

**SPOUSES LORENZITO BUAN AND AMELIA BUAN,
PETITIONERS-APPELLANTS, VS. COURT OF APPEALS AND SPOUSES
NATIVIDAD LA TORRE AND GUILLERMO LA TORRE,
RESPONDENTS-APPELLEES.**

G.R. No. 101614. August 17, 1994

Ponente: BIDIN, J.

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BIDIN, J.:

This is an appeal from the decision of the Court of Appeals dated July 24, 1991, granting the petition for mandamus filed by private respondents and setting aside the order dated May 8, 1990 of the Regional Trial Court of Angeles City, Branch 56, which enjoined the Register of Deeds of Angeles City from cancelling Transfer Certificate of Title No. 60152 issued in the name of petitioners Lorenzito and Amelia Buan.

In order to arrive at a just determination of the issues presented by the present appeal, an exhaustive narration of the complicated events leading to this case is essential.

On June 4, 1981, private respondents-appellees Spouses Natividad and Guillermo La Torre (hereinafter "La Torre spouses") obtained a favorable decision in a case for a sum of money which they filed against G. L. Mejia Enterprises, Inc. before the Regional Trial Court (then Court of First Instance) of Rizal, Branch XXIII. In the said decision, the La Torre spouses were awarded the sum of P16,729.00 representing the monthly amortization and downpayment paid by the La Torre spouses, with legal interest from April 19, 1980 until fully paid, and the sum of P4,000.00 by way of attorney's fees. In enforcing the money award, two (2) parcels of land adjacent to each other, titled in the name of G. L. Mejia Enterprises, Inc. covered by TCT Nos. 21846 and 21882 were levied upon on execution. TCT No. 21846 was first auctioned off and sold to the La Torre spouses for P33,958.54. On the other hand, a notice of levy on execution was inscribed on TCT No. 21882. This second parcel of land is the subject of the present controversy.

The records of the case show that as early as July 15, 1977, the parcel of land covered by TCT No. 21882 was already the object of a deed of assignment between Estanislao David and petitioners-appellants Spouses Lorenzito and Amelia Buan (hereinafter "Buan spouses"). By virtue of the deed of assignment, the Buan spouses assumed the obligation of David to G. L. Mejia Enterprises, Inc., owner of the lot, to buy the property and pay for the same by installments. Since then, the Buan spouses have been in actual and peaceful possession of the property in question. By January 15, 1982, the Buan spouses already completed payment on the property and a deed of absolute sale was executed in their favor by G. L. Mejia Enterprises, Inc. However, when the Buan spouses sought to have the deed of sale registered and a new title issued to them, they found out that there was a notice of levy on execution annotated on TCT No. 21882 in favor of the La Torre spouses, in view of the execution made in connection with the latter's case against G. L. Mejia Enterprises, Inc. As a result, although TCT No. 21882 was cancelled and a new one, TCT No. 60152, was issued to the Buan spouses, the annotation was carried over and transcribed in the new title of the Buan spouses.

Acting on the belief that they have a superior right over the questioned lot, on April 11, 1983 the Buan spouses filed two actions against the La Torre spouses namely, a petition for cancellation of notice of levy as well as an action for quieting of title with damages, before the Regional Trial Court of Angeles City, Branch 58. After a joint trial, the lower court rendered a decision on June 17, 1987 in favor of the Buan spouses, ordering the Register of Deeds of Angeles City to cancel the annotation of the encumbrance inscribed on TCT No. 60152.

On appeal by the La Torre spouses, the Court of Appeals in C.A.-G.R. No. 14768 set aside the lower court's decision and ordered instead the cancellation of TCT No. 60152 in the name of the Buan spouses as well as the issuance of a new title in favor of the La Torre spouses.

The case was appealed by the Buan spouses to this Court by way of a petition for review on certiorari (G.R. No. 85813) but the same was denied for having been filed out of time. A second petition for review to this Court (G.R. No. 88648) was filed by the Buan spouses but the same was likewise denied for failure to comply with Circular 1-88 par. 3 requiring a certified true copy of the questioned decision to be attached to the petition.

