

HEIRS OF CARLOS CABALLERO, PETITIONERS, VS. HON. ANTONIO P. SOLANO, IN HIS CAPACITY AS PRESIDING JUDGE OF THE RTC OF QUEZON CITY, BR. 86 AND JOSE RABOT, RESPONDENTS.

G.R. No. 112518. April 21, 1995

Ponente: MENDOZA, J.

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MENDOZA, J.:

This is a petition for certiorari and mandamus to set aside orders dated September 20, 1993 and October 15, 1993 of respondent Judge Antonio P. Solano of the Regional Trial Court (RTC) of Quezon City (Branch 86) and to direct him to order private respondent Jose Rabot and others claiming under the latter to vacate the subject property and remove any construction made by them thereon.

Involved in this case is a 712-square meter parcel of land, designated as Lot No. 2, Block E99 of the Subdivision Plan Psd 68807, Malaya Subdivision, in Quezon City. It was among 602 lots sold by the People's Homesite and Housing Corporation (PHHC) to the Central Bank Staff Housing Corporation (CBSHC) on October 21, 1957. The lot was eventually awarded to Manuel Bienvenido, a Central Bank employee. Bienvenido later sold his rights and interests in the lot to Carlos Caballero.

In its resolution of June 16, 1966, the PHHC Board of Directors approved the sale of the lot to Caballero. On September 16, 1968, a Deed of Sale was executed by the PHHC in favor of Caballero, after the latter had fully paid the price of the lot. The Register of Deeds of Quezon City thereafter issued Transfer Certificate of Title No. 66994 covering the lot to Caballero.

However, the award of the lot to Caballero was contested by Gregoria Vasquez, Carmelita Calma, and herein private respondent Jose Rabot in Civil Case No. 16171 who claimed that they had priority to buy the lot from the PHHC as occupants thereof. The case was filed with the then Court of First Instance of Rizal (Branch 16) stationed at Quezon City which, in a decision dated March 18, 1974, ordered the PHHC to cancel the awards in favor of Bienvenido and Caballero and award the lot instead to the three plaintiffs, giving each 1/3 of the lot. The CFI ordered the Register to cancel TCT No. 66994 in Caballero's name and the PHHC to return to him the payments he had made.

On appeal the Court of Appeals reversed except as to the award to Rabot.[1] The dispositive portion of its decision reads:

WHEREFORE, we affirm that portion of the appealed judgment relating to the award of 1/3 of Lot No. 2, Block E99, to appellee Jose Rabot, including the cancellation of TCT No. 66994 so that the awarded portion could be excluded from said title and the order to appellant PHHC to return to appellee Caballero his payments corresponding to said 1/3 portion; but the judgment insofar as it relates to appellees Gregorio Vasquez and Carmelita Calma is reversed and they are hereby ordered to vacate the portions respectively occupied by them and to remove their constructions and improvements thereon. No pronouncement as to costs.

In upholding the award to Rabot the appellate court ruled that only he was a "registered squatter" entitled to preferential right to purchase the lot in question in accordance with a 1957 directive of then President Ramon Magsaysay.

Upon denial of his motion for partial reconsideration, Caballero appealed to this Court. Carlos Caballero died while the case was pending and was substituted by his heirs, the herein petitioners. In a decision rendered on January 29, 1993, the Court[2] ruled:

WHEREFORE, the petition is hereby **PARTIALLY GRANTED**. The Decision of the Court of Appeals, in so far as it (a) required the PHHC to award one-third of Lot No. 2, Block No. E99 in favor of Jose Rabot; (b) ordered cancelled Transfer Certificate of Title No. 66994 in the name of Carlos Caballero; (c) directed the PHHC to return Caballero's payments corresponding to said one-third portion, is hereby **SET ASIDE**. The judgment appealed from, concerning Gregorio Vasquez and Carmelita Calma, is hereby **AFFIRMED** and the complaint is **DISMISSED**. No special pronouncement is made as to costs.

SO ORDERED.

It was held that Rabot had no preferential right to purchase the lot since the property was not intended in the first place to be allocated to "deserving" squatters because it was sold by the PHHC to finance its projects. And even if it were so, Rabot had no preferential right to purchase the lot because he did not have the minimum income required. Under PHHC Office Order dated September 5, 1958, applicant must have an income of not less than five times the monthly installment for the lot. The monthly installment on the lot was P83.27. Therefore, he must have an income of at least P416.35. Rabot's monthly salary was P100.00.

On March 3, 1993, petitioners filed a motion praying that the dispositive portion of the decision of January 29, 1993 be clarified and that respondent Jose Rabot be ordered to vacate the property and remove all his constructions and improvements thereon. Their motion was denied on March 22, 1993 "as the decision is clear enough that petitioners are the declared owners of the entire lot." On May 5, 1993, entry of judgment was therefore made and the records of the case were transmitted to the lower court.

