

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

G.R. No. L-26112. October 06, 2008

Ponente: BRION, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/e5d742ab333f/>

BRION, J.:

We resolve yet another motion for reconsideration in the execution of this 46-year-old decision of the Court of First Instance (CFI) of Batangas in Civil Case No. 373. In our Resolution of July 20, 1999, we already expressed our exasperation due to the unfortunate state of the execution of the decision; we then confirmed the various writs we issued and closed with the admonition that no further pleadings would be allowed in the long pending cases. These admonitions, however, have fallen on deaf ears as private respondent Ayala y Cia (Ayala) once again comes before us, this time to seek the reconsideration of our Resolution of April 15, 2008 requiring Judge Maria Cecilia I. Austria (Judge Austria), Acting Presiding Judge of Branch XI of the Regional Trial Court (RTC) of Balayan, Batangas, to submit a quarterly progress report on the execution of the judgment in the above-captioned cases. Not without the same exasperation and purely in the spirit of giving Ayala all the opportunities to ventilate its objections, we once again, but for the last time, entertain its motion.

The Antecedents

This case is an annulment of titles proceeding commenced by the Republic of the Philippines (Republic) before the CFI of Batangas against Ayala y Cia, Alfonso Zobel, Antonio Dizon, Lucia Dizon, Ruben Dizon, Adelaida Reyes, Consolacion D. Degollacion, Artemio Dizon, and Zenaida Dizon. The Republic alleged that the various titles of the defendants (private respondents herein) illegally included portions of the territorial waters and lands of the public domain when they caused the survey and preparation of a composite plan of Hacienda Calatagan that increased its original area from 9,652.583 hectares (the land area covered by TCT No. 722) to 12,000 hectares. Other than the annulment of titles, the Republic also sought the recovery of possession of areas for which fishpond permits were already issued. One Miguel Tolentino (Tolentino) and 22 other fish pond permittees intervened in the case. The case was docketed as Civil Case No. 373.

On June 2, 1962, the CFI of Batangas (Judge Damaso S. Tengco) rendered its decision (CFI Decision) whose dispositive portion reads:

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.

We affirmed the CFI decision with modification in *Republic of the Philippines v. Ayala y Cia* (G.R. No. L-20950).[1] (Our modification has no bearing at all on the issues of the annulment of the certificates of title and the reversion of illegally registered lands to the public domain).

A month prior to our decision in G.R. No. L-20950, we decided a closely related case - *Dizon v. Rodriguez* (G.R. No. L-20300-01)[2] - in which we found that the land subdivided and registered by Ayala and its successors-in-interest (for instance, the Dizons) included inalienable lands of the public domain - foreshore lands and territorial waters - belonging to the State. This conclusion was fully supported by the finding that subdivision plan Psd-27941 (the approved plan for the subdivision of TCT No. 722, on whose basis derivative titles of TCT No. 722 were issued) was prepared not in accordance with the technical descriptions in TCT No. 722 but in disregard of it. This case actually discussed and outlined how the illegal inclusion of inalienable lands of the public domain in the land originally covered by TCT No. 722 came about.

In due course, our decision in G.R. No. L-20950 became final and executory. Thereafter, the Republic and the intervenors moved for the issuance of a writ of execution to enforce the decision. Judge Jaime de los Angeles (vice Judge Tengco) denied the motion. The Republic and the intervenors came to us via a petition for certiorari and mandamus to question the order of denial; the case was docketed as *Republic v. De los Angeles*, G.R. No. L-26112[3] - one of the cases under which the present motion is being litigated.

We granted the petition and ordered Judge de los Angeles to issue a writ of execution to enforce the decision. On Ayala's subsequent motions, we reconsidered our decision in G.R. No. L-26112 but did not touch at all the portion of the CFI decision on the annulment of titles and reversion of illegally registered lands and areas to the public domain. Thus, no scintilla of doubt now exists on the finality and binding effect of the CFI decision on annulment of titles and reversion; these are settled matters after our decisions in G.R. No. L-20950 and G.R. No. L-26112 became final.

Twenty-three years after we rendered our ruling in G.R. No. L-20950 and at least fifteen (15) years from our last Resolution in G.R. No. L-26112, the execution of the annulment and reversion portions of the CFI decision still did not see the light of day. We sought to write *finis* in *Republic v. Delos Angeles* (G.R. No. L-30420)[4] to any uncertainty, issue or question on the propriety of executing the annulment and reversion portions of the CFI decision. Frustrated with the virtual non-execution of the CFI decision due to Ayala's dilatory pleadings, motions and maneuverings, we took a direct hand at executing the CFI decision by directing the Clerk of this Court to issue the writ. We reiterated our stand on the decision in Civil Case No. 373, and said:

Contrary to respondent Zobel's assertion, the 1965 final judgment in favor of the Republic declared as null and void, not only TCT No. 9550, but also "other subdivision titles" issued over the expanded areas outside the private land of Hacienda Calatagan covered by TCT No. 722. As shown at the outset, after respondents ordered subdivision of the Hacienda Calatagan which enabled them to acquire titles to and "illegally absorb" the subdivided lots which were outside the hacienda's perimeter, they converted the same into fishponds and sold them to third parties. But as the Court stressed in the 1965 judgment and time and again in other cases, "it is an elementary principle of law that said areas not being capable of registration, their inclusion in a certificate of title does not convert the same into properties of private ownership or confer title on the registrant." This is crystal clear from the dispositive portion of judgment. . . [of Civil Case No. 373].

