



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

CRISANTA GUIDO-ENRIQUEZ,  
Petitioner,

G.R. No. 180427

Present:

- versus -

VELASCO, JR., J., Chairperson,  
PERALTA,  
ABAD,  
REYES,\* and  
LEONEN, JJ.

ALICIA I. VICTORINO, HEIRS  
OF ANTONIA VDA. DE  
VICTORINO, and HON. RANDY  
A. RUTAQUIO, in his capacity as  
Acting Register of Deeds of Rizal  
for Morong Branch,

Promulgated:

Respondents.

September 30, 2013

X-----

*[Signature]*  
X

DECISION

PERALTA, J.:

Before the Court is a petition for review on *certiorari* under Rule 45<sup>3</sup> of the Rules of Court seeking to reverse and set aside the Decision<sup>1</sup> and Resolution,<sup>2</sup> dated September 6, 2007 and October 25, 2007, respectively, of the Court of Appeals (CA) in CA-G.R. SP No. 80534.

The factual and procedural antecedents, as narrated by the CA, are as follows:

\* Designated Acting Member in lieu of Associate Justice Jose Catral Mendoza, per Special Order No. 1557 dated September 19, 2013.

<sup>1</sup> Penned by Associate Justice Noel G. Tijam, with the concurrence of Associate Justices Martin S. Villarama, Jr. (now a member of this Court) and Sesinando E. Villon; *rollo*, pp. 60-74.

<sup>2</sup> Penned by Associate Justice Noel G. Tijam, with the concurrence of Associate Justices Sesinando E. Villon and Myrna Dimaranan-Vidal, *rollo*, pp. 75-77.

*[Handwritten mark]*

In February 1980, Antonia Vda. De Victorino [Antonia Victorino] filed with the Court of First Instance [CFI] of Rizal an *Application for Registration of Title* over a 10,603 square-meter lot, situated in Binangonan, Rizal (*subject lot*). Antonia Victorino alleged that she is the owner in fee simple of the subject lot which she and her late husband, Felixberto Victorino, acquired thru purchase. Antonia Victorino asserted that she and her predecessor-in-interest “*have been in open, continuous, exclusive, notorious and adversed possession and occupation*” of said land. Antonia Victorino presented the *Tax Declaration* over the said lot issued under her late husband's name.

The Republic, thru the Director of Lands, *opposed* said application alleging that the subject lot belongs to the Republic of the Philippines, thus, “*not subject to private appropriation.*”

Per *Report*, dated July 17, 1981, of the Division of Original Registration [of the Office of the Acting Commissioner of Land Registration], it appeared that the subject lot is a portion of a large parcel of land covered by *TCT No. M-2102*, registered under the name of Antonia Guido, et al., and, at the same time, overlapped with another lot which was also a subject of an application for registration. The Report likewise disclosed that a case for annulment of *TCT No. 23377*, the mother title of *TCT No. M-2102*, [was] filed by the Republic against [Guido, et. al., and] was pending before the CFI, Branch X, Pasig, Metro Manila, docketed as Civil Case No. 34242 (*Guido Case*).

On September 18, 1987, the National Land Titles and Deeds Registration Administration (*Administration*) submitted a *Second Report* alleging that a Decision was rendered in the *Guido Case* in favor of [Guido, et. al.,] which was appealed by the Republic. The Administration prayed that the decision in Antonia Victorino's application for registration “*be held in abeyance until after Transfer Certificate of Title No. 23377 and all derivative titles have been canceled by the Court, the discrepancy has been corrected and the clearances requirements are complied with.*”

However, sometime in June 1988, the Chief of the Surveys Division of the [Office of the] Regional Technical Director [of the Lands Management Sector, Region IV] *informed* the Administration that the “coordinates” used by the Administration were actually erroneous and, per confirmation by the Regional Director, the lot subject of Antonia Victorino's application does not overlap with any other parcel of land.

On August 11, [1988], the RTC-Pasig proceeded with the case and *submitted* the same for resolution.

