JESUS D. MORALES AND CAROLINA NUQUI, PETITIONERS, VS. COURT OF APPEALS, ISAAC OLIVA, MILAGROS OLIVA-OBUYES, ANTONIA OLIVA-OLEO, DANILO OLIVA AND ROBERTO OLIVA, RESPONDENTS.

G.R. NO. 112140. June 23, 2005

Ponente: TINGA, J.

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TINGA, J.:

The rules of procedure should not be viewed as a self-contained celebration of ritual, but rather as a means to vindicate rights and establish justice. The higher goals of the Rules of Court¾to secure a just, speedy and inexpensive disposition of every action and proceeding¾should forebear every resolution of a procedural question. The subject litigation is the sort of case where the correct, just and obvious legal solution is enmeshed behind a procedural thicket attributable to several factors. We grant the petition to render effective relief to the prevailing party in accordance with the applicable law and the established facts.

The facts follow. Spouses Isaac Oliva and Encarnacion dela Cruz were the conjugal owners of a parcel of land and the improvements thereon[1] located in Polo,[2] Bulacan. The property was covered by Transfer Certificate of Title (TCT) No. T-37578 issued by the Register of Deeds of the Province of Bulacan. Encarnacion dela Cruz died in 1976, before the subject controversy arose. Isaac Oliva is one of the respondents in the present case, along with four of his children with Encarnacion.[3]

It is alleged that Florentino Oliva, a son of Isaac and Encarnacion, “borrowed” TCT No. T-37578 on the pretext that he would use the title as collateral for a loan he was to obtain for the construction of his house, with the assurance that upon the maturity date of the loan, he would redeem the property and return the title to his father and siblings.[4] Florentino likewise induced the private respondents into entrusting unto him their respective residence certificates.

Eventually, after Florentino failed to return the borrowed certificate of title despite his family’s repeated demands, the private respondents made inquiries with the Register of Deeds of Bulacan. There they discovered that a document entitled An Extrajudicial Settlement With Sale dated 17 March 1980 had been filed for registration and inscription. Said document, which purports to contain the alleged signatures of the private respondents in their twin capacity as co-heirs and owners-vendors, evidences the sale of the subject property to petitioner Jesus D. Morales (Morales) for the sum of Twenty One Thousand One Hundred Fifty Pesos (P21,150.00). Private respondents likewise learned that TCT No. T-37578 had been cancelled and that in lieu thereof TCT No. 36356 was issued on 16 July 1980 in the name of Morales and his wife, petitioner Carolina Nuqui.

The private respondents filed an adverse claim with the Register of Deeds, their signatures affixed thereon. Then, on 3 March 1982, the private respondents filed an action seeking the nullification of the Deed Of Extrajudicial Settlement With Sale, reconveyance of the property, and damages. The case docketed as Civil Case No. 1555-V82

was assigned to Branch III of the Court of First Instance of Valenzuela (subsequently, it became the Regional Trial Court of Valenzuela, Branch CLXXI), then presided over by Judge Avelino M. Constantino. In their answer, the petitioners alleged that the signatures of the private respondents in the deed of sale were genuine and raised the defense, among others that they were buyers in good faith.

On 20 July 1992, the parties entered into a Stipulation of Facts, the pertinent portions of which are reproduced below:

