

OSCAR D. RAMOS AND LUZ AGUDO, PETITIONERS, VS. HON. COURT OF APPEALS, ADELAIDA RAMOS AND LAZARO MENESES, RESPONDENTS.*G.R. No. L-42108. May 10, 1995*

Ponente: REGALADO, J.

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The legal heirs of private respondents Adelaida Ramos and Lazaro Meneses filed the instant motion for clarification of the decision of this Court promulgated on December 29, 1989 which sustained the judgment of respondent Court of Appeals in CA-G.R. No. 49345-R affirming in toto the judgment rendered by the then Court of First Instance of Tarlac in Civil Case No. 4168 in favor of private respondents.

This supervening controversy had its roots in two deeds of conditional sale dated May 27, 1959 and August 30, 1959 executed by the late private respondent Adelaida Ramos as collateral for loans amounting to P14,000.00 in favor of her brother, Oscar D. Ramos, as creditor thereof. Said security consisted of Adelaida Ramos' rights, interests and participation in and over Lot No. 4033, under Original Certificate of Title No. 5125, and Lot No. 4221, covered by Transfer Certificate of Title No. 10788. At that time, Lot No. 4033 was registered in the name of Valente Ramos and Margarita Denoga, the late parents of Adelaida and Oscar Ramos, while Lot No. 4221 was in the name of Adelaida Ramos, Josefina Ramos, and Socorro Ramos.[1]

When Adelaida Ramos failed to exercise her right of repurchase as vendor a retro, Oscar Ramos and his wife, Luz Agudo, proceeded to consolidate through legal suits their ownership over the two lots. Eventually, the then Court of First Instance of Tarlac acting as probate court in Special Proceedings No. 5174, entitled "Intestate Estate of the Late Margarita Denoga," confirmed herein petitioners' ownership over Lot No. 4033 in an order dated January 22, 1960. The same court, this time exercising jurisdiction as a cadastral court in G.L.R.O. Cadastral Record No. 395, likewise affirmed the petition for consolidation of ownership of said Ramos spouses over Lot No. 4221 in a similar order dated April 18, 1990.[2]

Despite these setbacks, private respondents remained in possession of said properties until 1964 when petitioners took possession of the lots. Sometime in 1968, however, private respondents instituted Civil Case No. 4168 against petitioners in the then Court of First Instance of Tarlac for declaration of nullity of orders, reformation of instrument, and recovery of possession, with prayer for preliminary injunction and damages. The complaint therein alleged in the main that the two deeds of conditional sale were in fact equitable mortgages and were vitiated by misrepresentation, fraud and undue influence.[3] On May 17, 1971, the trial court rendered judgment with the following fallo:

WHEREFORE, judgment is hereby rendered:

- 1) Denying defendant's motion to dismiss of February 23, 1970;
- 2) Denying Exhibits "B", "B-1", and "G" as loan transaction secured by real estate mortgages;

- 3) Annuling and setting aside Exhibits "D", "D-1", "I", "I-1" and "I-2";
- 4) Ordering plaintiffs, jointly and severally to pay (within ninety [90] days from receipt of a copy of this judgment) defendant the sum of P5,000.00 specified in Exhibit "B", with interest thereon at the legal rate from November 28, 1959 until full payment together with the sum of P9,308.00 specified in Exhibit "G" with interest thereon at the legal rate from December 1, 1959 until full payment, and in default of such payment, let the properties mortgaged under Exhibit "B", "B-1" and "G" be sold to realize the mortgage debt and costs; and
- 5) Dismissing defendant's counterclaim.

With costs against defendants.[4]

On appeal to the Court of Appeals, said judgment of the trial court was affirmed in all respects by the appellate court in its decision of October 7, 1975. After the motion for reconsideration filed by petitioners went for naught, petitioners sought this Court's favorable adjudication through a petition for review on certiorari, with the principal argument that respondent appellate court erred in ruling that the aforementioned deeds of conditional sale were actually equitable mortgages. This Court, however, affirmed the questioned judgment of respondent court in its decision of December 29, 1989 which, as earlier stated, is now the subject of this motion for clarification filed by the heirs of the late Adelaida Ramos and Lazaro Meneses. The dispositive portion of this Court's aforesaid decision decreed:

WHEREFORE, the instant petition is hereby DENIED and the assailed decision of the Court of Appeals is hereby AFFIRMED.