x x x

This final 1965 judgment reverting to public dominion all public lands unlawfully titled by respondent Zobel and Ayala and/or Hacienda Calatagan is now beyond question, review or reversal by any court, although as sadly shown hereinabove, respondents' tactics and technical maneuvers have all these 23 long years thwarted its execution and the Republic's recovery of the lands and waters of the public domain.[5] [Emphasis supplied.]

Despite these clear terms and their repetition, Ayala has since persisted in frustrating the execution of the final and executory decision.

The current problem traces its immediate roots to the Orders that Judge Roberto Makalintal (Makalintal Orders), the predecessor of Judge Austria, issued on August 1, 2000 and November 22, 2000 denying the alias writ of execution of Deogracias Mercado and Guillerma Mercado (intervenor in the annulment of titles case, herein called the Heirs).

Aggrieved by the Makalintal Orders, Conrado Mercado (Mercado, heir of intervenor Deogracias Mercado) filed with us on June 28, 2002 an Urgent Motion for an Alias Writ of Execution. We required the Office of the Solicitor General and the private respondent Ayala to comment on Mercado's motion. We also required the Secretary of Environment and Natural Resources to file his Comment on the pending incident. They all did.

In a Resolution dated November 16, 2006, we directed the RTC to proceed with the immediate execution of the CFI decision. On December 17, 2007, Judge Austria issued an order essentially directing the continuation of the execution proceedings of the CFI decision (Judge Austria 's order). Judge Austria subsequently denied Ayala's motion for reconsideration of this order.

Judge Austria recently wrote us a letter dated March 11, 2008 to inform us of the developments in the execution of the CFI decision and to assure us that the RTC is following the directives of this Court. We noted Judge Austria's letter, but at the same time issued our Resolution of April 15, 2008 whose reconsideration, as stated at the outset, Ayala now seeks.

The Issues

Ayala's motion hews closely to the supporting reasons of the Makalintal Orders and posits that: (1) the judgment has been declared satisfied under the Makalintal Orders; these orders are now final and the CFI decision can no longer be the subject of further execution; (2) after judgment, a trial to determine the subject of the judgment is not allowed and the annulment of the affected Torrens titles cannot be effected except in a direct proceeding under the law, citing Section 48 of P.D. 1529; and (3) Judge Austria's order directing another relocation survey of the subject property to find the property or properties against which the judgment is to be enforced violates due process.

Our Ruling

After due consideration, we reiterate our directive of November 16, 2006 that denied, albeit impliedly, the validity of the Makalintal Orders.

First, the Makalintal Orders are post-judgment orders, i.e., orders issued after the adjudicative task of the court has ended, the court having declared the parties' rights and obligations with respect to the matter under litigation. They draw their life from the final and executory judgment they are implementing and thus cannot limit, vary, interpret, or re-adjudicate the dispositions made by this judgment.

Second, they do not have the effect of *res adjudicata* in the same manner that pre-judgment interlocutory orders do not.^[6] They do not involve any final "ruling on the merits" as they only implement the court's judgment strictly according to the terms of that judgment. No "finality" is involved since, subject to the time limits prescribed by the Rules,^[7] the matter of execution is always open for as long as the implementation of the judgment remains incomplete. For this reason, there is no provision in the Revised Rules of Court for the entry of judgment of supposedly final interlocutory orders and execution stage orders, and no such orders are accepted by any court for entry under Section 2, Rule 36 of the Revised Rules of Court - the provision on Entry of Judgments and Final

Orders - which provides:

SEC. 2. Entry of judgments and final orders. - If no appeal or motion for new trial or reconsideration is filed within the time provided in these Rules, the judgment or final order shall forthwith be entered by the clerk in the book of entries of judgments. The date of finality of the judgment or final order shall be deemed to be the date of its entry. The record shall contain the dispositive part of the judgment or final order and shall be signed by the clerk, with a certificate that such judgment or final order has become final and executory. (2a, 10, R51).

Third, the determination of whether there has been full satisfaction of judgment cannot rest solely on the lower court because the decision on the merits has effectively been our decision; we cannot be denied a say on whether our decision has been fully satisfied. In blunter terms, the Makalintal Orders cannot effectively bar our ruling on any of the execution and other issues Judge Makalintal took the liberty of disposing in the course of issuing a post-judgment order.