> 1. That the plaintiffs maintain that their signatures appearing in the Extra Judicial Settlement and Sale of the Estate of the Deceased Encarnacion de la Cruz (Annex "A" of the Complaint) are forgeries;
>
> 2. That the defendants maintain otherwise because their signatures appearing therein are authentic;
>
> 3. That the signatures appearing in the Adverse Claim (Annex "C" of the Complaint) dated January 25, 1982 are genuine and authentic signatures of the plaintiffs which could serve as standards for examination by the National Bureau of Investigation (NBI);
>
> 4. That defendants spouses Jesus D. Morales and Carolina Nuqui claim that the signatures appearing in Annexes "A" and "C" are the one and the same signatures of the plaintiffs;
>
> 5. That if and when signatures of the plaintiffs appearing in Annex "A" are authentic and genuine same as appearing in Annex "C," they are going to recognize the right of ownership of the defendants and that they will immediately vacate the premises in question as well as other tenants thereof;
>
> 6. That if and when the signatures of the plaintiffs are false as claimed by them after the examination by the NBI, the defendant spouses Jesus D. Morales and Carolina Nuqui will reconvey the property in question in favor of the plaintiffs and will execute the corresponding deeds of sale;
>
> 7. That the losing party will pay all the damages to be incurred by the winning party including attorney's fees to be assessed by the Court;
>
> 8. That the expenses to be incurred in the examination of Annexes "A" and "C" by the National Bureau of Investigation shall be shouldered by the parties in equal share or pro rata.[5]

Pursuant to these stipulations, the trial court ordered the National Bureau of Investigation (NBI) to examine the genuineness of the private respondents' signatures in the Deed of Extrajudicial Settlement With Sale, as compared with the signatures appearing in the adverse claim filed with the Register of Deeds. The NBI submitted its report on 22 November 1982, concluding that the questioned signatures were indeed those of the private respondents. The submission of the report caused the petitioners to file a Motion for Summary Judgment,[6] alleging that they were entitled to immediate judgment in their favor owing to the Stipulation of Facts. This motion was duly opposed by the private respondents.

The trial court issued a Resolution[7] dated 29 December 1983, ruling as follows:

> ACCORDINGLY, judgment by the stipulation of facts is hereby rendered declaring the defendants to be the lawful owners of the subject properties and ordering the plaintiffs to immediately vacate the same. Judgment on the amount of damages/expenses incurred in the NBI examination is hereby deferred until after the reception of evidence on the same.
>
> SO ORDERED.[8]

The private respondents filed a motion for reconsideration of the Resolution dated 29 December 1983, but the motion was denied. The private respondents then filed a Notice of Appeal dated 23 February 1984, but the trial court ruled that the notice of appeal could not be given due course, owing to the fact that it had yet to rule on the

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petitioner's claim for damages.[9] Trial then ensued on the matter of damages. Morales testified in his behalf on his claim for damages on 5 April and 22 May 1984.

On 14 June 1984, the private respondents, through their new counsel, filed another motion for reconsideration or for new trial, claiming that they were not made aware of the legal implications or consequences of the Stipulation of Facts. They likewise alleged therein that at the time they entered into the Stipulation of Facts, they had not known that there were government offices other than the NBI which could render persuasive findings over the questioned signatures, and that based on this misperception, they imprudently agreed to place full reliance on the NBI's findings.

On 17 May 1985, the trial court issued an Order resolving the latest motion for reconsideration filed by the private respondents. The trial court found convincing the argument that the private respondents had placed all their hopes in the NBI when there was another government entity, the PC Crime Laboratory, that could have similarly examined the questioned document. Thus, the trial court found it prudent to allow a hearing for the NBI examiner to be cross-examined on his findings, and thus set aside the Resolution dated 9 December 1983 which deemed the conclusive these findings of the NBI conclusive. The fallo of the Order dated 17 May 1985 reads, thus:

> ACCORDINGLY, the Resolution of December 9, 1983, as well as the Order dated February 17, 1984, are hereby set aside. Let the Questioned Documents Report No. 427-1182 be set for hearing on June 13, 1985 at 8:30 a.m., and NBI supervising document examiner Arcadio A. Ramos is hereby directed to appear on said date and hour of the hearing.[10]

As a result of this new Order, there were two issues left to be resolved by the trial court, namely: the petitioners' claim for damages, and the conclusiveness of the NBI report.

When it emerged that NBI document examiner Arcadio A. Ramos was on indefinite leave of absence, the trial court directed the NBI to dispatch another document examiner who participated or collaborated in the examination of the subject document. Accordingly, NBI Senior Document Examiner Rhoda B. Flores appeared to testify before the trial court on three occasions, her testimony terminating on the hearing of 6 April 1986. Her testimony affirmed the earlier finding that the questioned signatures were valid.