On August 15, 1988, the RTC-Pasig issued a *Decision* granting Antonia Victorino's Application. The RTC-Pasig found that the subject lot “*is not within any forest reservation nor mortgaged or encumbered in favor of any person or lending institution.*” The dispositive portion of said Decision reads:

WHEREFORE, affirming the order of general default, decision is hereby rendered confirming the title of the applicant to the parcel of land covered by plan PSU-04-000590, consisting of 10,603 sq.m. and ordering the registration thereof in her name as follows:

ANTONIA VDA. DE VICTORINO, of legal age,  
widow, Filipino, residing at Malinao, Pasig, Metro Manila.

X X X X

SO ORDERED.

On November 3, 1988, the RTC-Pasig issued an *Order for the Issuance of the Decree* directing the Commissioner of the Land Registration Commission to implement the said Decision, considering the same has become final.

However, pending the resolution of the Guido Case, the Land Registration Authority held in abeyance the issuance of the decree in favor of Antonia Victorino.

Meanwhile, on November 21, 1991, the Supreme Court issued a *Decision* [Republic v. Court of Appeals, G.R. No. 84966, November 21, 1991, 204 SCRA 160] in [the] Guido Case in favor of [Antonia Guido, et. al.] and declared TCT 23377 issued under the name of Guido, et. al. true and authentic. The Supreme Court, however, took judicial notice of the fact that prior to the reconstitution of TCT 23377 in favor of [Antonia Guido, et. al.], “*certain portions of the area were in possession of occupants who successfully obtained certificates of title over the area occupied by them ... and also (of) occupants who had not obtained certificates of title over the area possessed by them but the lengths of their possession were long enough to amount to ownership, had the land been in fact unregistered.*” The High Court, thus, ruled that “*(a)lthough prescription is unavailing against (Antonina Guido, et. al.) because they are holders of a valid certificate of title, the equitable presumption of laches may be applied against them for failure to assert their ownership for such an unreasonable length of time.*” The dispositive portion of said Decision reads:

ACCORDINGLY, the decision of the Court of Appeals in CA-G.R. No. 12933 is AFFIRMED subject to the herein declared superior rights of bona fide occupants with registered titles within the area covered by questioned decree and bona fide occupants therein with length of possession which had ripened to ownership, the latter to be determined in an appropriate proceeding.

SO ORDERED.

On May 21, 2001, Private Respondent Alicia Victorino filed a *Manifestation and Motion for an Alias Order for Issuance of a Decree in the Name of the New Owner-Transferee*. Private Respondent alleged that Antonia Victorino sold the subject lot in her favor on August 1, 1995. Private Respondent likewise notified the RTC-Pasig of Antonia Victorino's death on December 7, 1995. Private Respondent prayed that, considering the decision of the Supreme Court, dated November 21, 1991, adjudicating the subject lot in favor of its lawful occupants, and the Decision of the RTC-Pasig, dated August 15, 1988, granting Antonia's application for registration over said lot, the RTC-Pasig should issue an order annotating

these decisions of the Supreme Court and the RTC-Pasig in TCT M-2102 to segregate Antonia's portion. Private Respondent also prayed that an Alias Order for the Issuance of decree of registration be issued in her favor as the subject lot's new owner/transferee.

On August 8, 2002, the Land Registration Authority (LRA) *manifested* that the subject lot was “*deemed excluded from TCT No. 23377 of the Guidos.*” The LRA alleged that it was imperative that a memorandum of the court's decision adjudicating ownership of the subject lot to Antonia Victorino be annotated in TCT M-2102 to enable the LRA to comply with the issuance of the decree.

On November 19, 2002, the RTC-Pasig issued the 1<sup>st</sup> assailed *Order* granting Private Respondent's Motion and directing the Land Registration Authority to issue the corresponding decree “*in accordance with the adjudication of (the Trial Court's) Decision dated August 15, 1988 after payment of all taxes due on the land.*” The RTC-Pasig likewise ordered the Register of Deeds of Rizal, Morong Branch, to annotate on TCT M-2102 the following memorandum:

By virtue of the decision of the Court dated August 15, 1988 in Land Reg. Case No. N-10371, LRC Record No. N-55139, AntoniaVda. De Victorino, applicant, plan Psu-04-000590, has been adjudicated in favor of applicant and pursuant to the decision of the Supreme Court in G.R. No. 84966, promulgated on November 21, 1991, entitled Republic of the Philippines vs. The Court of Appeals and Antonina Guido, et. al. (204 SCRA 160), afore-said lots are excluded from this certificate of title.