Fourth, the lower court has no jurisdiction to interpret, much less reverse, this Court's final and executory judgment. We enunciated this principle as early as 1922 in *Shioji v. Harvey*.^[8] "The inferior court is bound by the decree as the law of the case, and must carry it into execution according to its mandate. They cannot vary it, or examine it for any other purpose than execution, or give any other or further relief, or review it upon any matter decided on appeal for error apparent, or intermeddle with it, further than to settle so much as has been remanded."^[9] An order of execution which varies the tenor of the judgment or exceeds the terms thereof is a nullity.^[10]

Following these established rules, the Makalintal Orders cannot vary the terms of the CFI decision that we consistently affirmed, among them: (1) the nullification of all subdivision titles that were issued in favor of Ayala y Cia and/or Hacienda Calatagan (and/or its successors-in-interest) over the areas outside its private land covered by TCT No. 722; and (2) the declaration that all lands or areas covered by these nullified titles are reverted to the public domain. These Orders are likewise wrong in concluding that, with the nullification and/or cancellation of TCT No. T-9550, nothing more is needed to be done to execute the CFI decision. TCT No. T-9550 was merely cited as one of the derivative titles. The cancellation of all the affected derivative titles, all of them sufficiently described, and their reversion to the State remain to be completed.

With his orders, Judge Makalintal committed the gravest abuse of discretion and even patently acted without jurisdiction. These are acts that in the recent past merited, not only the nullification of the ultra vires orders, but administrative sanctions as well for the issuer, as we did in the case of a Labor Arbiter and a retired Commissioner of the National Labor Relations Commission who were suspended in *Quijano v. Bartolabac*^[11] for taking the liberty of deviating from this Court's final and executory judgment.

As our last point, Ayala has no basis to complain about the terms of the decision as its fallo is sufficiently complete for purposes of execution and has all the data required for its implementation; the titles to be cancelled and the properties they cover - all sufficiently described in the decision - are matters of official record. One only needs to: look, with meticulous care, at the official records with the concerned Register of Deeds to find out the various derivative titles of TCT No. 722; examine, also with meticulous care, the records at the Director of the Lands (or its successor offices, the Land Management Bureau and/or Surveys Division of the Department of Environment and Natural Resources Regional Office) to compare the approved plan for TCT No. 722 and the approved subdivision plan for the derivative titles - Psd-27941; and finally, consolidate the findings into an integral whole, to arrive at the derivative titles that should be nullified for reversion to the State. The relocation survey we previously ordered, now directed by Judge Austria, can best achieve these desired results. We stress however that the relocation survey is but a tool to prevent any possible error that may result in the execution of the CFI decision; it cannot and should not be regarded as an opening for another round of litigation on the issues

definitively settled a long time ago.

We need not discuss Ayala's other points as they relate to the merits of the decision under execution and are matters that have long been laid to rest.

In sum, the CFI decision in Civil Case No. 373 is the judgment that we consistently affirmed and this decision has long become final and executory. Under the doctrine of finality of judgment and by operation of law, it has become immutable and should now be respected. Under the doctrine of *res adjudicata*, the decision effectively bars a re-litigation of the issues settled with finality, particularly, the titles subject to nullification and reversion. Under the doctrine of the law of the case, the CFI decision, as affirmed, is the controlling ruling that should guide further or future action on Civil Case No. 373, specifically, the execution process. This ruling shuts all doors to any objection to the execution of the affirmed CFI decision that a recalcitrant losing party may still conceive.

WHEREFORE, we DENY the private respondents' motion for reconsideration for lack of merit. We reiterate our directives in our Resolutions of November 16, 2006 and April 15, 2008. This denial is FINAL. Under pain of contempt, no further pleadings and motions (including one for reconsideration or clarification) shall be allowed in these long pending cases.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Carpio, Austria-Martinez, Carpio Morales, Azcuna, Tinga, Chico-Nazario, Velasco, Jr., Nachura, Reyes, and Leonardo-De Castro, JJ., concur.
Corona, J., on official leave.

[1] 14 SCRA 259, May 31, 1965.

[2] 13 SCRA 704, April 30, 1965.

[3] 20 SCRA 608, June 30, 1967.

[4] March 25, 1988, 159 SCRA 264. This case involves the various incidents of an *accion reivindicatoria* with preliminary injunction case filed by the Republic and the intervenor fishpond permittees as a reaction to their threatened ejectment by Enrique Zobel, holder of the subdivision titles originating from TCT No. 722. The Supreme Court decided in this case that the lands covered by Zobel's subdivision titles are covered by this Court's decision in G.R. No. 20950.

[5] *Id.*, p. 284.

[6] *Perez v. Court of Appeals*, GR No. 107737. October 1, 1999, 316 SCRA 43, 56-57.

[7] Revised Rules of Court, Rule 39, Section 6, provides:

Sec. 6. Execution by motion or by independent action. - A final and executory judgment or order may be executed on motion within five (5) years from the date of its entry. After the lapse of such time, and before it is barred by the statute of limitations, a judgment may be enforced by action. The revived judgment may also be enforced by motion within five (5) years from the date of its entry and thereafter by action before it is barred by the statute of limitations.

[8] G.R. No. 18940, April 27, 1922, 43 Phil. 333.

[9] From the early U.S. case of *Sibbald v. United States* ([1838], 12 Pet., 488).

[10] *Torres v. Sison*, GR No. 119811, August 30, 2001, 364 SCRA 37, 43.

[11] A.C. No. 5649, January 27, 2006, 480 SCRA 204.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.