



Republic of the Philippines
Supreme Court
Baguio City

THIRD DIVISION

**SPOUSES RODRIGO IMPERIAL,
JR. and JOCELYN IMPERIAL,
and FE IMPERIAL,** **G.R. No. 193554**
Present:

Petitioners, VELASCO, JR., J.,
 Chairperson,

-versus-

PERALTA,
PEREZ,
REYES, and
JARDELEZA, *JJ.*

**SPOUSES ROGELIO AND
ASUNCION PINIGAT,**
Respondents.

Promulgated:

April 13, 2016

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RESOLUTION

REYES, J:

This is a petition for review on *certiorari*¹ filed under Rule 45 of the Rules of Court, assailing the Decision² dated March 25, 2010 and Resolution³ dated September 27, 2010 of the Court of Appeals (CA) in CA-G.R. SP. No. 98950, which reversed and set aside the Decision⁴ dated March 29, 2007 of the Regional Trial Court (RTC) of Iriga City, Branch 37.

The instant case stemmed from Civil Case No. 627 for Quieting of Title, Recovery of Possession and Damages filed by Rodrigo Imperial, Sr. (Rodrigo Sr.) against Betty Imperial (Betty), involving a 248-square-meter

¹ *Rollo*, pp. 28-40.

² Penned by Associate Justice Antonio L. Villamor, with Associate Justices Vicente S. E. Veloso and Francisco P. Acosta concurring; *id.* at 41-52.

³ *Id.* at 53-54.

⁴ Issued by Presiding Judge Rogelio Ll. Dacara; *id.* at 140-143.

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residential lot with improvements, situated in San Roque, Baa, Camarines Sur. The subject property was formerly declared for tax purposes in the name of Isabelo Imperial (Isabelo), brother of Betty's husband, Juan Imperial (Juan) and of Rodrigo Sr.'s mother, Beatriz.⁵

Rodrigo Imperial, Jr. (Rodrigo Jr.), testifying for Rodrigo Sr., claimed that the subject property was sold by his grandfather, Isabelo, to his father, as evidenced by an Absolute Deed of Sale dated September 28, 1979. Following the sale, however, Isabelo stayed in the house with him while his father left for Manila. When the time came that Rodrigo Jr. needed to go to Manila to pursue college studies, Isabelo allowed Juan and Betty to stay with him in the house, with the agreement that they will leave upon demand. In 1985, Isabelo died. Rodrigo Sr. asked Juan and Betty to stay in the house until Rodrigo Jr. finishes college. Soon, thereafter, Spouses Rogelio and Asuncion Pinigat (respondents), who were the son-in-law and daughter of Juan and Betty, respectively, were also allowed to move in to the house.⁶

In 1997, Rodrigo Jr. and his father were surprised to learn that there was already a deed of sale over one-half portion of the subject property in favor of the respondents registered with the Registry of Deeds of Camarines Sur. Rodrigo Sr. lodged a complaint with Barangay Captain Edwin Bedural of Baa, Camarines Sur but the parties failed to reach an amicable settlement of their dispute.⁷

For her part, Betty alleged that Isabelo, during his lifetime, sold one-half portion of the subject property to Juan for ₱10,000.00.⁸ Upon the death of Juan, she sold the said portion of the property to Rogelio, who thereafter registered the same and paid taxes thereon.⁹

On October 28, 2002, the Municipal Trial Court (MTC) of Baa, Camarines Sur, rendered a Decision,¹⁰ recognizing the respondents' ownership of one-half portion of the subject property. The pertinent portion of the decision reads:

And, the court after carefully scrutinizing the evidences submitted in the record finds the preponderance of the evidence in favor of the defendants. If it is true the plaintiff had bought the property in question in 1979, why is it that from that time and up to the present, he never took steps to register the document and to caused [sic] the transfer of the covering tax declaration in his name? He did not even pay the real property taxes as they accrue annually. As shown by his exhibits C-1 to

⁵ Id. at 60.

⁶ Id. at 60-61.

⁷ Id. at 61-62.

⁸ Id. at 63A.

⁹ Id. at 62.

¹⁰ Issued by Judge Dominador A. Agor; id. at 60-65A.

