

REPUBLIC OF THE PHILIPPINES, MIGUEL TOLENTINO SR., ZOILA DE CHAVEZ, DEOGRACIAS MERCADO MARIANO PANTOJA, GUILLERMO MERCADO, AGAPITO REYES, ISIDRO BESAS, LEONA LACHICA, ELENO MACA...

G.R. No. L-26112. June 30, 1967

Ponente: CONCEPCION, C.J.

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CONCEPCION, C.J.:

This is an incident arising from the refusal of the Court of First Instance of Batangas — presided over by respondent, Honorable Jaime de los Angeles, Judge — to order the execution of the decision of said Court in Civil Case No. 373 thereof, as modified by this Court in Case No. G.R. L-20950, entitled "Re-public of the Philippines, Plaintiff-Appellant, versus Ayala Y Cia. and/or Hacienda Calatagan, et al., Defendants-Appellants. Miguel Tolentino, et al., Intervenor-Appellants." The basic facts are set forth in said decision, from which we quote:

"In an amended complaint dated May 12, 1960 filed in the Court of First Instance of Batangas (Civil Case No. 373) against Ayala y Cia., Alfonso Zobel, Antonino Dizon, Lucia Dizon, Ruben Adelaida D. Reyes, Consolacion D. Degollacion, Artemio Di-zon and Zenaida Dizon, the plaintiff Republic of the Philippines sought the annulment of files allegedly obtained by the defendants over portions of territorial waters of the public domain. It was alleged that the defendant company caused the survey and preparation of a composite plan of Hacienda Calatagan, increasing its area from 9,652.583 hectares (as evidenced by TCT No. 722) to 12,000 hectares, by taking or including therein lands of public dominion. Thus plaintiff also prayed for recovery of possession of such areas in excess of those covered by TCT No. 722, and for which fishpond permits were already issued in favor of bona fide applicants; for damages in the sum of P500,000.00, and for a restraining order to enjoin defendants from exercising further acts of ownership. Miguel Tolentino and 22 others alleged holders of fishpond permits issued by the Bureau of Fisheries over the areas supposedly outside the boundaries of Hacienda Calatagan, were allowed to intervene in the case and make demand for recovery of possession of said areas and claim for damages for the deprivation of possession thereof allegedly by the illegal acts of defendants.

"Defendants, while admitting that there really existed a difference between the area (of the Hacienda) as appearing in TCT No. 722 and the plan prepared by the commissioned private surveyor for the company, contend that the excess (of area) was insignificant in nature and attributable to the inaccuracy of the magnetic survey that was used in the preparation of the plan upon which OCT No. 20 (and later, TCT 722) was based.

"After trial, during which the parties presented documentary and testimonial evidence, the court rendered judgment annulling TCT No. T-9550 of the Re-gister of Deeds of Batangas, issued to defendant Dizons covering Lots 360,362,363 and 182 as well as other subdivision titles issued to Ayala y Cia. and/or Hacienda de Calatagan over the areas outside its private property covered by TCT No. 722, and ordering defendants Dizons to vacate Lot. 360 in favor of intervenor Miguel Tolentino, and all the defendants to pay said intervenor, jointly and severally compensatory damages in the sum of P3,000.00 a year per hectare of Lot 360, until he is placed in possession thereof. Defendants were also restrained from exercising acts of ownership

over said lots 360,362,363, and 182 of Psd 40891. This ruling was based upon the finding that the disputed areas form part of the navigable water, or are portions of the sea, beach and foreshores of the bay. However, as the intervenors, other than Miguel Tolentino, failed to establish with particularity the lots allegedly covered by their respective permits or to name the present possessors or occupants thereof, and as Ayala y Cia., Alfonso Zobel, and the Dizons were the only ones impleaded as parties defendants, the judgment was made effective exclusively against them. Thus, Lot No. 360, included in TCT No. T-9550 in the name of the Dizons, and proved by intervenor Miguel Tolentino to be the portion covered by the fish-pond permit issued to him, was ordered by the court delivered to said intervenor. As a consequence of this decision, a writ of preliminary mandatory injunction, to place the plaintiff and intervenor in session of the disputed properties, was issued by the court. However, by order of May 3, 1961, the same was set aside on the ground that in the issuance thereof, the defendants were not given their day in court. The motion for reconsideration of this order was denied on October 5, 1962, for the reason, among others, that as defendants have always been in possession of the areas in question, to order delivery of such possession to the other parties at this stage of the proceeding will result in injuries and promote confusion. Both parties appealed directly to this Court: the plaintiff and intervenors claiming that the court erred in not awarding damages to the plaintiff State; in holding that the areas claimed by the intervenors other than Miguel Tolentino were not duly identified; and in suspending the writ of preliminary mandatory injunction which had been executed and served by the Provincial Sheriff. Defendants, on the other hand, claim that the trial court was in error in finding that Lots 360, 362, 363, and 182 of Psd-40891 are outside the boundaries of Hacienda Calatagan, as delimited in TCT 722, and in ordering for their reversion to the public dominion; and in ordering the latter to deliver possession of Lot 360 to intervenor Miguel Tolentino; in ordering defendants to pay said intervenor compensatory damages, and in not declaring the defendants Dizons entitled to reimbursement of all necessary expenses made on the properties in question."