All attempts at appealing the adverse decision of the Court of Appeals in C.A.-G.R. No. 14768 having failed, the same attained finality and became executory. Records of the case were remanded to the court of origin where the La Torre spouses moved for the execution of the decision in C.A.-G.R. No. 14768. On March 26, 1990, the lower court granted the motion for execution and on the same day, a writ of execution was issued ordering the Deputy Sheriff and the Register of Deeds of Angeles City to implement the Court of Appeals' decision.

In the meantime, the Buan spouses filed a complaint for damages with prayer for preliminary injunction against G. L. Mejia Enterprises, Inc. the original owner of the property in question, and the Register of Deeds of Angeles City, with the Regional Trial Court of Angeles City, Branch 56. In said case, the presiding judge of Branch 56, the Hon. Carlos D. Rustia, issued an order on May 8, 1990 granting the Buan spouses' prayer for preliminary injunction. As a result, the Deputy Sheriff of the RTC of Angeles City, Branch 58, was enjoined from cancelling TCT No. 60152 and the writ of execution already issued was returned unsatisfied on May 28, 1990. On August 8, 1990, the RTC of Angeles City, Branch 56, rendered a decision making permanent the injunction earlier issued and awarded P140,000.00 as damages in favor of the Buan spouses.

Meanwhile, in view of the injunction issued by Branch 56 of the Angeles City RTC, the La Torre spouses filed a petition for mandamus with the respondent court seeking to compel the Register of Deeds of Angeles City and the Deputy Sheriff to cancel TCT No. 60152. In the decision now before us on appeal, the appellate court ruled in favor of the La Torre spouses holding that Branch 56 of the RTC of Angeles City interfered by injunction with a court of coordinate and concurrent jurisdiction by enjoining the execution of a final judgment issued by Branch 58 of the same court. The dispositive portion of the respondent court's decision reads:

"WHEREFORE, the Order of the respondent Judge Carlos D. Rustia dated May 8, 1990 is SET ASIDE, the same having been issued with grave abuse of discretion, amounting to lack of jurisdiction.

"Costs against private respondents.

"SO ORDERED" (underscoring supplied, Rollo, pp. 25-26).

The appellate court's decision is silent with respect to the permanent injunction issued by Branch 56 of the same court, in its final resolution of the case dated August 8, 1990, as well as the award of P140,000.00 in damages against G. L. Mejia Enterprises, Inc.

In this petition, the Buan spouses raise the following assignment of errors:

"a) The Honorable Court of Appeals erred in rendering a Decision incorporating therein only the facts alleged

by the herein Respondents/Appellees and totally disregarding facts, laws and applicable jurisprudence alleged by the herein Petitioners/Appellants some material points of which were even admitted by the former, which if appreciated, would reverse the questioned Decision;

“b) The Honorable Court of Appeals erred in setting aside the order of Public Respondent, Judge Carlos D. Rustia, dated May 8, 1990 as it places in issue the entire proceedings held, the Decision made and the permanent injunction issued, in the case preceeded (sic) by said Order;

“c) The Honorable Court of Appeals erred in totally disregarding its own Internal Rules.” (Rollo, p. 11)

Anent the first assignment of error, a perusal of the respondent court's decision being questioned calls for a resolution of an issue involving overpayment arising from excessive execution as claimed by the Buan spouses. Petitioners raised before the respondent court that inasmuch as the judgment award in favor of the La Torre spouses had already been fully satisfied when the parcel of land covered by TCT No. 21846 was sold to them as the highest bidder in the execution sale, the La Torre spouses no longer have any right to levy upon TCT No. 60152 registered in the name of the Buan spouses. Regrettably, respondent court did not pass upon this issue. It implied, however, that the issue is no longer a tenable subject for resolution inasmuch as the Court of Appeals' decision in C.A.-G.R. No. 14768 from which the order of execution stemmed had already become final and executory, and as such, is already beyond question. Thus, respondent court stated: "It is undisputed that the Decision of the Court of Appeals in C.A.-G.R. No. 14768 had become final and executory" (Rollo, p. 25). Taken in this light, the respondent court apparently did not err in leaving the issue unresolved, a final decision being unreviewable and conclusive.