SO ORDERED.[5]

When private respondent Adelaida Ramos, who in the interim had taken up residence in the United States and whose husband had passed away, was apprised of the long awaited legal victory, she immediately came home to the Philippines for the enforcement of this Court's judgment which had become final and executory on February 7, 1990. She was, however, grossly disappointed when she learned that petitioners had subdivided and transferred the titles to the two lots in their respective names and also in the names of third persons. Upon the advice of her lawyer, she complied with the May 17, 1971 decision of the trial court by tendering payment, through a representative, amounting to P40,432.11 pursuant to paragraph 4 of the trial court's aforequoted judgment. Said tender was, however, refused by petitioner spouses resulting in the consignment of the money in court.[6]

In November, 1993, respondent Adelaida Ramos passed away. Due to inattention on the part of her lawyer, the execution of this Court's judgment ground to a halt. On February 16, 1994, her heirs Walfrido, Myrna, Zorayda, Vilma and Youlivia filed a "Motion for Substitution of Party-Plaintiffs" and a "Motion to Issue Writ of Execution" before Branch 63 of the Regional Trial Court of Tarlac. These motions were granted and on May 18, 1994, a deputy sheriff of Quezon City served the writ of execution at the residence of petitioners and thereafter executed the sheriff's return thereon.[7]

It was at this point that the heirs of the private respondents came to perceive a seeming omission in the basic judgment in this case as formulated by the trial court. Thus, in their own submission:

x x x the dispositive portion of the lower court's decision, affirmed by the Court of Appeals and this Honorable Court, did not direct the Spouses Oscar Ramos and Luz Agudo to restore possession of the properties to Adelaida Ramos; and/or failed to instruct the Register of Deeds of Tarlac to cancel the titles issued to Oscar Amos and Luz Agudo, to the extent of the shares of Adelaida Ramos in the properties originally covered by Original Certificate of Title No. 5125 and Transfer Certificate of Title No. 10788, Lots No. 4033 and 4221 of the Cadastral Survey of Paniqui, Tarlac, respectively.[8]

Hence, in this motion for clarification, they now pray that said judgment of the trial court, specifically the third paragraph thereof, be accordingly amended.

The Court is willing to accommodate the motion although, as correctly pointed out by the movant heirs, the declaration of nullity by the then Court of First Instance of Tarlac in its decision in Civil Case No. 4168 of the earlier orders of approval and consolidation of dominion[9] marked as Exhibits "D", "D-1", "I", "I-1" and "I-2" necessarily carries with it the restoration by petitioners of the physical possession of the subject properties to Adelaida Ramos, now represented by her heirs. That is as it should be, for those very same exhibits had been the bases for the transfer and registration by petitioners of the subject lots in their names and in the names of third persons to the prejudice of private respondent Adelaida Ramos. Moreover, private respondents had, as a matter of fact, expressly sought as a relief such restoration of possession to them in the complaint that they filed in the court a quo.

It should, of course, be emphasized and noted that the amendment now being sought by the movants, although coming long after the subject judgment had matured into finality, would not at all be unauthorized or improper considering the peculiar but compelling circumstances under and by reason of which such an amendment is necessitated. We need only to advert to what this Court emphatically pronounced in *Republic Surety and Insurance Co., Inc., et al. vs. Intermediate Appellate Court, et al.*, [10] on which the movant heirs also rely, in support of and to demonstrate the validity and regularity of such amendment in the present situation. Thus:

In the exercise of the broad jurisdiction of this Court, we treat the "Very Urgent Clarificatory Inquiry" of the respondent-spouses as a motion for clarification of the resolutions of this Court dated 21 July 1985 and 4 September 1985 where we denied the Petition for Review and affirmed the underlying decision of the Rizal Court of First Instance. We clarify, in other words, what we did affirm. What is involved here is not what is ordinarily regarded as a clerical error in the dispositive part of the decision of the Court of First Instance, which type of error is perhaps best typified by an error in arithmetical computation. At the same time, what is involved here is not an erroneous judgement or dispositive portion of judgment. What we believe is involved here is in the nature of an inadvertent omission on the part of the Court of First Instance (which should have been noticed by private respondents' counsel who had prepared the complaint), of what might be described as a logical follow-through, or translation into, operation or behavioral terms, of the annulment of the Deed of Sale with Assumption of Mortgage, from which petitioner's title or claim of title embodied in TCT 133153 flows. The dispositive portion of the decision itself declares the nullity ab initio of the simulated Deed of Sale with Assumption of Mortgage and instructed the petitioners and all persons claiming under them to vacate the subject premises and to turn over possession thereof to the respondent-spouses. x x x