C-2, it was [Isabelo] who paid the real property taxes of the property. If it is true, [Isabelo] had already sold to the plaintiff the property in 1979, why is it that the former was still able to mort[g]aged [sic] the same to Modesto Padua in January 1980 as shown by the Deed of Real Estate Mortgage (exhibit 5)? x x x.

x x x x

x x x [T]he court is more inclined to believe [Betty's] version that of having purchased one-half of the property in-question from [Isabelo] for the sum of [₱10,000.00] and that no document was executed to evidenced [sic] the sale. As testified to by [Betty], she and her late husband-[Juan] lived together in the house and lot in question. In fact, after such sale, Isabelo [and] Juan had the property relocated and sub-divided by Geodetic Engineer Ramon Camposano, who prepared/made a sketch plan x x x.

x x x x

Be that as it may, since as [Betty] herself admitted the remaining half of the house and lot in question still belongs to [Isabelo], then, plaintiff should content himself of that remaining half. The other half which was already sold to [the respondents] should be recognized and respected. x x x.¹¹

The foregoing decision became final and executory after the RTC of Iriga City dismissed the appeal of Rodrigo Sr. In the course of the execution, however, a survey on the subject property revealed that portions of the existing houses of Spouses Rodrigo Jr. and Jocelyn Imperial and Roberto Ballesteros and Fe Imperial (Fe) (petitioners) stood within the portion pertaining to the respondents. The respondents demanded that the petitioners vacate the encroached portions. Initially, the petitioners acceded to the demand and started demolishing walls of their houses but later ceased from doing so notwithstanding the respondents' repeated demands.¹² The parties failed to reach an amicable settlement of their differences which prompted the respondents to file a Complaint¹³ for Unlawful Detainer with Damages against the petitioners, which was docketed as Civil Case No. 845. The respondents alleged that the petitioners unjustifiably refused to vacate the subject property and remove structures erected therein.¹⁴

On June 16, 2006, the MTC rendered a Decision¹⁵ in favor of the respondents, the dispositive portion of which reads, as follows:

WHEREFORE, in view of all of the foregoing, on preponderance of evidence, this Court finds in favor of the [respondents] and against the [petitioners] who are ordered to:

¹¹ Id. at 64-65A.

¹² Id. at 56-57.

¹³ Id. at 55-59.

¹⁴ Id. at 57.

¹⁵ Rendered by Judge-Designate Timotea A. Panga, Jr., id. at 122-126.

- 1.) Peacefully vacate and remove the structures constructed on the portion of the parcel of land subject of this case as declared under Tax Declaration (A.R.P.) # 94-020-0236 with an area of 124 sq.m. (i.e. ½ of the total 248 sq. m) and turnover the same to the [respondents];
- 2.) Jointly and severally pay the [respondents] the amount of Php 500.00 per month from the date of judicial demand until they have effectively vacated the land in question as reasonable rentals.
- 3.) Pay the costs of suit.

All other claims and counter-claims by the [respondents] and the [petitioners] against each other are all denied.

SO ORDERED.¹⁶

Unyielding, the petitioners appealed from the decision of the MTC. And, in a Decision¹⁷ dated March 29, 2007, the RTC reversed the decision of the MTC. The dispositive portion of the decision reads:

WHEREFORE, the [petitioners'] contention[s] are sustained and the decision of the lower court dated June 16, 2006 is hereby ordered reversed for lack of jurisdiction and cause of action. No damages are imposed against the [respondents] in favor of the [petitioners].

SO ORDERED.¹⁸

The RTC held that the respondents' complaint failed to state the fact that the petitioners' possession was lawful from the beginning but became illegal when their right to possess had expired or terminated. It also noted that the complaint failed to aver the facts constitutive of forcible entry or unlawful detainer particularly the manner of entry; hence, the proper remedy should be either an *accion publiciana* or *accion reivindicatoria* which must be filed with the proper RTC. The RTC further observed that the dispositive portion of the decision in Civil Case No. 627 did not mention that the respondents are entitled to the possession of the property nor did it order the petitioners to vacate the same.¹⁹

The respondents elevated the case to the CA on petition for review under Rule 42 of the Rules of Court. Then, on March 25, 2010, the CA rendered a Decision,²⁰ reversing the decision of the RTC, the dispositive portion of which reads:

¹⁶ Id. at 126.