But judging from the facts presented by the present case, it is beyond doubt that serious injustice will be committed if strict adherence to procedural rules were to be followed. It should be remembered that rules of procedure are but mere tools designed to facilitate the attainment of justice, such that when rigid application of the rules would tend to frustrate rather than promote substantial justice, this Court is empowered to suspend its operation (*Aznar III vs. Bernad*, 161 SCRA 276 [1988]); *Solicitor General vs. Metropolitan Manila Authority*, 204 SCRA 837 [1991]; *Piczon vs. Court of Appeals*, 190 SCRA 31 [1990]; *Ortigas & Company, Limited Partnership vs. Vicencio M. Ruiz*, 148 SCRA 326 [1981]; *Imperial Insurance Inc. vs. Rosete*, 183 SCRA 1 [1990]; *Velasco vs. Court of Appeals*, 95 SCRA 616 [1980]). In the present appeal, rather than dismissing the issue of overpayment as not within the scope of the power to review, this Court deems it best to decide the same on the merits.

The Court of Appeals' decision in C.A.-G.R. No. 14768 reversed the lower court's decision ordering the cancellation of the notice of levy on execution annotated on the Buan spouses' TCT No. 60152 and ordered instead the issuance of a new title in favor of the La Torre spouses. Otherwise stated, the respondent court in that case deemed as superior the right of the La Torre spouses' lien over TCT No. 60152 vis-a-vis the right arising from the sale and possession asserted by the Buan spouses.

However, a closer examination of the said decision, reveals that the issue of overpayment was not even raised before the appellate court in deciding C.A.-G.R. No. 14768. The Court of Appeals' decision then was based only on the facts presented to it, leading the court to rule on the right of ownership on the basis of the registration by the La Torre spouses of the notice of levy versus the right of possession of the Buan spouses. As to why the issue of a prior levy on another property was not alleged by any of the parties especially the Buan spouses, escapes this Court entirely. As stated earlier, the parcel of land covered by TCT No. 21846 was already sold on execution which more than satisfied in full the decision in favor of the La Torre spouses against G. L. Mejia Enterprises, Inc. We could only surmise that at the time of the aforesaid appeal, the Buan spouses had then no knowledge of such fact themselves. It is no secret that the Buan spouses were not even parties to the civil case which brought

about the levy on the property. Their involvement began only when the property which they had bought through installments way back in 1977, but which was not yet registered in their names, was levied upon by the judgment creditor of G.L. Mejia Enterprises, Inc., their original vendor. It is quite possible that this fact was not known to, much less alleged by, the Buan spouses. On the part of the La Torre spouses, it is not surprising that they did not allege this fact either, for it is to their best interest to keep such fact undisclosed. And judging from the outcome of the appeal and the succeeding cases filed thereafter involving the same property, revelation of such an all-important fact would have made a world of difference to the manner in which the Court of Appeals decided the aforesaid appeal. It is thus now incumbent upon us, armed with all the basic and important facts and evidence, to arrive at a sound resolution of the issue that has been dragging on for years on end.

It is axiomatic that a writ of execution in any case should conform to the dispositive portion of the decision sought to be executed (*Insular Life Assurance Co. Ltd. vs. National Labor Relations Commission*, 156 SCRA 740 [1987]), such that where the judgment is for a sum of money, the writ must state the exact amount thereof (*Zamora vs. Medran*, 90 Phil. 339 [1951]).

In the civil action for a sum of money between the La Torre spouses and G.L. Mejia Enterprises, Inc., the judgment award in favor of the former amounted to a total sum of P20,729.00 exclusive of legal interest. It is undisputed that pursuant to the writ of execution issued by the court, two parcels of land then registered in the name of the judgment debtor were levied upon, the first one covered by TCT No. 21846 having been sold at the auction sale to the La Torre spouses themselves for P33,958.54. It is therefore mathematically conclusive that by reason of this sale, the judgment award in favor of the La Torre spouses in the total sum of P20,729.00 had already been satisfied in full. Correspondingly, the notice of levy annotated on the other parcel of land now covered by TCT No. 60152 should have been cancelled.