Thereafter, the petitioners submitted their Offer of Documentary Evidence,[11] while the private respondents filed a Motion for Examination of Documents seeking that the PC Crime Laboratory be directed to examine the authenticity of the questioned signatures. In an Order dated 1 August 1986, the trial court allowed the private respondents to have the PC Crime Laboratory conduct its own examination on the document, and set a hearing for 21 August 1986 during which the PC Crime Laboratory expert was to examine the said document in open court.[12] The hearing was reset to 11 September 1986 after the original hearing date was declared a special non-working holiday.[13] However, when the case was called for hearing on 11 September 1986, the private respondents moved for postponement on the ground that they had no witness from the PC Crime Laboratory. Upon the strong objections of the petitioners, the motion for postponement was denied, and "the petitioner's claim for damages/expenses" was deemed submitted.[14] The private respondents' attempts to have this ruling reconsidered proved futile.

On 7 July 1987, petitioners filed a Motion for Resolution of Defendants Claim for Damages/Expenses Deemed Submitted.[15] Therein, they cited the Resolution dated 29 December 1983, which declared them the lawful owners of the subject property based on the Stipulation of Facts. But they did not mention therein that the Resolution was subsequently set aside by the Order dated 17 May 1985. Proceeding from the directive in the earlier Resolution which deferred pending litigation the "judgment on the amount of damages/expenses incurred in the NBI examination," the petitioners narrated the trial that was subsequently conducted up to that point.

Without any reference to the fact that the trial court had subsequently reopened as an issue the correctness of the NBI report, and that hearings were conducted precisely on that question, the petitioners in their motion simply prayed that "their claims for damages/expenses incurred in the NBI examination be resolved."

Fortuitously perhaps, the judge who had presided over the trial of the case, Hon. Avelino Constantino, died on 13 October 1986 and was replaced by Hon. Adriano R. Osorio. On 13 July 1987, the trial court issued a Resolution,[16] resolving the claim of the petitioners for damages. As with the petitioners, the new trial judge adverted to the 29 December 1983 Resolution which declared the petitioners as the owners of the subject properties and ordered the plaintiffs to immediately vacate the same, but did not mention the fact that the said Resolution was set aside in the Order dated 17 May 1985. The trial court passed upon the claims for damages, which included attorney's fees, moral damages, and exemplary damages, and concluded that the petitioners were entitled to moral damages in the amount of Twenty Thousand Pesos (P20,000.00) and Five Thousand Pesos (P5,000.00) as attorney's fees. The trial court did not render a conclusion on, much less even make mention of, the NBI Report and the testimony of NBI Senior Document Examiner Rhoda B. Flores.

Their motion for reconsideration having been denied by the trial court,[17] private respondents lodged an appeal before the Court of Appeals. They assigned twelve errors, among them being that the trial court, in rendering its assailed Resolution dated 13 July 1987, erred in relying upon the Resolution dated 29 December 1983 despite the fact that the latter had already been previously set aside and never expressly or impliedly revived.[18]

The assailed Decision[19] of the Court of Appeals was rendered on 29 July 1993. The first four pages of the five page Decision was devoted to a restatement of the antecedent facts, with the opinion including the dispositive portion, confined to the last five paragraphs. We quote the opinion and disposition, thus:

> In their brief, plaintiff-appellants have assigned (12) errors imputed to the lower court. However, the decisive issue is whether or not the signatures of the plaintiffs in the Deed of Extrajudicial Settlement with Sale, dated March 17, 1980, are genuine.
>
> We resolve the issue against appellants. National Bureau of Investigation expert (sic) opined that the signatures were genuine. Appellants failed to present any evidence showing otherwise. In this appeal, appellants contend that they were deceived into signing the stipulation of facts in which they agreed to submit the deed of extrajudicial settlement with sale to the National Bureau of Investigation for examination to determine the genuineness of the signatures of the appellants. But appellants were duly assisted by their own counsel in subscribing to the stipulation of facts, and even if the stipulation were set aside, it will not benefit the appellants because they have not adduced any evidence showing that their signatures thereon were forged. Allegation is not proof.
>
> With the finding that the extrajudicial settlement with sale is authentic, it is unnecessary for the Court to rule on the other issues raised by the appellants. However, we find the award of moral damages in the sum of P20,000.00 to be untenable. There is no basis for the award of moral damages, nor for attorney's fee.
>
> The Court also sustains appellants (sic) contention that the resolution of December 29, 1983, declaring that defendants are the lawful owners of the subject property set aside in the order dated May 17, 1985, was not revived, expressly or impliedly, by the resolution dated July 13, 1987.
>
> IN VIEW WHEREOF, the Court SETS ASIDE the appealed resolution. No costs.
>
> SO ORDERED.[20]

Both parties filed their respective motions for reconsideration of the Court of Appeals' Decision. For its part, the petitioners argued that following the appellate court's conclusion that they were the owners and rightful possessors of the property in question, there was a need to state such facts in the dispositive portion of its

Decision and cause the private respondents to vacate the property. They posited that the general prayer in their counterclaim that "such other reliefs as are just and equitable be granted" is broad and comprehensive enough to warrant a declaration in the fallo that the private respondents be ordered to vacate the property. They argued that the trial court impliedly revived the Resolution dated 29 December 1983 in its subsequent ruling on 13 July 1987.

These were jointly disposed of by the Court of Appeals in a Resolution dated 4 October 1993. The claims of the private respondents were definitively rejected by the Court of Appeals. Likewise denied was petitioners' motion for clarification and/or reconsideration, although the appellate court again stated that they were the owners of the property. At the same time, the Court of Appeals declared that it cannot order the ejectment of the private respondents, as there was no counterclaim for recovery of possession; hence, there was a need to institute a separate civil action for eviction.[21]

Still unsatisfied, the petitioners filed the present Petition, praying that the dispositive portion of the appellate court's Decision be "clarified or corrected" by inserting a declaration that the "petitioners are the owners of the property described in the complaint [and] ordering the private respondents and their tenants to vacate the property."[22] They argue that the Court of Appeals erred in declaring that the summary judgment of 29 December 1983 was not revived expressly or impliedly, pointing out that had this been the case, there would be no basis for the subsequent award of attorney's fees in their favor.[23] They fault the appellate court in ruling that there was need to file a separate civil action to pursue the relief of ejectment, noting that paragraph 5 of the Stipulation of Facts provides that the private respondents would immediately vacate the premises should the NBI find that their signatures in the deed of sale were valid. They likewise cite jurisprudence to the effect that if ownership over a parcel of land is decreed in the judgment, the delivery of possession should be considered included in the decision.[24] Finally, the petitioners also invoke previous rulings of this Court that corrections may be made in the dispositive portion of a decision to correct or clarify an ambiguity.[25] Notably, the petitioners do not question the denial of their claim for damages by the Court of Appeals; hence, we shall not pass upon the matter.

Apparently, for its cause, the private respondents have chosen not to challenge the rulings of the Court of Appeals, as in fact in their Comment before this Court, they pray for the affirmance of its Decision. Nonetheless, they still pray on their Comment that further judgment rendered declaring the Extrajudicial Settlement with Sale as void ab initio, or alternatively, the Stipulation of Facts and the NBI Report void and ordering the trial court to conduct full trial on the merits.[26]

Ostensibly, the heart of the matter lies in whether or not the Deed of Extrajudicial Settlement with Sale is valid. And on this score, there is little doubt that its legitimacy had been duly established. The burden was on the private respondents to impugn the genuineness of their signatures on the document which having been notarized is imbued with the character of a public document;[27] yet they were unable to present a single shred of countervailing evidence. Moreover, the validity of the Deed of Extrajudicial Settlement with Sale has been strengthened by the findings of the NBI that the signatures of the private respondents were genuine, findings with which the private respondents themselves agreed to abide pursuant to the Stipulation of Facts.