After going over the evidence, this Court "found no reason to disturb the factual findings of the trial court," as well as its conclusion to the effect "that the areas in dispute were x x x portions of the foreshore, beach or navigable water itself;" that the same are "not x x x capable of registration;" that "their inclusion in a certificate of title does not convert the same into properties of private ownership or confer title on the registrant;" and that "as the lots covered by TCT No. T-9550, issued in the names of defendants Dizons (and which were purchased by the latter from defendants Ayala y Cia. and/or Alfonso Zobel) were x x x portions of the foreshore or of the territorial waters, the lower court Committed no error in rendering judgment against said defendants and ordering the reversion of said properties to the public domain."

We further ruled, however, that "there being no showing that defendants Dizons are not purchasers in good faith and for value, they have a right to retention of the property until x x x reimbursed of the necessary expenses made on the land" and that, accordingly, they "cannot also be held liable for damages allegedly suffered by other parties on account of their" (Dizon's) "possession of the property-" The last two (2) paragraphs of the decision of this Court were:

"In view of the foregoing, the revocation of the writ of preliminary mandatory injunction previously issued by the lower court, and the suspension of the delivery of possession of the properties to plaintiff and intervenor Tolentino, were in order.

"WHEREFORE, thus modified, the decision of the lower court appealed from is hereby affirmed. No costs."

Soon after our decision had become final, the records of the case were returned to the Court of First Instance of Batangas, which, on motion of the Republic and the Intervenors, ordered, on December 27, 1965, the issuance of the corresponding writ of execution. The same was forthwith issued on the same date. On January 8, 1966, the defendants moved to quash said writ, and this motion was granted by the lower court on February 2, 1966. On February 8, 1966, it, likewise, issued an order denying a motion of the Republic and intervenor Tolentino for the

issuance of another writ of execution of the dispositive portion of the decision in question, which is of the following tenor:

"(a) Declaring null and void Transfer Certificate of Title No. T-9550 (or Exhibit '24') of the Register of Deeds of Batangas, and other subdivision titles issued in favor of Ayala Y Cia., and/or Hacienda Calatagan over the areas outside its private land covered by TCT No. 722, which, including the lots in T-9550 (Lots 360,362,383 and 182) are hereby reversed to public domain."

A reconsideration of said orders of February 2 and 8 having been denied, on April 13, 1966, the Republic, Tolentino and the other intervenors in the principal case commenced, in the Supreme Court, the present action for certiorari and mandamus, to annul said orders of January 18, February 2 and 8, and April 13, 1966, upon the ground that the same had been issued with grave abuse of discretion and in excess of jurisdiction, it being the ministerial duty of the lower court to order the execution of the final and executory decision on the merits of the main case, as amended.

The basic facts are not disputed. Respondents seek to justify the orders complained of upon the ground that the dispositive part of our decision in Case G.R. No. L-20950 is rather vague and requires a clarification, because:

"x x x Since defendants Dizons were held not liable for the alleged damages, it follows that the joint and several character of the obligation imposed by this Honorable Court was extinguished, because the other defendants herein will no longer be able to claim from defendants Dizons the share which corresponds to the latter (2nd par., Art. 1217, Civil Code)."