¹⁷ Id. at 140-143.

¹⁸ Id. at 143.

¹⁹ Id. at 142.

²⁰ Id. at 41-52.

WHEREFORE, the Decision of the [RTC] of Iriga City, Branch 37, dated March 29, 2007 is **REVERSED** and **SET ASIDE**. The Decision of the [MTC] of Baao, Camarines Sur, dated June 16, 2006, is **REINSTATED**.

SO ORDERED.²¹

The petitioners filed a motion for reconsideration but the CA denied the same in its Resolution²² dated September 27, 2010. Hence, this petition.

The petitioners claim that the decision of the MTC in Civil Case No. 627 does not apply to them as they were not made parties thereto. They likewise question the validity of the relocation survey that was conducted to divide the subject property, claiming that the same was done unilaterally.

The petition lacks merit.

The respondents' right to one-half portion of the subject property had long been settled in the MTC's Decision dated October 28, 2002 in Civil Case No. 627. The MTC acknowledged the entitlement of the respondents to half of the subject property, holding that they were able to clearly establish the source of their right and found their claims adequately supported by convincing and credible evidence. It also noted the fact that the property was already registered in the name of the respondents and that they have been religiously paying real property taxes due the same. Its decision became final and executory but the petitioners, in disregard thereof, refused to yield the possession of the portion owned by the respondents on the pretext that the decision did not specifically order them to vacate the house. Thus, the respondents were constrained to file another case for unlawful detainer, to compel the petitioners to vacate the premises. For the second time, the MTC recognized the respondents' right to one-half portion of the subject property and ordered the petitioners to peaceably surrender the possession of the same to the former. Still, the petitioners were adamant and asserted that the MTC's Decision dated October 28, 2002 would not bind them as they were not parties thereto.

The petitioners' argument is misplaced.

Indeed, Civil Case No. 627 was between Rodrigo Sr. and the respondents. A final and executory decision of the court, however, is applicable not only to the parties thereto but also to their successors-in-interest. Thus, in *Cabresos v. Tiro*,²³ the Court upheld the validity of the

²¹ Id. at 51.

²² Id. at 53-54.

²³ G.R. No. L-46843, October 18, 1988, 166 SCRA 400.

writ of execution issued against the successors-in-interest of the losing litigant despite the fact that these successors-in-interest were not mentioned in the judgment and were never parties to the case. The Court explained that an action is binding on the privies of the litigants even if such privies are not literally parties to the action. Their inclusion in the writ of execution does not vary or exceed the terms of the judgment.²⁴ The Court ratiocinated:

By “third party” is meant a person who is not a party to the action under consideration. We agree with the private respondents that the petitioners are privies to the case for recovery of ownership and possession filed by the former against the latter’s predecessors-in-interest, the latter being the daughter-in-law and grandchildren of the losing party in Civil Case No. 3150. By the term “privies” is meant those between whom an action is deemed binding although they are not literally parties to the said action. There is no doubt that the assailed decision is binding on the petitioners.²⁵

In Civil Case No. 627, the MTC dismissed Rodrigo Sr.’s claim of ownership after failing to establish the veracity of his allegation that a contract of sale over the subject property was executed between him and Isabelo. Hence, Rodrigo Jr. may not anchor his claim of title on that supposed purchase by his father. The only possibility that Rodrigo Jr. may be entitled to a portion of the property is by means of succession, his deceased father being the nephew of Isabelo who died without any children. As a mere successor, however, Rodrigo, Jr. only succeeds to that portion of the estate that the decedent did not dispose of during his lifetime. It is crystal clear from the facts that at the time of Isabelo’s death, he is the owner of only one-half of the subject property, having disposed the other half by virtue of an absolute sale to his brother, Juan. Rodrigo Jr. cannot now repudiate the conclusiveness of the judgment in Civil Case No. 627, which delineated the portion of the subject property still owned by Isabelo and that which he had already disposed to the respondents. Rodrigo Jr., having merely stepped into the shoes of his predecessor, cannot claim that the decision does not apply to him. *Nemo dat quod non habet*.