However, instead of cancelling the annotation, the La Torre spouses pursued the execution of the remaining property levied upon despite the apparent satisfaction of the judgment debt. This property was by then already registered in the name of the Buan spouses who resisted the attempted execution. It is beyond question that as per the applicable laws and jurisprudence on the matter, the levy and attempted execution of the second parcel of land is void for being in excess and beyond the original judgment award granted in favor of the La Torre spouses. For, as this Court held in the case of *Mutual Security Insurance Corporation vs. Court of Appeals* (153 SCRA 678 [1987]), "where the writ of execution is not in harmony with and exceeds the judgment which gives it life, the writ has pro tanto no validity" (underscoring supplied). Stated categorically, an execution has been regarded as void when issued for a greater sum than is warranted by the judgment (*Windsor Steel Manufacturing Co., Inc. vs. Court of Appeals*, 102 SCRA 275 [1981]).

At this point, it is proper to emphasize that writs of execution cannot be equated with judgments which are final and conclusive (*Manila Trading and Supply Co. vs. Court of Appeals*, 28 SCRA 1033 [1969]), such that although the decision of the lower court in the action for a sum of money is conclusive, the part of the writ issued which went beyond the money award is not valid at all.

On the basis of the foregoing, it is quite clear that the levy on TCT. No. 60152 is invalid and should be cancelled accordingly. Not only is it the legal and moral direction that should be taken, but the just and equitable solution as well to this long-standing controversy. If the La Torre spouses were allowed to take the property covered by TCT No. 60152 on the basis of an excessive levy, they would be unjustly enriched at the expense of the Buan spouses. That the La Torre spouses were able to sell the property which they bought at the auction sale for P280,000.00 to the David spouses, which fact is undisputed, is already beside the point. What matters is that the judicial award of P20,729.00 has already been fully satisfied. The La Torre spouses having received what is due them, should not seek nor be granted anything more, not even by a final and executory judgment. To do so would be to sanction

unjust enrichment and cause unlawful deprivation to the Buan spouses.

Going now to the second assignment of error, petitioners raise the question of whether the respondent court erred in setting aside the order granting the preliminary injunction dated May 8, 1990, and if there was no such error, whether the resolution had the effect of nullifying the entire proceedings in the damages case.

With respect to the preliminary injunction set aside by the respondent court, the statute books are replete with jurisprudence to the effect that trial courts have no power to interfere by injunction with the orders or judgments issued by another court of concurrent or coordinate jurisdiction (*Republic vs. Reyes*, 155 SCRA 313 [1987]; *Mariano vs. Court of Appeals*, 174 SCRA 59 [1989]; *Prudential Bank vs. Gapultos*, 181 SCRA 159 [1990]). As applied to the present case, it would appear that Branch 56 of the RTC of Angeles City has no power nor authority to enjoin the order of execution issued by Branch 58 of the same court.

It appears however that the respondent court missed altogether the fact that a permanent injunction was issued by the lower court (Branch 56) in its decision dated August 8, 1990 such that it set aside only the preliminary injunction earlier issued. Logic dictates however that owing to the nature of the order being set aside, it is a necessary consequence that the Court of Appeals' decision also intended the inclusion of the permanent injunction in its questioned resolution. For if not, the appellate court would be rendering for naught its own reversal of the May 8, 1990 Order. Besides, although the decision of the respondent court did not so state in explicit terms, it is beyond cavil that a judgment is not so confined to what appears on the face of the decision but also those necessarily included therein or necessary thereto (*Gonzales vs. Court of Appeals*, 212 SCRA 595 [1992]).

Lest this affirmation may mislead one into assuming that the RTC of Angeles City, Branch 58 may now proceed with the execution of TCT No. 60152, it should be pointed out that the enjoined execution was nevertheless rendered moot and academic by the resolution of the first assignment of error raised in this petition, to wit: the execution on TCT No. 60152 is invalid as it results in overpayment.

WHEREFORE, the appealed decision is SET ASIDE and the order of the trial court ordering the cancellation of the annotation of the notice of levy on Transfer Certificate of Title No. 60152 is hereby REINSTATED. Costs against private respondents.

SO ORDERED.

Feliciano, (Chairman), Romero, Melo, and Vitug, JJ., concur.

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