On December 4, 2002, Petitioner Crisanta Guido-Enriquez filed a *Motion for Clarification* arguing that the November 19, 2002 Order varies the terms of the August 15, 1988 Decision of the RTC-Pasig. The August 15, 1988 Decision did not order the segregation of the subject lot from the lot covered by TCT M-2102, hence, the assailed Decision of November 19, 2002 ordering said segregation effectively modified the previous decision. Petitioner sought to clarify whether the August 15, 1988 Decision ordered the segregation of the subject lot and whether the Land Registration Authority has the authority to move for said segregation.

On March 6, 2003, in its 2<sup>nd</sup> assailed Order, the RTC-Pasig *denied* Petitioner's Motion for being moot and ordered the issuance of the decree in the name of Antonia Vda. De Victorino. Consequently, on even date, an *Alias Order for the Issuance of the Decree* which is the subject of the 3<sup>rd</sup> assailed Order was issued.

Petitioner's *Motion for Reconsideration* thereof was denied by the RTC-Pasig in the 4<sup>th</sup> assailed *Order* dated September 2, 2003.<sup>3</sup>

Aggrieved, herein petitioner filed a special civil action for *certiorari* with the CA.

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<sup>3</sup> Rollo, pp. 61-66. (Some citations omitted; emphases in the original)

On September 6, 2007, the CA promulgated its assailed Decision, the dispositive portion of which reads as follows:

**WHEREFORE**, the instant Petition for Certiorari is **DENIED**. The assailed Order, dated March 6, 2003, and Order, dated September 2, 2003, of the Regional Trial Court of Pasig City, Branch 156, in Land Reg. Case No. N-10371, are hereby **AFFIRMED**.

Accordingly, the Order, dated November 19, 2002, of the Regional Trial Court of Pasig City, Branch 156, in Land Reg. Case No. N-10371, is hereby **AFFIRMED with MODIFICATION** in that Private Respondent's Manifestation and Motion for An Alias Order of a Decree in the Name of the New Owner/Transferee, dated May 18, 2001, is **GRANTED IN PART**. The prayer for the issuance of a Decree in Private Respondent's name is **DENIED**. All other dispositions therein are hereby **AFFIRMED in toto**.

**SO ORDERED.**<sup>4</sup>

The CA held that:

The Honorable Supreme Court acknowledged the right of the bona fide occupant of a portion of the lot under TCT No. M-2102 and, in allowing said bona fide occupants to retain the portion of Guido's lot they are in possession of, the Supreme Court effectively segregated, albeit constructively, and reserved said occupied portions for the benefit of the occupants. The Supreme Court declared that the Guidos, et al. waived their right over the property in favor of "*those who possessed certain specific portions for such lengths of time as to amount to full ownership.*" Antonia Victorino, thru her predecessor-in-interest, was found to have possessed a certain specific portion, PSU-04-000590, going as far back as 1933. The RTC-Pasig decreed Antonia Victorino to be a lawful occupant of the subject lot. Hence as a lawful or bona fide occupant of a portion of a parcel of land covered by [TCT No.] M-2102 of the Guidos, the annotation in [TCT No.] M-2102 and segregation of the portion of the lot granted in favor of Antonia Victorino is proper.

True, there was no categorical directive by the RTC-Pasig to segregate the subject lot from the rest of the parcel of land covered by [TCT No.] M-2101 (sic). However, We agree with Private Respondent that the segregation of the subject lot was the result of Antonia Victorino acquiring title over a portion of the said property of the Guidos. The segregation was the consequence of the grant of Antonia Victorino's application for registration.

x x x x<sup>5</sup>

Herein petitioner filed a Motion for Reconsideration, but the CA denied it in its assailed Resolution dated October 25, 2007.