Yet the Court cannot lightly dismiss the effect of the 17 May 1985 Resolution which set aside the Resolution of 9 December 1983 and the Order dated 17 February 1984. It was the earlier resolution which upheld the Deed of Extrajudicial Settlement by affirming the authenticity of the signatures therein, and accordingly incorporated a partial judgment declaring the petitioners as the owners of the subject properties and ordering the private respondents to vacate the same. The trial court did not reinstate this partial judgment in any of its succeeding promulgations. In its Resolution of 13 July 1987, which granted petitioners' claim for damages, the RTC adverted to the 1983 Resolution yet failed to mention that the said earlier resolution had been subsequently set aside. The

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RTC again failed to disclose the previous vacation of the 1983 Resolution, in the 5 October 1987 Order denying private respondent's motion for reconsideration of the 13 July 1987 Resolution. It is unclear whether such omission was purposeful or unintentional, though it bears noting that the judge who issued the 1987 rulings, Hon. Adriano R. Osorio, was not yet the presiding judge when the 1985 Order was issued.

Nor did the Court of Appeals see it fit to reinstate the 1983 Order. In its Decision dated 29 July 1993, it expressly declared that the 1983 Order set aside in 1985 "was not revived, expressly or impliedly, by the resolution dated July 13, 1987."[28] Yet the appellate court declared that the petitioners were indeed the owners of the subject property. The efficacy of this latter declaration is put in doubt because there is no subsisting court order or resolution with a disposition towards that effect.[29] Only the 1983 Resolution embodied a partial judgment declaring that the petitioners were the owners of the subject property and ordering the private respondents to vacate it. But of course, said adjudication was set aside in the 1985 Order.

The importance of the fallo or dispository portion of a decision cannot be gainsaid. The disposition should state whether the complaint or petition is granted or denied, the specific relief granted, and the costs.[30] As of 13 July 1987 when the Resolution of even date was issued, the question of ownership of the subject property remained unresolved as a result of the vacation of the 1983 Resolution embodying the partial judgment. Yet the 13 July 1987 Resolution failed to rule upon this question of ownership, and its fallo was limited to the adjudication of damages.[31] The 05 October 1987 Order denying private respondents' motion for reconsideration is similarly deficient.

Thus, viewed from the narrow lens of procedure, the 17 May 1985 Order still stands, it never having been expressly annulled either by the RTC or by the Court of Appeals. Yet at the same time, both the RTC and the Court of Appeals made the indubitable pronouncements that the Extrajudicial Settlement with Sale is valid and that the petitioners are the owners of the subject property. In fact, it is very clear that the RTC, in ruling on the question of damages, precisely proceeded from that premise. To quote from the 1987 Resolution:

> The Court is of the opinion that since the case was decided upon the stipulation of facts submitted by the parties and a summary judgment was rendered, the sum of P5,000.00 by way of attorney's fees is fair and reasonable under the circumstances.[32]

Sadly, the RTC forgot that the earlier partial or summary judgment rendered had been vacated by the 1985 Order. That in incorporating in the dispositive portion of their respective issuances the appropriate terminology for now, the pertinent query is this: Given that both the RTC and the Court of Appeals concluded that the Extrajudicial Settlement with Sale is valid but they overlooked bestowing executory force to such conclusion, is it legally feasible for this Court to rectify such lapse and provide for a dispositive portion that will serve as the basis for the recognition and enforcement of petitioners' ownership rights?

The higher ends of our rules of procedure are to secure just, speedy and inexpensive disposition of every action and proceeding.[33] To hold the myopic view that the petitioners are precluded from exercising their established rights of ownership over the property due to the absence of an executory fallo to that effect, or that this Court is not empowered to provide the appropriate relief towards that end, would frustrate the ends of justice. The Court can and should correct the anomaly here and now.

There are several circumstances in the case at bar that warrant a liberal application of the procedural rules. All things considered, there should really be no impediment to declaring the Extrajudicial Settlement with Sale valid.

