

CAYETANO DE BORJA, PETITIONER, VS. COURT OF APPEALS, FIDEL HERNANDEZ, VALERIANO BALTA, VIVENCIO GALVEZ, ROMAN BALTAO, TIRSO GALVEZ, RODOLFO EQUIVEL, IN REPRESENTATION OF LAUREAN...

G.R. No. L-37944. June 30, 1988

Ponente: PARAS, J.

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PARAS, J.:

This is a petition for review of the decision of the Court of Appeals[*] dated November 27, 1983, affirming an order of the Court of Agrarian Relations issuing a writ of execution but holding in abeyance its implementation until the issuance of the rules and regulations implementing P.D. No. 27. This Court considered the petition as a special civil action.

The antecedent facts of this case are as follows:

On February 2, 1964, the private respondents, as agricultural tenants in the land of petitioner situated in the barrio of Bulualto, San Miguel, Bulacan, filed a complaint before the Court of Agrarian Relations, docketed as CAR Case No. 1085-B 64, entitled "Fidel Hernandez, et at., Plaintiffs, vs. Cayetano de Borja, Defendant" asking that the harvests be reliquidated for they had divided the produce on a 50-50 basis although the defendant (herein petitioner) had contributed only one-half 1/2) of the transplanting expenses. (Record on Appeal, p. 20 and Rollo, p. 9)

On April 30, 1970, the Court of Agrarian Relations rendered a decision in the said case fixing the lease rentals to be paid by the private respondents (plaintiffs in the said case) and ordering the petitioner (defendant in the said case) to pay the respective short shares of the former (Record on Appeal, pp. 22-23). The petitioner appealed to the Court of Appeals, the appeal being docketed as CA-G.R. No. 46263-R.

On March 13, 1972, the appellate court modified the decision of the Court of Agrarian Relations by ordering the private respondents ejected from their respective landholdings. The decision of the Court of Appeals became final and executory on April 20, 1972, as evidenced by the entry of judgment (CA Decision, Rollo, pp. 32 and 60).

On May 2, 1972, the private respondents filed a petition for review on certiorari with this Court (G.R. No. L-35017) which was denied on June 8, 1972, on the ground that the decision of the Court of Appeals was already final (Rollo, pp. 60-61).

On August 8, 1972, the petitioner filed a Motion for Execution with the Court of Agrarian Relations. In its Order dated September 28, 1972, the Court of Agrarian Relations granted the private respondents five (5) days from that date within which to file their respective claims for indemnity, if any, under Section 25, Republic Act No. 3844 (Rollo, p. 61).

On October 2, 1972, the private respondents filed a "Motion for Extension of Time to File Claims for Indemnity

and/or Adopt Decision of the Court of Appeals in Case G.R. No. 47360-R" (Rollo, p. 61).

On October 18, 1972, the private respondents filed a "Motion to Amend Motion Filed on October 2, 1972 with a prayer that their "request for waiver of their rights to claim for indemnity be granted provided that their standing crops on the landholdings be divided in accordance with their arrangements under the leasehold system or in case the above request be denied, that they be given sufficient time to file their claims for indemnity" (Rollo, p. 61).

On November 23, 1972, the petitioner filed with the Court of Agrarian Relations a motion for the issuance of writ of execution of the decision of the Court of Appeals in CA-G.R. No. 46263-R which became final and executory on April 20, 1972, and/or that a restraining order be issued enjoining the private respondents from further cultivating their respective landholdings upon the termination of the reaping and harvesting of their then standing "dayatan" crops (Rollo, p. 62).

The private respondents filed their opposition to the aforesaid motion invoking Presidential Decree No. 27 issued on October 21, 1972 and the Memorandum of the President to the Secretary of the Department of Agrarian Reform dated November 25, 1972 (Rollo, p. 62).

On December 20, 1972, the Court of Agrarian Relations issued an Order, the dispositive portion of which reads as follows:

"WHEREFORE, let the corresponding writ of execution of the judgment of this Court dated April 30, 1970, as modified by its order dated August 28, 1970, and as further modified by the Decision of the Court of Appeals, promulgated on March 13, 1972, be forthwith issued by the Acting Clerk of Court for implementation by the Provincial Sheriff of Bulacan.

