

JULIAN ESPIRITU, PETITIONER, VS. COURT OF FIRST INSTANCE OF CAVITE, AND DAVID MIRANDA, RESPONDENTS.*G.R. No. L-44696. October 18, 1988*

Ponente: NARVASA, J.

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In the instant special civil action for certiorari, mandamus and prohibition, petitioner Espiritu impugns the writ of demolition of the respondent Trial Court[1] -- issued in execution of the Decision of the Court of Appeals[2] -- on the ground that the dispositive portion of said decision is inconsistent with certain of the statements in the body thereof. The petitioner's cause is devoid of merit. The claimed inconsistency does not in fact exist. Indeed, even if the inconsistency be assumed for the sake of argument, the settled rule is that the dispositive portion controls and is decisive of the matters subject of execution, notwithstanding any actual or seeming contradictory statements in the body of the decision, specially where, as here, no attempt to have the Court clarify the inconsistency was made prior to the attainment of finality of the judgment in question.

It was an application for registration under the Torrens System of a piece of land that gave rise to the proceeding at bar. The application was filed by petitioner Espiritu, and involved a lot in Panapaan, Bacoor, Cavite, with an area of 426 square meters, more or less.[3] Respondent Miranda opposed the application, claiming that the Espiritu's claimed area encroached upon his own land, Lot 2 of Plan Psu-206227. After receiving the parties' evidence in due course, the Court rendered judgment declaring Espiritu to have established a better right to said Lot 2, Plan Psu-206227.

This decision was however reversed by the Court of Appeals, on an appeal taken by Miranda.[4] The Appellate Court ascertained and declared the boundaries and area of Lot 2, and ruled that (1) it was not within the land claimed by Espiritu, (2) there was in fact no overlapping between the lots respectively claimed by Espiritu and Miranda and each was in actual possession of his property, (3) at the time that Espiritu bought his land, Miranda and his father were living thereon but were thereafter judicially ejected therefrom by Espiritu, whereupon the former transferred to an adjacent lot (Lot 2 Plan Psu-206227), which they purchased from Maria de Ocampo, and where they had since resided, and (4) Espiritu, in turn, took possession of the land from which as aforesaid the Mirandas had been evicted, and on it his children built three houses. It was on these premises that the Court of Appeals made the following final disposition in its judgment,[5] to wit:

"WHEREFORE, ** the decision appealed from is hereby modified insofar as it declares Julian Espiritu the owner of Lot 2, and instead the appellant, David Miranda, is hereby declared the true owner of said lot and entitled to its registration in his name. Thus modified, the appealed decision is, however, hereby affirmed in all other respects, with costs against appellee."

Espiritu evidently intended at first to take an appeal to this Court, for he seasonably asked for and obtained an extension to file a petition for review. The extension however lapsed without his perfecting his appeal. Hence, the judgment of the Court of Appeals became final and executory.

Shortly after the mittimus had been carried out, a writ of possession issued in Miranda's favor on his motion.[6] About three weeks later,[7] he filed another motion in which he alleged that during the eleven-year period of the litigation between him and Espiritu, the latter's children had made improvements on their houses which caused them to extend and intrude into his land (Lot 2, Psu-206227) and eat up about 30 to 40 square meters thereof; and on this basis, he prayed that the Court order the demolition of so much of the structures of Espiritu's children as were within his property. The motion was opposed by Espiritu, together with his children who sought leave to intervene in the case. The Espiritus drew attention to certain statements in the decision of the Appellate Court -- i.e., that he (Espiritu) is the owner of the land on which the houses built by his children stand, and his land measures 426 square meters and does not overlap that of Miranda -- which they claimed were contradicted by the dispositive portion of said decision -- which implied that Miranda's lot is inside theirs (the Espiritus') and which, if executed, would operate to deprive him of a part of his 426-square meter land since a part of the area of Lot 2, Psu-206227, would be taken therefrom and result in giving Miranda the land on which part of his children's houses were standing. The Trial Court granted the writ of demolition -- if it should appear that the parts of the houses in question do indeed encroach upon Miranda's land -- and denied the motion to intervene.[8] It also denied Espiritu's motion for reconsideration, as well as his attempt to appeal from the order of demolition which it deemed to be interlocutory and hence not appealable.[9] It is these orders, authorizing demolition and denying appeal therefrom, that are subject of the instant petition for certiorari, mandamus and prohibition.

The correctness of the challenged order at once becomes apparent on reading it. It demonstrates the falsity of the petitioner's claim of a significant contradiction between the dispositive part and certain statements of the decision of the Court of Appeals, and exposes that specious claim for what it is, a mere ploy to negate the judgment, considering that although he had the opportunity to do so, he had made no effort to have that contradiction resolved or corrected by the Court before the judgment became final.[10] The order pertinently reads as follows:

“* * *

"It would seem that Julian Espiritu now questions the identity of the land adjudicated to him and the land adjudicated to Miranda. But, in his reply dated June 29, 1975, counsel for Espiritu states:

'The land of David Miranda is that which he has been occupying since 1961 to the present. This is the lot in dispute. This lot in dispute is Lot 2, Psu-206227.'