The 1985 Order setting aside the 1983 Resolution containing the partial judgment is of dubious legal basis. The cited ground of mistaken impression on the part of the private respondents on the effect of the pre-trial order and the Stipulation of Facts was not substantiated and hardly warranted the reversal of a resolution that had attained

finality nearly two years earlier.

While the petitioners may be faulted for not timely challenging the 1985 Order,[34] the RTC could have easily reinstated the 1983 Resolution after 11 September 1986, when it was clear even to the RTC the abject failure of the private respondents to present evidence to rebut the NBI Report despite ample opportunity. Unfortunately, the RTC compounded its earlier error in issuing the 1985 Order by failing to either reinstate the 1983 Resolution, or by issuing a new ruling expressly declaring the Extrajudicial Settlement with Sale, instead of simply referring to the Stipulation of Facts and the summary judgment based thereon, when it issued its 1987 Resolution on the question of damages.

The question of validity of the Extrajudicial Settlement with Sale was duly raised before the Court of Appeals; in fact it was posed by the respondents as the central issue in their appeal.[35] The propriety and status of the 1983 and 1985 rulings of the RTC were open to the Court of Appeals for review and correction, if necessary, the trial court having lost jurisdiction over the case upon its elevation on appeal.[36] The appellate court clearly agreed that the validity of the Extrajudicial Settlement with Sale had been established, but unfortunately failed to include the corresponding disposition in the fallo that would have given executory force to the pronouncement.

The Court of Appeals, in its Resolution on the motions for reconsideration, alluded to a viable avenue for such relief when it correctly noted that the 1985 Order did not annul the Stipulation of Facts but only the rulings based thereon. This Court can very well affirm the subsisting Stipulation of Facts, and on the strength thereof and the corresponding evidence presented by the parties, uphold the genuineness of the Extrajudicial Settlement with Sale and the ownership of the petitioners over the subject property. Any and all rulings of the RTC and the Court of Appeals that are inconsistent with this pronouncement are set aside.

In line with the unequivocal affirmance of the petitioners' ownership over the subject property, we have to sustain petitioners' position that an order of eviction against the private respondents is warranted. It is established case law that where ownership of a parcel of land is decreed in the judgment the delivery of possession should be deemed ordained in the judgment.[37] Indeed, a decision upholding ownership but denying possession to the prevailing party is starkly incomplete and particularly in this case, even unpardonably empty in view of the considerable length of time that the matter has remained unresolved.

Finally, the petitioners' failure to explicitly present a counterclaim for recovery of possession, a point relied upon by the appellate court, is hardly of any consequence. For one thing, the prayer in the counterclaim seeking "other remedies just and equitable under the premises" is broad and comprehensive enough, according to jurisprudence, to justify the extension of a remedy different from that requested.[38] Indeed, a court may grant relief to a party, even if the party awarded did not pray for it in his pleadings.[39] For another, since private respondents undertook in the Stipulation of Facts to recognize the ownership of the petitioners and immediately vacate the subject property, together with the tenants, should the genuineness of the signatures in the Deed of Extrajudicial Settlement With Sale be upheld, which has become the case, and since the Stipulation of Facts has not been set aside, it is perfectly appropriate for the Court to affirm the petitioners' ownership and to order the private respondents' eviction from the subject property. The appellate court's suggestion that the petitioners institute a new, separate action to recover possession of the subject property is inconsistent with the foregoing considerations and contravenes the avowed policy to achieve just, speedy and inexpensive resolution of cases.[40]

WHEREFORE, the Petition is GRANTED. Judgment is hereby rendered declaring the petitioners to be the lawful owners of the subject property and ordering the private respondents and all persons claiming under them to vacate the same. Costs against private respondents.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, Callejo, Sr., and Chico-Nazario, JJ., concur.

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[1] Consisting of a house and apartment. Rollo, p. 36.

[2] Now Valenzuela City.