"SO ORDERED." (Rollo, p. 62)

On January 10, 1973, the private respondents moved for the reconsideration of the Order of December 20, 1972 with a prayer that the execution of the Decision of the Court of Appeals in CA-G.R. No. 46263-R be held in abeyance pending the promulgation of the rules and regulations implementing Presidential Decree No. 27 (Rollo, p. 63).

On January 31, 1973, the petitioner filed his opposition to private respondents' motion for reconsideration arguing that when the Decision of the Court of Appeals became final and executory on April 20, 1972, the private respondents ceased to have any right to their former landholding and, therefore, have no right to protection under Presidential Decree No. 27 (Rollo, p. 63).

On February 23, 1973, the Court of Agrarian Relations issued an Order, stating —

"It appearing that the implementing rules and regulations relative to Presidential Decree No. 27 have not yet been issued, the Court resolves to hold in abeyance the resolution of plaintiffs' Motion for Reconsideration dated January 10, 1973 and defendant's opposition thereto dated January 31, 1973 until after said implementing rules and regulations shall have been released." (Rollo, P-63)

On March 8, 1973, the petitioner filed a motion for reconsideration of the aforequoted order maintaining that Presidential Decree No. 27 is prospective in its application and does not apply to the case at bar where the dispossession of private respondents had been previously ordered in a final and executory judgment of the Court of Appeals (Rollo, p. 63).

On April 27, 1973, the Court of Agrarian Relations issued an order with the following dispositive portion:

"WHEREFORE, let the corresponding writ of execution of the judgment of this Court dated April 30, 1970, as modified by its Order dated August 28, 1970 and as further modified by the Decision of the Court of Appeals

promulgated on March 13, 1972 be forthwith issued by the Acting Clerk of Court.

"However, implementation of said writ shall be held pending, to await issuance of the rules and regulations implementing Presidential Decree No. 27.

"SO ORDERED." (Rollo, p. 64)

On May 29, 1973, the petitioner filed a petition for certiorari and mandamus with the Court of Appeals claiming that the Court of Agrarian Relations in issuing its Order of April 27, 1973, acted without or in excess of its jurisdiction and/or with grave abuse of discretion (Rollo, p. 64).

The Court of Appeals, on November 27, 1973, rendered judgment as follows:

"In view of the foregoing consideration, We find the respondent judge acted advisedly and within his lawful discretion and jurisdiction conferred upon him by law in staying the execution that would dispossess the plaintiffs of their respective landholdings, but is ordered to modify his April 27, 1973 order of execution to cause the immediate execution of all other aspects of the decision not covered by the presidential prohibition.

"It is understood, however, that the stay of execution is only until the rules and regulations referred to by the Memorandum of November 25, 1972 are promulgated. During the stay, the rights of the parties are to remain in status quo and neither party has any right to take steps to impair the rights of the other under the judgment.

"SO ORDERED." (Rollo, p. 36)

Hence, the petition.

The main issue in this case is whether or not the execution of a final and executory judgment may be stayed pursuant to presidential Decree No. 27.

The petitioner contends that the decision of the Court of Appeals, promulgated on March 13, 1972, ordering the dispossession of the private respondents from their respective landholdings, became final and executory on April 20, 1972, and when a decision of the appellate court has become final and executory, the lower court is without authority to refuse to issue a writ of execution, or quash it, or order its stay. Presidential Decree No. 27, which took effect on October 21, 1972, is intended to apply prospectively as it does not provide that its provisions have retroactive effect and the language thereof does not, by necessary implication, justify construction in favor of retroactivity.