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<sup>4</sup> *Id.* at 73. (Italics and emphasis in the original)

<sup>5</sup> *Id.* at 71. (Italics in the original)

Hence, the instant petition with the following assignment of errors:

1. THE HONORABLE COURT OF APPEALS COMMITTED SERIOUS AND REVERSIBLE ERROR WHEN IT DISMISSED THE PETITION FOR CERTIORARI AND PROHIBITION IN CA-G.R. SP NO. 80534 AND, AT THE SAME TIME, AFFIRMING WITH MODIFICATION THE NOVEMBER 19, 2002 ORDER ISSUED BY THE HONORABLE PRESIDING JUDGE OF BRANCH 156 OF THE REGIONAL TRIAL COURT OF PASIG CITY THAT DIRECTED THE REGISTER OF DEEDS FOR RIZAL, MORONG BRANCH, TO ANNOTATE ON TRANSFER CERTIFICATE OF TITLE NO. M-2102 OF THE REGISTRY OF DEEDS FOR RIZAL, MORONG BRANCH, A MEMORANDUM WHICH, IN EFFECT, DEPRIVES PETITIONER AND THE OTHER CO-OWNERS, WITHOUT DUE PROCESS OF LAW, OF 10,603 SQUARE METERS OF THEIR LAND.

2. THE HONORABLE COURT OF APPEALS COMMITTED SERIOUS AND REVERSIBLE ERROR WHEN IT SUSTAINED THE HONORABLE PRESIDING JUDGE OF BRANCH 156 OF THE REGIONAL TRIAL COURT OF PASIG CITY IN HIS ISSUANCE OF THE MARCH 6, 2003 ORDER UPHOLDING THE NOVEMBER 19, 2002 ORDER; THE MARCH 6, 2003 ALIAS ORDER FOR THE ISSUANCE OF THE DECREE; AND, THE SEPTEMBER 2, 2003 ORDER, WHICH VARIED THE TENOR OF THE AUGUST 15, 1988 DECISION IN LAND REG. CASE NO. N-10371 AND LRC CASE NO. N-55139, ENTITLED IN RE: APPLICATION FOR REGISTRATION OF LAND TITLE, ANTONIA VDA. DE VICTORINO, APPLICANT.

3. THE HONORABLE COURT OF APPEALS COMMITTED SERIOUS AND REVERSIBLE ERROR WHEN IT UPHELD THE FOUR (4) ORDERS ISSUED BY THE HONORABLE PRESIDING JUDGE OF BRANCH 156 OF THE REGIONAL TRIAL COURT OF PASIG CITY, NOTWITHSTANDING THE FACT THAT THESE ORDERS ALTERED, CHANGED, MODIFIED AND DIMINISHED IN A PROCEEDING THAT IS IMPROPER FOR ALTERING, CHANGING, MODIFYING AND DIMINISHING A CERTIFICATE OF LAND TITLE.

4. THE HONORABLE COURT OF APPEALS COMMITTED SERIOUS AND REVERSIBLE ERROR WHEN IT RULED THAT THE PROCEEDING THAT WAS HELD IN CONNECTION WITH LAND REG. CASE NO. N-10371 AND LRC CASE NO. N-55139, ENTITLED IN RE: APPLICATION FOR REGISTRATION OF LAND TITLE, ANTONIA VDA. DE VICTORINO, APPLICANT, AND RESULTING IN THE RENDITION OF THE AUGUST 15, 1988 DECISION RENDERED BY BRANCH 156 OF THE REGIONAL TRIAL COURT OF PASIG CITY IS THE APPROPRIATE PROCEEDING CONTEMPLATED BY THE HONORABLE COURT IN ITS NOVEMBER 21, 1991 DECISION IN G.R. NO. 84966 ENTITLED REPUBLIC OF THE PHILIPPINES VS. COURT OF APPEALS.

5. THE HONORABLE COURT OF APPEALS COMMITTED SERIOUS AND REVERSIBLE ERROR THAT DEPRIVED THE PETITIONER OF DUE PROCESS WHEN IT ALLOWED THE PRESIDING JUDGE WHO RENDERED THE AUGUST 15, 1988

DECISION IN LAND REG. CASE NO. N-10371 AND LRC CASE NO. N-55139 TO PARTICIPATE IN THE DECISION-MAKING PROCESS THAT RESULTED IN A DECISION THAT HELD THAT THE PROCEEDING IN THE REGIONAL TRIAL COURT IS THE APPROPRIATE PROCEEDING ENVISIONED IN THE NOVEMBER 21, 1991 DECISION OF THE HONORABLE COURT IN G.R. NO. 84966 ENTITLED REPUBLIC OF THE PHILIPPINES VS. COURT OF APPEALS.<sup>6</sup>

The petition lacks merit.