[3] Namely Milagros Oliva-Obuyes, Antonia Oliva-Oleo, Danilo Oliva and Roberto Oliva.

[4] Rollo, p. 37.

[5] Rollo, pp. 21-22.

[6] RTC Records, pp. 142-147.

[7] Penned by Judge Avelino M. Constantino.

[8] RTC Records, pp. 156-157.

[9] In an Order dated 6 March 1984. A motion for reconsideration thereto was denied in an Order dated 24 March 1984.

[10] RTC Records, p. 286.

[11] Admitted by the trial court in an Order dated 15 July 1986. ld. at 339.

[12] ld. at 342.

[13] ld. at 345 & 356.

[14] ld. at 359.

[15] ld. at 379-384.

[16] ld. at 386-389.

[17] In an Order dated 5 October 1987. id. at 406-407.

[18] Brief for the Appellants, CA Records, p. 14.

[19] Penned by Justice (later Justice of this Court) B. Pardo, concurred in by Justices M. Herrera and R. Ordoñez-Benitez. Rollo, pp. 20-25.

[20] Rollo, p. 24.

[21] Rollo, p. 28.

[22] Rollo, p. 14.

[23] ld. at 10.

[24] ld. at 11.

[25] id. at 12-13 citing Partosa-Jo v. Court of Appeals, 216 SCRA 692, 696-697 and Republic Surety v. IAC, 152 SCRA 309, 316-317.

[26] ld. at 114.

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[27] See, e.g., Naguiat v. Court of Appeals, G.R. No. 118375, 03 October 2003, 412 SCRA 591, 596-597.

[28] Rollo, p. 24.

[29] ld. at 28.

[30] Velarde v. Social Justice Society, G.R. No. 159357, 28 April 2004, 428 SCRA 283, 313.

[31] “WHEREFORE, judgment is hereby rendered against the plaintiffs jointly and severally in favor of the defendant-spouses Jesus D. Morales and Carolina Nuqui, condemning the plaintiffs to pay the defendant-spouses the amount of TWENTY THOUSAND PESOS (P20,000.00) as moral damages and the further sum of Five Thousand Pesos (P5,000.00) in the concept of reasonable attorney’s fees and the costs of suit.” RTC Records, pp. 388-389.

[32] RTC Records, p. 388, emphasis supplied.

[33] See Section 6, Rule 1, 1997 Rules of Civil Procedure.

[34] The 1985 Order could have been assailed via the special civil action of certiorari. See Section 1, Rule 65, 1964 Rules of Civil Procedure.

[35] CA Records, p. 25.

[36] See Section 9, Rule 41, 1964 Rules of Procedure, then in force. See also Lirio v. Court of Appeals, G.R. No. 90462, 29 May 1992, 209 SCRA 424. The same principle is reiterated in Section 9, Rule 41 of the 1997 Rules of Civil Procedure.

[37] See Perez and Alcantara v. Evite and Manigbas, 111 Phil. 564, 567-568 (1961) citing Marcelo v. Mencias, 107 Phil. 1071.

[38] See Schenker v. Gemperle, 116 Phil. 194, 199 (1962).

[39] The Court held in Go Lea Chu v. Gonzales, 130 Phil. 767, 776-777 (1968), as follows:

Besides, as we have declared in Schenker v. Gemperle, L-16449, August 31, 1962: "A judgment may grant the relief to which a party in whose favor it is entered is entitled, even if the party has not demanded such relief in his pleadings." Long ago, this Court, in Shioji vs. Harvey, 43 Phil. 333, 344, ruled: "Independent of any statutory provision, we assert that every court has inherent power to do all things reasonably necessary for the administration of justice within the scope of its jurisdiction."

Indeed, to deprive a court of power to give substantial justice is to render the administration thereof impotent and ineffectual.

See also Philipp Brothers Oceanic v. Court of Appeals, G.R. No. 105416-17, 111863, 143715, 25 June 2003, 404 SCRA 605.

[40] See Section 6, Rule 1, 1997 Rules of Civil Procedure.

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