In *Barcelona, et al. v. Barcelona and CA*,²⁶ the Court emphasized that hereditary successors merely step into the shoes of the decedent by operation of law and are merely the continuation of the personality of their predecessor in interest.²⁷ Hence, they acquire rights and interests not more than what their predecessors have at the time of their death.

On the other hand, Fe failed to present any basis for her claim of title over the subject property. She, being the widow of the eldest son of Juan, Virgilio Imperial, cannot succeed directly from Isabelo and had absolutely

²⁴ Id. at 405-406.

²⁵ Id.

²⁶ 100 Phil. 251 (1956).

²⁷ Id. at 257.

no business staying in the subject property.

Finally, the petitioners cannot evade the enforceability of the decision by merely claiming that the relocation survey conducted on the property was done without their participation. It appears from the records, that the geodetic engineer who conducted the survey was appointed by the court and did his undertaking in the presence of the parties. In the Affidavit²⁸ dated August 12, 2005 of Salvador Guevara (Sheriff Guevara), the implementing sheriff of the court in Civil Case No. 627 stated:

That in the execution of the aforementioned decision, Alfredo Samper, a Geodetic Engineer by profession was appointed by the Court to conduct the subdivision survey in equal shares of the land subject of the case;

That on June 3, 2004 at around 9:30 o'clock in the morning, Engr. Alfredo Samper, the undersigned together with Sheriff Rolando T. Sergio and in the presence of the parties of the case, including the spouses [Rodrigo Jr.] and Jocelyn Imperial, the person of Roberto Ballesteros and other members of the family conducted the actual subdivision survey of the land in question, dividing the property into two (2) equal portions, for which the share where the building structure of Rogelio Pinigat was constructed, and which actually identified and segreg[a]ted from the entire landholding.

x x x x

That on the actual survey, I came to know that that the house of Roberto Ballesteros (part) and also the spouses [Rodrigo Jr.] and Jocelyn Imperial (part) whose portion of their houses likewise encroached in the identified property of Rogelio Pinigat, hence I filed a report on the matter with the [MTC] of Baa, Camarines Sur x x x.²⁹

The petitioners never disputed the statement of Sheriff Guevara throughout the proceedings in the RTC and CA. If they had any question on the propriety of the survey, they should have raised them at the time that the survey was being conducted or, at least, noted their disagreement in the pleadings they submitted before the trial court. Considering that the survey was undertaken to divide the property, it is only expected from the parties to raise a protest should the same be conducted irregularly or with manifest partiality to one party. There being neither resistance nor challenge to the survey conducted, it is only reasonable for the Court to assume that the same was conducted properly and to conclude that the petitioners were merely formulating issues in order to further delay the execution of the final decision of the MTC. The Court will not countenance such a deliberate effort to prevent the prevailing party from reaping the fruits of litigation.

²⁸ *Rollo*, p. 85.

²⁹ *Id.*

WHEREFORE, the Decision dated March 25, 2010 and Resolution dated September 27, 2010 of the Court of Appeals in CA-G.R. SP. No. 98950 are **AFFIRMED**.

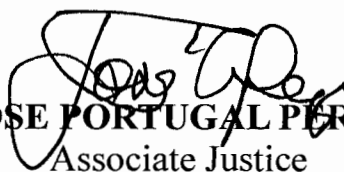
SO ORDERED.


BIENVENIDO L. REYES
Associate Justice

WE CONCUR:


PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson

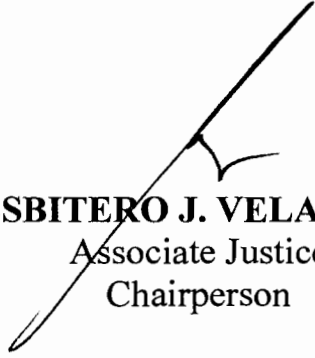
(on official leave)
DIOSDADO M. PERALTA
Associate Justice


JOSE PORTUGAL PEREZ
Associate Justice


FRANCIS H. JARDELEZA
Associate Justice

ATTESTATION

I attest that the conclusions in the above Resolution 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

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Resolution 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

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