In her first assigned error, petitioner reiterates her argument raised before the CA that the August 15, 1988 Decision of the RTC in LRC Case No. 10371 is null and void for lack of jurisdiction as well as for denial of petitioner's right to due process.

The Court is not persuaded. As the CA had correctly ruled, the assailed August 15, 1988 Decision of the RTC had already become final and executory and under the doctrine of finality of judgment or immutability of judgment, a decision that has acquired finality becomes immutable and unalterable, and may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact and law, and whether it be made by the court that rendered it or by the Highest Court of the land.<sup>7</sup> Any act which violates this principle must immediately be struck down.<sup>8</sup> While there are recognized exceptions to this doctrine,<sup>9</sup> petitioner failed to prove that the instant case is among them.

Moreover, as the CA had observed, petitioner did not raise any issue regarding the supposed nullity of the subject Decision of the RTC in her Motion for Clarification<sup>10</sup> filed on December 4, 2002. It was only in her petition for *certiorari* filed with the CA that petitioner posited the argument that the said Decision is void.

This Court is not, likewise, persuaded by petitioner's argument, in her second and third assignment of errors, that the assailed Decision and Orders of the RTC are in derogation of the established laws and principles on land registration. More particularly, petitioner postulates that the RTC, acting as a land registration court, had no jurisdiction to entertain Antonia Victorino's application for registration of title because the lot subject of application is

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<sup>6</sup> *Id.* at 29-30.

<sup>7</sup> *FGU Insurance Corporation v. Regional Trial Court of Makati City, Branch 66*, G.R. No. 161282, February 23, 2011, 644 SCRA 50, 56.

<sup>8</sup> *Id.*

<sup>9</sup> The exceptions are: (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. (*Villa v. GSIS*, G.R. No. 174642, October 30, 2009, 604 SCRA 742, 750.)

<sup>10</sup> See Annex "M" to Petition, CA rollo, pp. 70-75.

entirely within the boundaries of a larger tract of land which is already covered by Transfer Certificate of Title (TCT) No. M-2102. Petitioner contends that TCT No. M-2102 has become indefeasible.

This Court has already ruled in the abovementioned *Guido* case<sup>11</sup> that while TCT No. 23377 and its derivative titles, which include TCT No. M-2102, serve as evidence of an indefeasible title to the property in favor of the persons whose names appear therein, this Court took judicial notice of the fact that certain portions of the land covered by TCT No. 23377 either “were in possession of occupants who successfully obtained certificates of titles over the area occupied by them” or were occupied by persons “who had not obtained certificates of titles over the area possessed by them but the lengths of their possession were long enough to amount to ownership, had the land been in fact unregistered.” This Court then proceeded to rule that while prescription is unavailing against the owners of the land covered by TCT No. 23377, on the ground that they are holders of a valid certificate of title, the equitable presumption of laches may be applied against them for failure to assert their ownership for such an unreasonable length of time. This *pro hac vice* ruling of the Court was further based on the established fact that the abovementioned owners, by agreement with the Office of the Solicitor General, have actually waived their rights over the property subject of the said case in favor of “those who possessed and actually occupied specific portions and obtained [T]orrens [C]ertificates of [T]itles, and those who possessed certain specific portions for such length of time as to amount to full ownership.”<sup>12</sup> This Court, thus, held that it is imperative for those possessors, whose alleged bona fide occupancy of specific portions of TCT No. 23377 is not evidenced by Torrens Titles, to prove their claims in an appropriate proceeding. Among these occupants was, respondents' predecessor-in-interest, Antonia Victorino who, as found by the RTC in its assailed decision has duly proven that, together with her predecessor-in-interest, she has been in public, peaceful, continuous, adverse possession against the whole world and in the concept of an owner of the subject lot for a period of more than thirty (30) years.<sup>13</sup>

As to the alleged denial of petitioner's right to due process due to Antonia Victorino's failure to identify petitioner as indispensable party in her application for registration, as well as to serve her with actual and personal notice, Section 15 of Presidential Decree No. 1529 simply requires that the application for registration shall “state the full names and addresses of all occupants of the land and those of the adjoining owners, if known, and, if not known, it shall state the extent of the search made to find them.” A perusal of Antonia Victorino's Application<sup>14</sup> shows that she enumerated the

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<sup>11</sup> *Republic of the Philippines v. Court of Appeals*, G.R. No. 84966, November 21, 1991, 204 SCRA 160.