To repeat, ineluctably involved by necessary implication in the judgment in Civil Case No. 4168, nullifying the orders of approval and consolidation of ownership in favor of petitioners in Special Proceedings No. 5174 and G.L.R.O. Cadastral Record No. 395, is the correlative vesting of proportionate dominion over the lots in question in favor of private respondents, and this includes the right to the possession thereof. Where title to real property is adjudicated in favor of a party, the judgment must be enforced by giving the enjoyment thereof to that party,[11] as an inevitable consequence of that judgment.[12]

By the same token, the legal bases for the issuance of certificates of title to the lots in favor of petitioners and third persons having been set aside by the judgment of the trial court in said Civil Case No. 4168, with its recognition of corresponding rights thereover by private respondents, this again ineluctably implies that the corresponding certificates of title thereover be issued in favor of private respondents or their successors, and that the certificates of title of petitioners and their transferees be consequently canceled.

Stated elsewhere, the Court is now being asked to merely clarify via this nunc pro tunc amendment, what in fact it did actually affirm and as a logical follow through of the express or intended operational terms of said judgment in Civil Case No. 4168. In any event, just to write finis to what in actuality is an unnecessary dispute between the parties and to forestall the possibility of another one, contrived or otherwise, we accede to the supplication of movants for what amounts to a clarificatory judgment explicitly articulating what was already implicitly assumed.

ON THE FOREGOING PREMISES, and as prayed for, the dispositive portion of the decision dated May 17, 1971, specifically paragraph 3 thereof, rendered by the then Court of First Instance of Tarlac, now Branch 63 of the Regional Trial Court of said province, in Civil Case No. 4168 and as then affirmed by respondent court and this Court, is hereby AMENDED to provide as follows:

WHEREFORE, judgment is hereby rendered:

x x x

3. Annulling and setting aside exhibits "D", "D-1", "I", "I-1" and "I-2", and

3.1) Ordering the spouses Oscar and Luz Agudo-Ramos, their heirs and successors or assigns, to restore actual physical possession of the subject properties to Adelaida Ramos, her heirs, successors or assigns, consisting of said Adelaida Ramos' undivided share of one-sixth (1/6) in Lot No. 4033, originally covered by OCT No. 5125, and one-third (1/3) share in Lot No. 4221, covered by TCT No. 10788, both of the Cadastral Survey of Paniqui, Tarlac;

3.2) Ordering the Sheriff of Branch 63 of the now Regional Trial Court of Tarlac to implement the corresponding and appropriate writ of execution pursuant to the preceding paragraph; and

3.3) Ordering the Register of Deeds of Tarlac to cancel the titles issued in the names of Oscar Ramos and Luz Agudo-Ramos or their transferees or assigns, where proper, to the extent of the one-sixth (1/6) share of Adelaida Ramos in Lot No. 4033, originally covered by OCT No. 5125, and her one-third (1/3) share in Lot No. 4221, originally registered under TCT No. 10788, and to accordingly issue new titles therefor in the name of Adelaida Ramos, married to Lazaro E. Meneses, or her legal heirs and successors in interest.

x x x

SO ORDERED.

Narvasa, C.J., (Chairman), Puno, and Mendoza, JJ., concur.

[1] Rollo, 139-140.

[2] Ibid., 140-141.

[3] Ibid., 141-142.

[4] Ibid., 143.

[5] Ibid., 154.

[6] Ibid., 161-164; Motion for Clarification, 2-5.

[7] Ibid., 164-166; id., 5-7.

[8] Motion for Clarification, 7-8.

[9] Orders of January 22, 1960 and April 18, 1960 of the Court of First Instance of Tarlac acting alternately as a probate court and a cadastral court.

[10] G.R. Nos. 71131-32, July 27, 1987, 152 SCRA 309; cf. *Locsin, et al. vs. Paredes, et al.* 63 Phil. 87 (1936).

[11] *People of Paombong, Bulacan, et al. vs. Court of Appeals, et al.*, G.R. No. 99845, February 4, 1993, 218 SCRA 423.

[12] See *Heirs of Carlos Caballero vs. Solano, et al.*, G.R. No. 112518, April 21, 1995.

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