is hereby recalled.

SO ORDERED.¹¹⁹

However, in CA-G.R. SP No. 93072,¹²⁰ the CA reinstated the writ of execution dated March 15, 2005 and held that "petitioners cannot be allowed to subvert the execution of a decision that has long attained finality with the simple expedient of alleging that they are now the

¹¹⁷ *Id.* at 872.

¹¹⁸ *Rollo*, pp. 123-125.

¹¹⁹ *Id.* at 125.

¹²⁰ *Id.* at 126-135.

owners of the property that they are supposed to vacate.”¹²¹ Citing *Azcueta v. La Union Tobacco Redying Corp.*¹²² (*Azcueta*), it held that not even petitioners’ subsequent ownership of the property in dispute will bar the execution of judgment in an action for ejectment. It added that if courts will call off the execution of judgment each time the defendants assert ostensible title over the disputed property, it will negate the very purpose for which summary ejectment proceedings were created.¹²³

Here lies the error of the CA.

Jurisprudence is replete with cases where it was consistently ruled that a party’s subsequent acquisition of ownership over the disputed property cannot be considered as a supervening event that will bar the execution of the questioned judgment considering that a case for unlawful detainer does not deal with the issue of ownership.¹²⁴ However, the ruling in *Azcueta* is not applicable in the case at bar. While the complaint filed by Edilberto was denominated as an action for “ejectment”, it is actually one for recovery of possession.¹²⁵ The case, therefore, was never confined to the issue of material possession of the subject land.

Under Section 1,¹²⁶ Rule 70 of the Rules of Court, there are special jurisdictional facts that must be set forth in the complaint to make a case for unlawful detainer. *First*, a complaint for unlawful detainer must state that the defendant (herein petitioners) is unlawfully withholding possession of the real property after the expiration or termination of his or her right to possess it; and *second*, the complaint is filed within a year from the time such possession became unlawful.¹²⁷

¹²¹ *Id.* at 133.

¹²² 532 Phil. 351 (2006).

¹²³ *Rollo*, pp. 135-136.

¹²⁴ *Holy Trinity Realty Development Corp. v. Spouses Abacan*, 709 Phil. 653, 661 (2013).

¹²⁵ *Rollo*, p. 112.

¹²⁶ Section 1, Rule 70 of the Rules of Court provides:

Section 1. *Who may institute proceedings, and when.* — Subject to the provisions of the next succeeding section, a person deprived of the possession of any land or building by force, intimidation, threat, strategy, or stealth, or a lessor, vendor, vendee, or other person against whom the possession of any land or building is unlawfully withheld after the expiration or termination of the right to hold possession, by virtue of any contract, express or implied, or the legal representatives or assigns of any such lessor, vendor, vendee, or other person, may, at any time within one (1) year after such unlawful deprivation or withholding of possession, bring an action in the proper Municipal Trial Court against the person or persons unlawfully withholding or depriving of possession, or any person or persons claiming under them, for the restitution of such possession, together with damages and costs

¹²⁷ *Regalado v. Vda. de la Pena*, 822 Phil. 705, 716 (2017), citing *Barbosa v. Hernandez*, 556 Phil. 1, 6 (2007).

In the case, records would show that when the complaint was filed, more than one year had elapsed from the time of the last demand to vacate.¹²⁸ Moreover, petitioners were never “*unlawfully withholding possession of the real property*” considering that petitioners’ rights over the subject land are clearly demonstrated by the fact that TCT No. RT-10742 (17353) which was in the name of the respondents were partially cancelled, and in its stead DAR CLOA No. 00495527 (TCT No. 5983) was issued in the name of petitioners.

Apropos thereto, it cannot be over-emphasized that CLOAs, being titles brought under the operation of the Torrens System, enjoy the same indefeasibility and security under the Torrens System as provided under PD 1529, otherwise known as the Property Registration Decree. Otherwise stated, TCT No. 5983 issued in favor of petitioners is therefore indefeasible and binding upon the whole world unless it is nullified by a court of competent jurisdiction in a direct proceeding for cancellation of title.¹²⁹ Clearly, to apply the RTC Joint Decision¹³⁰ dated June 27, 1995 to petitioners will amount to a collateral attack against TCT No. 5983 because nowhere in the case or decision was it considered or passed upon.