This contention is absolutely devoid of merit. To begin with, Art. 1217 of our Civil Code, cited by respondents, refers to the effect of payment by one of the solidary debtors. No such payment having been made in the case at bar, said Article is clearly inapplicable there-to. The only provision which respondents might have had in mind (on the assumption that their reference to Art. 1217 was due merely to a misprint) is Art. 1215 of said code, reading:

"x x x Novation, compensation, confusion or remission of the debt, made by any of the solidary creditors or with any of the solidary debtors, shall extinguish the obligation, without prejudice to the provisions of article 1219.

"The creditor who may have executed any of these acts, as well as he who collects the debt, shall be liable to the others for the share in the obligation corresponding to them."

Neither is this Article in point. The aforementioned decision this Court cannot be regarded as remitting a solidary obligation of the Dizons, because, as possessors in good faith, they were and are entitle by law to retain the property in question, until the indemnity due to the is paid. In other words, they were never under obligation to pay damage to Tolentino, either jointly or solidarily, and, hence, there was no solidary obligation on their part that could have been remitted. The decision the Court of First Instance holding all of the defendants herein jointly and solidarily liable for the payment of said damages, did not create a solidary obligation. It was no more than an attempt to declare the existence said obligation, which attempt — not the solidary obligation [__]was frustrated by our decision establishing that such obligation did not and does not exist.

In this connection, it should be noted that the dispositive part of the decision of the lower court, which was the object of the appeal in G.R. No. L-20950, provided:

"WHEREFORE, judgment is hereby rendered as follows:

"(a) Declaring as null and void Transfer Certificate of Title No. T-9550 (or Exhibit '24') of the Register of Deeds of the Province of Batangas and other subdivision titles issued in favor of Ayala y Cia. and/or Hacienda

de Calatagan over the areas outside its private land covered by TCT No. 722, which, including the lots in T-9550 (lots 360, 362, 363 and 182) are hereby reverted to public dominion;

"(b) Ordering defendants Antonino Dizon, Lucia Dizon, Adelaida Dizon Reyes, Consolacion Dizon Degollacion, Artemio Dizon, Ruben Dizon, Amorando Dizon, and Zenaida Dizon, to vacate lot 360 in favor of Intervenor Miguel Tolentino;

(c) Ordering all the defendants to jointly and severally pay intervenor Miguel Tolentino compensatory damages in the sum of P3,000.00 a year per hectare of lot 360 from March 11, 1954, until he is placed in lawful possession of the said area;

"(d) Restraining are enjoining the defendants from further ownership and possession over lots 360, 362, 363 and 182 of Psd-40891; and

"(e) Ordering the defendants to jointly and severally pay the costs." (CFI-Decision, Civil Case No. 373, June 2, 1962; Defendants' Record on Appeal, pp. 259-260).

This decision was affirmed by us, except as regards subdivision (c) thereof, which should be deemed modified so as to read, in effect, as follows:

"(c) Ordering all the defendants, except the Dizons, to jointly and severally pay intervenor Miguel Tolentino compensatory damages in the sum of P3,000.00 a year per hectare of lot 360 from March 11, 1954, until he is placed in lawful possession of the said area;"

and, except also, insofar as the Dizons have — pursuant to the decision, as amended — the right of retention therein stated.

It may not be amiss to add that it is the ministerial duty of respondent Judge to order the issuance of the writ of execution of the aforementioned decision, as modified by this Court, even if said respondent entertained the doubts pointed out in the orders complained of.

Petitioners seek to recover from respondents herein, as moral, actual and exemplary damages, the sums of P80,000, for having been deprived of the use and possession of the portions of the territorial waters above referred to, and P100,000, "for (respondent's) having unduly prolonged this litigation" by resorting to technical devices "to prevent the enforcement of the final decision against them." These claims cannot be upheld: the first, for P80,000, because the damages resulting from said deprivation of use and possession have already been adjudicated in the decision in question; and the second, for P100,000, because the undue delay was mainly due to the action of the lower court. Besides, an action for certiorari and mandamus, before this Court, is not a proceeding suitable for the determination of the latter damages.

WHEREFORE, said orders dated January 18, February 2 and 8, and April 13, 1966, should be, as they are hereby, annulled, and respondent Judge is directed to order the issuance of a writ of execution for the enforcement of the decision in question, with costs against respondents herein, except respondent Judge, Honorable Jaime de los Angeles.

IT IS SO ORDERED.

Reyes, J.B.L., Makalintal, Bengzon, J.P., Zaldivar, Sanchez, and Ruiz Castro, JJ., concur.

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