The petitioner further argues that Presidential Decree No. 27 and the DAR Memorandum of November 25, 1972, apply only to cases of ejectment of tenant-farmers pending on October 21, 1972 or filed thereafter. The said decree and memorandum do not, expressly or impliedly, enjoin execution of judgments of duly constituted courts which have become final and executory prior to their proclamation or issuance on October 21, 1972 and November 25, 1972, respectively. Since the decision of the Court of Appeals ordering the dispossession of the private respondents of their respective landholdings had already become final and executory on April 20, 1972, the ejectment suit against the private respondents was no longer pending on October 21, 1972, much less on November 25, 1972. Under the circumstances, the Court of Agrarian Relations exceeded its jurisdiction when it ordered the suspension of the execution of the judgment dispossessing private respondents of their landholdings and the Court of Appeals erred in upholding the same.

On the other hand, the private respondents maintain that the Court or judge has the power to temporarily stay execution of a judgment whenever necessary to accomplish the aims of justice, as when there has been a change in the situation of the parties which makes such execution inequitable. The promulgation of Presidential Decree No. 27 and Memorandum Circulars Nos. 2 and 2-A of the Department of Agrarian Reform is sufficient reason for

the Court to order the suspension of the implementation of the writ of execution. The decision of the Court of Appeals ejecting them from their respective landholdings became final and executory on or after April 20, 1972, but the said decision has not been executed such that when Presidential Decree No. 27 was promulgated, they were and still are in possession of the landholding in question. They are therefore the actual tillers thereof and pursuant to Memorandum Circular No. 2 of the Department of Agrarian Reform, the persons affected by Presidential Decree No. 27 are tenants-farmers who actually till their land.

The petition is impressed with merit. This Court has already ruled that there being no express nor clearly implied authorization, Presidential Decree No. 27 cannot be applied retroactively (*Jacinto v. Court of Appeals*, 87 SCRA 265; *Castro v. Court of Appeals*, 99 SCRA 722; *Baltazar v. Court of Appeals*, 104 SCRA 619; and *Nilo v. Court of Appeals*, 128 SCRA 519).

In the case of *Jacinto v. Court of Appeals*, *supra*, this Court specifically stated that "at the time of the promulgation of Presidential Decree No. 27 (October 21, 1972), the Appellate Court had already rendered its judgment finding that the tenancy relationship between petitioner and private respondent had been extinguished." In the instant case, the Court of Appeals rendered its decision on March 13, 1972, ordering the dispossession of the private respondents of their respective landholdings. This decision became final and executory on April 20, 1972. On June 8, 1972, this Court even had the occasion to declare the said decision as final when it denied the petition for review on certiorari filed by the private respondents in G.R. No. L-35017, *Fidel Fernandez, et. al. vs. Court of Appeals, et al.* At this juncture, the oft-repeated rule that once a judgment has become final, the issues therein should be laid to rest, deserves reiteration (*Zansibarian Residents Association vs. Municipality of Makati*, 135 SCRA 235 [1985]).

It is likewise equally settled that once a judgment becomes final, the prevailing party is entitled as a matter of right, to a writ of execution and the issuance thereof is the court's ministerial duty compellable by mandamus. In fact, it has been fittingly said that "an execution is the fruit and end of the suit, and is aptly called the life of the law." (*Garcia vs. Echiveri*, 132 SCRA 631 [1984], citing *Balintawak Construction Supply Corp. vs. Valenzuela*, 124 SCRA 331 [1983] and *Carreon vs. Buisan*, 70 SCRA 57 [1976]).

PREMISES CONSIDERED, (a) the petition (which We consider a special civil action for certiorari) is GRANTED: (b) the decision of the Court of Appeals dated November 27, 1973, upholding the Order of the Court of Agrarian Relations dated April 27, 1973, is SET ASIDE and (c) the order of the Court of Agrarian Relations dated December 20, 1972, is hereby AFFIRMED and REINSTATED.

SO ORDERED.

Yap, C. J., Fernan, Narvasa, Melencio-Herrera, Cruz, Feliciano, Gancayco, Padilla, Bidin, Sarmiento, Cortes, and Griño-Aquino, JJ., concur.

Gutierrez, Jr., and Medialdea, JJ., on leave.

[*] CA, Eighth Division, penned by Justice Francisco Tantuico, Jr., with the concurrence of Justices Manuel P. Barcelona and Roseller Lim.

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