Thereupon the RTC issued a writ of execution. On September 13, 1993, however, Deputy Sheriff Edgardo C. Tanangco asked the court for a clarification of the legal basis for the eviction of Jose Rabot, "considering the tenor of the Honorable Supreme Court's aforementioned decision, which was silent as to Jose Rabot's right, if any, to stay in the subject lot."

His motion was denied on September 20, 1993 by RTC stating that it "cannot give due course to a motion that has already been denied by the Supreme Court." Petitioners moved for a reconsideration but their motion was denied by the RTC in its order dated October 15, 1993.

Hence this petition. Petitioners argue that:

I

THE RESPONDENT JUDGE ACTED WITH GRAVE ABUSE OF DISCRETION IN REFUSING TO ORDER RESPONDENT RABOT TO VACATE THE SUBJECT PROPERTY CONTRARY TO THE RULING IN CASTRO V. PEÑA, 80 PHIL. 488 IN ORDER TO CARRY THE JUDGMENT IN G.R. NO. L-59888 INTO EFFECT AND RENDER IT BINDING AND OPERATIVE.

II

THE RESPONDENT JUDGE ACTED WITH GRAVE ABUSE OF DISCRETION IN INTERPRETING THE DECISION OF THIS HONORABLE COURT IN G.R. NO. L-59888 AS A BAR TO THE ISSUANCE OF

AN ORDER FOR THE EVICTION OF RESPONDENT RABOT.

III

THE RESPONDENT JUDGE ACTED WITH GRAVE ABUSE OF DISCRETION IN REFUSING TO IMPLEMENT THE DECISION OF THIS HONORABLE COURT IN G.R. NO. L-59888 CONFORMABLE WITH LAW AND JUSTICE.

In his comment dated September 22, 1994, respondent Rabot claims that the petition is premature because he has a pending motion for reconsideration of the decision in G.R. No. 59888 on the ground that no copy of the same had been served on his counsel. He reiterates this claim in his rejoinder dated March 29, 1995.

The allegation is not true. The records of G.R. No. 59888 show that private respondent's counsel indeed filed a motion in which he likewise claimed that he did not receive a copy of the decision. But his motion, filed more than a year after the entry of judgment had been made on May 5, 1993, was simply noted without action, the decision in that case having become final. Consequently, private respondent's claim that the decision in G.R. No. 59888 is not yet final should not detain us any further in considering the merit of the present petition.

The petition should be granted. In denying petitioner's motion for clarification of its decision of January 29, 1993 this Court did not intend to bar Rabot's eviction from the premises. What it meant to say was that there was no need for a clarification "as the decision is clear enough that petitioners are the declared owner of the entire lot." Indeed as owners of the lot, petitioners have all the rights of ownership, which include the right to the possession of the portion occupied by Rabot. As we have held in another case, when title to real or personal property is adjudicated in favor of a party, the judgment will be enforced by giving the enjoyment of the property to the party in whose favor title to it has been decided.[3]

Upon the remand of the case to the trial court for execution, therefore, it became its duty to enforce the decision. It had no authority to modify or reverse in any way the same.[4] It was a grave abuse of its discretion for the trial court to refuse to implement the decision of this Court by directing Rabot's eviction. While ejectment was not directed it is implied from the categorical declaration that petitioners' predecessor-in-interest was the owner of the land in question and from the equally categorical declaration that Rabot was a "squatter plain and simple." Whatever then is necessary to be done to carry out the decision should be ordered.

In conclusion, it may be stated that Rabot has been in possession of a portion of the property for more than twenty years now, time enough for him to be ordered out of the property which Caballero, who had bought it way back in 1968, did not live long enough to fully enjoy.

WHEREFORE, the petition is GRANTED. Respondent court is hereby ORDERED to immediately IMPLEMENT the Court's Decision in G.R. No. 59888 and ISSUE a writ of possession in petitioner's favor.

SO ORDERED.

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

[1] Per Justice B. S. de la Fuente and concurred in by Justices Jorge R. Coquia and Onofre A. Villaluz. Gregorio S. Vasquez v. People's Homesite and Housing Corporation, CA-G.R. No. 56704-R, Dec. 16, 1981.

[2] Per Associate Justice Jose A. R. Melo and concurred in by Associate Justices Hugo E. Gutierrez, Jr. Abdulwahid A. Bidin, Hilario G. Davide, Jr. and Flerida Ruth P. Romero. Caballero v. Court of Appeals, 218 SCRA 56 (1993).

[3] *Castro v. Peña*, 80 Phil. 488 (1948).

[4] *People of Paombong, Bulacan v. Court of Appeals*, 218 SCRA 423 (1992).

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