"Precisely, this Lot 2 ** is the very land adjudicated in favor of David Miranda, and David Miranda now prays that the decision of the Court of Appeals be given full effect. Miranda is only claiming that he be given the actual possession of Lot 2, and that if there are houses erected thereon belonging to other people, the same should be demolished. And there is no reason why his prayer should not be granted, because he is entitled to the full possession of Lot 2. The area, boundaries and identity of the lands subject of this registration have already been fully litigated and adjudicated not only in this Court, but also in the Court of Appeals. So the question now is very simple: Are the houses of Espiritu's children located within the area of Lot 2, Psu-206227? If they are erected within the area of Lot 2, then they should be demolished. If they are not erected within the area of Lot 2, there is absolutely no legal basis why they should be demolished.

“* * *.

"The dispositive portion of the decision rendered by the Court of Appeals clearly states that oppositor David Miranda is declared owner of Lot 2 and entitled to its registration in his name. The Court is of the opinion that no error has been committed in the dispositive portion of the decision **. Assuming, without admitting, that such error was committed **, the Court holds that it has no power to correct a decision rendered by a higher court. Applicant Espiritu should have filed a motion for reconsideration in the Court of Appeals, or even filed an appeal to the Supreme Court, if he was not satisfied with the decision of the Court of Appeals. Now, it is too late. There should be an end to litigation." [11]

To understand the dispositive portion of a decision, it has been said,[12] one has only to ascertain the issues of the action. The issues raised before the Court of Appeals respecting Lot 2, Psu-206227 concerned the location of Lot 2 in relation to Espiritu's land, and whether or not the former was within the latter, the party actually in possession, and the one entitled to ownership, thereof. These issues were resolved by the Appellate Court on the basis of the evidence adduced by the parties before the Registration Court. As already pointed out, the Appellate Court adjudged that Lot 2 was outside Espiritu's property; it was to said Lot 2 that Miranda moved his house after being ejected from Espiritu's land in 1961; its boundaries are those set out in Plan Psu-206227; and Lot 2 had been occupied by Miranda since 1961 and in truth belongs to him, ownership having been acquired by him by purchase from Maria de Ocampo. These findings on the factual issues made logically inevitable the dispositive portion of the Appellate Court's judgment. It is the dispositive part of the judgment that actually settles and declares the rights and obligations of the parties, finally, definitively, authoritatively, notwithstanding the existence of inconsistent statements in the body that may tend to confuse.[13] It is the dispositive part that controls, for purposes of execution.[14]

The dispositive portion of the judgment of the Appellate Court in turn made logically inevitable, and fully justifies, the dispositive portion of the questioned Order of the Lower Court:

"WHEREFORE, ** the motion for the issuance of a writ of demolition is hereby GRANTED. The Sheriff is hereby ordered to demolish the houses, or any portion thereof, belonging to the children of Julian Espiritu erected within the area of Lot 2, Plan Psu-206227. If the Sheriff cannot determine the area and boundaries of said Lot 2 **, he should so inform the Court so that the Court may appoint a duly qualified surveyor to pinpoint the exact area and boundaries of Lot 2 **, to enable the Sheriff to find out if the said houses of the children of Julian Espiritu, or any portion thereof, are erected within the area and boundaries of said Lot 2 **. If not, then they should not be demolished. In the affirmative, they should be demolished." [15]

WHEREFORE, there being no showing whatever of any grave abuse of discretion on the part of the respondent Court in rendering the challenged orders, it appearing on the contrary that those orders are entirely in accord with the judgment of the Court of Appeals and applicable law and precedent, the petition is DISMISSED, with costs against the petitioner. This decision is immediately executory, there having already been considerable delay in resolving and putting an end to the controversy at bar.

Cruz, Gancayco, Griño-Aquino, and Medialdea, JJ., concur.

[1] Order dated July 21, 1975: Rollo, pp. 35-39

[2] Rendered in CA-G.R. No. 44922-R, promulgated on July 5, 1974: de Castro, P., J., ponente, and Reyes, L.B. and Gaviola, Jr., JJ., concurring: Rollo, pp. 20-34

[3] The registration proceeding was docketed as Case No. L-185 of the Court of First Instance of Cavite, Hon. Alberto V. Averia, presiding

[4] CA-G.R. No. 44922-R, SEE footnote 2, supra

[5] Rollo, p. 34, emphasis supplied

[6] The writ issued on February 20, 1975

[7] On March 11, 1975

[8] Order dated July 21, 1975: Rollo, pp. 35-39

[9] Orders dated, respectively, February 26, 1976 and July 29, 1976: Rollo, pp. 53-59

[10] During the hearing of June 23, 1975, the Trial Court asked Espiritu's counsel, Atty. Beltran, if he had pointed out to the Court of Appeals "the sort of discrepancy in the body of the (CA's) decision and (its) dispositive portion," and if he had in fact "ask(ed) for a reconsideration," to both of which questions Beltran had answered, "I did not." (TSN, June 23, 1975, pp. 19-20.) Account should be taken, too, of Miranda's assertions in his memorandum of "forum shopping" on Espiritu's part (rollo, pp. 153-166), i.e., (1) that in a subsequent proceeding in the Court of Appeals (G.R. No. 04738), Espiritu had questioned that alleged "inconsistency" between body and dispositive part, without success; and (2) that in another action before the CFI of Cavite (Case No. 2315) (while the land registration case was being ventilated) he had sought to stop the demolition of his children's houses, also without success -- assertions that Espiritu has not denied.

[11] Rollo, pp. 36-39

[12] Blas v. Hon. Muñoz-Palma, 4 SCRA 900

[13] Manalang v. Rickards, 104 Phil. 254, 258

[14] Budget Investment & Financing, Inc. v. Mangoma, G.R. No. L-28603, Sept. 4, 1987

[15] Rollo, p. 39

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