<sup>12</sup> *Id.* at 180.

<sup>13</sup> See RTC Decision, records, vol. I, pp. 189-191.

<sup>14</sup> See records, vol. I, p. 2.



adjoining owners. She also indicated therein that, to the best of her knowledge, no person has any interest or is in possession of the subject land. The fact that she did not identify petitioner as an occupant or an adjoining owner is not tantamount to denial of petitioner's right to due process and does not nullify the RTC Decision granting such application.

Besides, the CA was correct in holding that a land registration case, like the one at bar, is a proceeding *in rem*. This Court has already ruled that in land registration proceedings, being *in rem*, there is no necessity to give personal notice to the owners or claimants of the land sought to be registered in order to vest the courts with power and authority over the *res*.<sup>15</sup> Moreover, since no issue was raised as to Antonia Victorino's compliance with the prerequisites of notice and publication, she is deemed to have followed such requirements. As a consequence, petitioner is deemed sufficiently notified of the hearing of Antonia's application. Hence, she cannot claim that she is denied due process.

As to the fourth assigned error, the Court notes that there is nothing repugnant between this Court's Decision in the *Guido* case and the August 15, 1988 Decision of the RTC. In fact, the former is, in effect, a ratification of the latter. The bona fide occupancy, which this Court, in the *Guido* case, requires to be proven in appropriate proceedings, has already been established by Antonia Victorino during the proceedings leading to the promulgation of the August 15, 1988 Decision of the RTC. To undergo another process for the purpose of proving anew the *bona fide* occupancy of Antonia Victorino, as insisted by petitioner, would be redundant and a waste of the court's as well as of the parties' precious time and resources.

In regard to the above disquisition, it bears to revisit this Court's ruling in *E. Rommel Realty and Development Corporation v. Sta. Lucia Realty Development Corporation*,<sup>16</sup> as correctly cited by respondents. The case involves a parcel of land in the possession of the respondent therein which, like the subject property in the instant case, is part of the larger tract of land covered by the same mother title, TCT No. 23377. The respondent contested the writ of possession issued by the RTC awarding possession of the subject property in favor of herein petitioner and her co-heirs. The respondent in the said case argued that its predecessors-in-interest had already proven their bona fide occupancy thereof during the proceedings in their application for registration of title. Adverting to this Court's ruling in the abovementioned *Guido* case, this Court held thus:

X X X X

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<sup>15</sup> *Acosta v. Salazar*, G.R. No. 161034, June 30, 2009, 591 SCRA 262, 270; *Ignacio v. Basilio*, 418 Phil. 256, 264 (2001).

<sup>16</sup> 537 Phil. 822 (2006).

We agree that respondent had already proven its claim in an appropriate proceeding. In L.R.C. No. 049-B, initiated by the heirs of de la Cruz (the predecessors of respondent), it was shown that the possession of applicant heirs had already ripened to ownership as of March 29, 1976. This ruling inured to respondent's benefit.

The records do not show that respondent ever obtained a certificate of title over the disputed property. Nevertheless, the right of ownership of respondent's predecessors-in-interest had been recognized. As the purchaser of the property, respondent became the owner of the property and acquired the right to exercise all the attributes of ownership, including the right to possession (*jus possidendi*). Respondent, who was in actual possession of the property before the writ of possession was implemented, possessed it as owner of the property. It can thus rightfully assert its right of possession which is among the bundle of rights enjoyed by an owner of a property under Art. 428 of the New Civil Code.