Furthermore, in *Roman Catholic Archbishop of Caceres v. Heirs of Abella*,¹³¹ it was held that any finding of the court regarding the issue of ownership in an ejectment case is merely provisional.¹³² Thus, even assuming that the case filed by Edilberto was for unlawful detainer, the ruling in favor of respondents is not conclusive. It is the findings of the DAR, as affirmed by the Office of the President, the CA in CA-G.R. SP No. 130869, and by the Court in G.R. No. 234933, denying respondents petition for exclusion from CARP coverage, and in effect, adjudging herein petitioners to be the absolute owners of the subject land, that is *conclusive*.

¹²⁸ *Rollo*, p.112.

¹²⁹ Section 48 of Presidential Decree No. (PD) 1529:

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

¹³⁰ *Rollo*, pp. 98-103.

¹³¹ 512 Phil. 408 (2005).

¹³² *Id.* at 414-415.

The rule on the immutability of judgment cannot be applied to void judgments.

Another exception to the mandatory character of the doctrine of immutability of judgment is that it cannot be applied to void judgments.¹³³ In this connection, any writ of execution or order issued based on a void judgment is necessarily void.¹³⁴

In *Quilatan v. Heirs of Quilatan*,¹³⁵ the Court emphasized that the absence of an indispensable party renders all subsequent actions of the court *null and void* for want of authority to act, not only as to the absent parties but even as to those present.¹³⁶ Similarly, in *People v. Go*,¹³⁷ the Court set aside the judgment rendered by the CA without an indispensable party having been impleaded for being null and void.¹³⁸

Applying the foregoing rulings, the assailed Orders issued by the RTC as affirmed by the CA are likewise null and void considering that out of the 66 individuals being directed by the RTC to vacate their property, only Clavero, Tañada, and Dilia were parties to Civil Case No. P-1838.¹³⁹ Clearly, the RTC joint decision should not bind petitioners as they were never impleaded in the case.

Besides, if the Court affirms the assailed CA decision and resolution, then petitioners through the RTC's special order of demolition would be dispossessed of the farms they till, only to be re-installed by virtue of the CARP. This absurdity which makes a mockery of our justice system must be avoided.

In closing, instead of hastily dismissing a case based solely on the doctrine of immutability of judgment, courts must exercise its jurisdiction to apply the law in such a way that there will be no conflicting actions of the co-equal branches of the government.

¹³³ *Gelito v. Heirs of Tirol*, *supra* note 106.

¹³⁴ *Id.*

¹³⁵ 614 Phil. 162 (2009).

¹³⁶ *Id.* at 168.

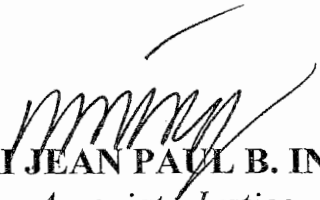
¹³⁷ 744 Phil. 194 (2014).

¹³⁸ *Id.* at 199-200.

¹³⁹ *Rollo*, p. 54.

WHEREFORE, the petition is **GRANTED**. The Decision dated May 30, 2014 and the Resolution dated October 17, 2014 of the Court of Appeals in CA-G.R. SP No. 118886 are **REVERSED** and **SET ASIDE**. The Orders dated January 6, 2011, February 18, 2011, March 2, 2011, and March 14, 2011 issued by Branch 31, Regional Trial Court, Pili, Camarines Sur are **NULLIFIED**.

SO ORDERED.

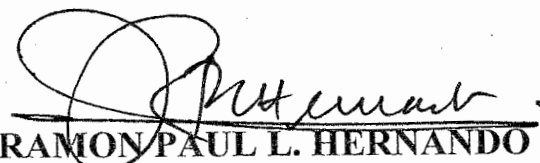


HENRI JEAN PAUL B. INTING
Associate Justice

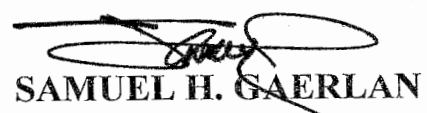
WE CONCUR:



ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson



RAMON PAUL L. HERNANDO
Associate Justice



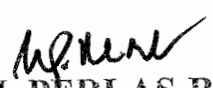
SAMUEL H. GAERLAN
Associate Justice



JHOSEP Y. LOPEZ
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ALEXANDER G. GESMUNDO
Chief Justice