

SEVERINO SAMSON, PETITIONER VS. HON. GREGORIO D. MONTEJO AND GREGORIO DINGLASA, RESPONDENTS.*G.R. No. L-18605. October 31, 1963*

Ponente: PAREDES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/5a5684253f4e/>**PAREDES, J.:**

Before December 13, 1947, respondent Dionisio Dinglasa, was the registered owner of a parcel of land with an approximate area of seven (7) hectares, which he acquired under the Homestead Law. Said property was registered with the Register of Deeds of Basilan City, under Original Certificate of Title No. 389(0-747). On December 13, 1947, while Dinglasa was an inmate of San Ramon Prison and Farm in Zamboanga City, he sold said property to petitioner Severino Samson for P2,000.00 (Exhibit A). On December 22, 1950, within the five (5) year period provided for the redemption of properties acquired under the Homestead Act, respondent Dinglasa wanted to repurchase the same, but petitioner refused to resell. Respondent's lawyer wrote Samson of the desire of his client (Dinglasa), to exercise his right to repurchase (Exh. B). For the continued refusal of Samson to permit the repurchase, respondent Dinglasa instituted on February 3, 1951, before the CFI of Basilan City an action for Redemption with Damages (Civil Case No. 22 [273-2.C.]). When the case was first heard, counsel for defendant Samson manifested that he had no defense, but asked the court to order Dinglasa to reimburse him (defendant), the value of the improvements introduced on the land. On subsequent hearings, defendant and/or counsel were not present, whereupon the Judge authorized the Deputy Clerk of Court to receive evidence of plaintiff. Plaintiff proved that the land was planted to coconuts and the quarterly harvest was not less than 4,000 nuts, with an approximate value of P150.00; that from the date he made known his desire to repurchase the property, defendant Samson had gathered coconuts which he sold for not less than P3,300.00. He also claimed P500.00 for attorney's fees. The lower court, on November 15, 1956, rendered judgment:—

"(1) ordering the defendant herein to execute the corresponding deed of resale of the property in question, to the plaintiff immediately after the decision herein has become final, without the necessity of returning the consideration of P2,000.00 which was compensated by the income of the property for the period of five (5) years and eight (8) months enjoyed by the defendant which should have been enjoyed by the plaintiff if the defendant had complied with the law;

(2) ordering the defendant to reimburse plaintiff the balance of P1,300.00; and

(3) ordering the defendant to pay the attorney's fees in the sum of P500.00 and to pay the costs of this proceedings."

The above judgment was brought to this Court on Certiorari (L-13203), which was dismissed, for lack of merit. A petition for Relief from Judgment with Writ of Preliminary Injunction was presented. The lower court granted the writ, but later dismissed the petition, for having been filed outside the reglementary period. The Order of dismissal was again elevated to this Court (L- 15326) on appeal, which was also dismissed.

On May 15, 1958, a writ of execution was issued. The record does not show whether the writ was issued before

the proceeding was instituted with this Court. However, after the appeal in L-15326 was resolved, respondent Dinglasa, on April 17, 1961, presented with the CFI of Basilan City a Motion to Modify Writ of Execution, alleging in the main that during the pendency of all the above proceedings, petitioner had been in possession of the property and enjoyed the fruits thereof. On April 27, 1961, respondent Judge, promulgated an Order, to wit—

"Finding the Motion to Modify Writ of Execution, dated April 17, 1961 filed by counsel for the plaintiff in so far as the P3,000.00 and costs are concerned, to be well founded and in accordance with law, as well as with the facts adduced during the hearing of this case on the merits, it is the order of this Court to amend and modify the Writ of Execution so as to include therein the amount of P3,000.00, representing the income of the property in question enjoyed by the defendant for a period of five (5) years or from the date of the decision of this Court to date of writ of execution thereby, making a total sum of P8,843.20 of the writ, without any stipulation of interest, this not being mentioned in the decision of this Court."

Alleging that respondent Judge in issuing the above Order, acted without, or in excess of jurisdiction and with grave abuse of discretion, for which there is no appeal nor any plain, speedy and adequate remedy in the ordinary course of law, the instant petition for Certiorari was presented. Petitioner anchored his cause of action mainly on the fact that the judgment, having become final and for which a writ of execution had been correspondingly issued, the respondent Judge cannot order a modification thereof. It would, therefore, appear that the only issue which requires determination is—whether under the facts of the case, the respondent Judge may lawfully order the modification of the writ execution.

The circumstance that petitioner remained in possession of the premises and enjoyed the fruits thereof, does not ipso facto make him answerable to respondent Dinglasa for the value of said fruits, after the rendition of the decision. For one thing, petitioner may have valid defenses to counteract respondents' new claim. For instance, he might be entitled to a share in the produce of the land, having been the one who performed all the work before they could be harvested; or the land might not have produced at all or might have had reduced production and other defenses. These matters require a proceeding, where the parties could prove their respective claims. Moreover, once a decision becomes final, even the court which rendered it cannot lawfully alter or modify the same (*Rili, et al. vs. Chunaco, et al.*, 98 Phil., 505), especially, considering the fact that, as in the instant case, the alteration or modification is material and substantial (*Ablaza vs. Sycip, et al.*, 110 Phil. 4. In the case *Behn, Meyer & Co., vs. J. McMicking, et al.*, 11 Phil. 276, (cited by respondents) , it was held that "where a final judgment of an executory character had been rendered in a suit, the mission of the court is limited to the execution and enforcement of the said final judgment in all of its parts and in accordance with its express orders." The judgment in question is clear, and with the amended writ of execution, the liability of petitioner is greatly augmented, without the benefit of proper proceeding.

Conformably with all the foregoing, the Order complained of is hereby declared without force and effect. The writ is granted, with costs against respondent Dionisio Dinglasa.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Barrera, Dizon, Regala, and Makalintal, J.J., concur.

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