Hence, respondent can rightfully claim the superior rights we acknowledged in *Republic v. CA* and the CA correctly nullified petitioner's writ of possession insofar as it affected the property in the possession of respondent.

x x x x<sup>17</sup>

It is evident from the above discussion that this Court gave primary importance to the fact that the respondent in the abovequoted case was able to adequately prove its claim of bona fide occupancy over the subject lot, during the proceedings in an application for registration of title filed by its predecessors-in-interest. In the same manner, respondents have proven their bona fide occupancy through the application for registration of title filed by their predecessor-in-interest. Hence, there is no need for another proceeding to prove that respondents and their predecessor-in-interest have occupied the subject lot honestly, openly and in good faith.

With respect to the last assignment of error, this Court does not agree with petitioner's contention that she was further denied due process when then CA Associate Justice Martin S. Villarama, Jr., who is now a member of this Court, was allowed to participate and vote as a member of the CA Division which rendered the presently assailed Decision, considering that he rendered the August 15, 1988 Decision of the RTC which granted Antonia Victorino's application for registration. This Court quotes, with approval, the disquisition of the CA in its October 25, 2007 Resolution, to wit:

x x x x

Anent Petitioner's Motion for Clarification, Petitioner asked if the Hon. Justice Martin S. Villarama, Jr., Chairman of this Division, was the presiding Judge of the Regional Trial Court of Pasig, Branch 156, who rendered the August 15, 1988 Decision. Petitioner, thus, alleged that "*there*

<sup>17</sup>

*Id.* at 831-832. (Italics in the original)

*is something seriously amiss*” which affects this Court's Decision, dated September 6, 2007.

There is nothing seriously amiss whether legally, morally or ethically about the participation of Justice Villarama, Jr.

True, Justice Villarama, Jr. was the ponente of the August 15, 1988 Decision [of the RTC]. Indeed, We indicated the same in Our Decision, footnote number 15, page 5 of the Decision. It is likewise true that Justices under **Section 1, Rule 137 of the Rules of Court**, are prohibited from sitting “*in any case ... in which he has presided in any inferior court when his ruling or decision is the subject of review.*”

However, a careful review of the records of this case will show that although Justice Villarama, Jr. penned the August 15, 1988 [RTC] Decision, said Decision had already attained finality on or before November 3, 1988 and was not the subject of review in this Petition. Said August 15, 1988 decision, which is a final judgment, was merely incidental or part of the “history” of the case. Attention is invited to the fact that the issues raised by Petitioner in this case revolved only on the alleged invalidity of said Alias Decree and the annotation. It is the issuance of the Decree in the name of the Private Respondent and the annotation thereof to Petitioner's title which initiated this Petition for Certiorari, or the Orders dated November 19, 2002, dated March 6, 2003 and dated September 2, 2003. Said orders, however, were no longer penned by then Judge Villarama, Jr. but by respondent Judge Alex L. Quiroz, Justice Villarama, Jr.'s successor. Clearly, the August 15, 1988 Decision penned by then Judge Villarama, Jr. was not in issue or under review in this Petition for which a judicial officer is prohibited from participating.

The fact alone that the issuances under review in this Petition, in effect, affirms the final and executory [RTC] decision, dated August 15, 1988, does not mean that this Court acted with partiality and without the necessary prudence in rendering Our Decision, dated September 6, 2007. Our Decision was rendered after judicious review of the law, the records and the jurisprudence.

x x x x<sup>18</sup>

Noting that Justice Villarama no longer took part in the abovequoted Resolution of the CA, this Court finds nothing erroneous or irregular in the above ruling of the appellate court.

**WHEREFORE**, the instant petition for review on *certiorari* is **DENIED**. The Decision and Resolution of the Court of Appeals in CA-G.R. SP No. 80534, dated September 6, 2007 and October 25, 2007, respectively, are **AFFIRMED**.

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<sup>18</sup>


*Rollo*, pp. 76-77.

**SO ORDERED.**

  
**DIOSDADO M. PERALTA**  
Associate Justice

**WE CONCUR:**

  
**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Chairperson

  
**ROBERTO A. ABAD**  
Associate Justice

  
**BIENVENIDO L. REYES**  
Associate Justice

  
**MARVIC MARIO VICTOR F. LEONEN**  
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.

  
**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Chairperson, Third Division

**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.



**MARIA LOURDES P. A. SERENO**  
Chief Justice