SOCORRO S. TORRES, AND ROGER VEN S. TORRES, NONETTA T. BANGSAL, AND VIVENCIO GEORGE S. TORRES, AS HEIRS OF VIVENCIO T. TORRES, PETITIONERS, VS. HON. DEODORO J. SISON, AS PRESIDI...

G.R. No. 119811. August 30, 2001

Ponente: PARDO, J.

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PARDO, J.:

The case is a special civil action for certiorari with temporary restraining order or preliminary injunction seeking to enjoin respondent Alicia B. Fabian, Clerk of Court and Ex-Officio Sheriff of Dagupan City, from enforcing the writ of execution[1] and to nullify the order[2] of respondent Judge Deodoro J. Sison finding the motion for execution meritorious and the order[3] denying the motion to quash the writ of execution for lack of merit.

The petition also seeks clarification as to which ruling shall prevail in the same case between two (2) allegedly conflicting but final and executory decisions of the Supreme Court.[4]

Re: G. R. No. 92248

On December 10, 1973, Emilio Olores filed with the Regional Trial Court, Branch 43, Dagupan City, an action against Ceferino Illuscupides, Araceli Camacho Illuscupides, Vivencio T. Torres and Socorro S. Torres[5] for rescission of the sale of two parcels of land, located at Dagupan City, that the Illuscupides sold to the Torreses.

After trial on the merits, on October 7, 1986, the trial court rendered a decision, the dispositive portion of which reads:

> "WHEREFORE, premises considered, by preponderance of evidence, judgment is hereby rendered:
>
> "1. Dismissing the complaint for rescission filed by plaintiff;
>
> "2. Ordering the dismissal of the cross-claim and counter-claims of defendants Illuscupides against Torres and plaintiff;
>
> "3. Ordering defendants Illuscupides and/or Torres to deliver the P41,000.00 withheld by them as part of the purchase price of the lots and apartment for the satisfaction of the claim of plaintiff;
>
> "4. Ordering defendants Illuscupides to pay plaintiff and defendants Torres the sum of P5,000.00 as attorney's fees each.
>
> "5. Ordering the defendants Illuscupides to pay the costs.
>
> "SO ORDERED."

In due time, the defendants appealed to the Court of Appeals.[6]

After due proceedings, on January 18, 1990, the Court of Appeals rendered a decision, the dispositive portion of

which provides:

> "WHEREFORE, the decision dated October 7, 1986 is hereby AFFIRMED insofar as the dismissal of the complaint of plaintiff-appellant Olores, the cross-claim and counter-claim of defendants-appellants Illuscupides and counter-claim of defendants-appellees Torres; REVERSED insofar as Nos. 3, 4 and 5 of the dispositive portion of the Decision are concerned; and the defendants-appellees spouses Vivencio Torres and Socorro Torres are ordered to reconvey in favor of the defendants-cross-claimants spouses Ceferino and Araceli Illuscupides that certain building more particularly designated as a ten-door apartment in the Deed of Sale executed by and between the abovenamed parties on October 19, 1973."

On March 9, 1990, petitioners filed with the Supreme Court a petition for review on certiorari to set aside the decision of the Court of Appeals in so far as it ordered the reconveyance to the respondents Illuscupides of the ten-door apartment building.[7]

On June 18, 1990, the Supreme Court issued a resolution which states:

> "Considering the allegations, issues and arguments adduced in the aforesaid petition as well as the comment thereon of the aforenamed respondents, the Court RESOLVED to DENY the petition for failure to sufficiently show that the Court of Appeals had committed any reversible error in affirming the dismissal of the complaint for rescission but ordering petitioners and/or respondents to pay contractor's fee and ordering petitioners to reconvey the lots and apartment to respondents Illuscupides."

and which became final and executory on July 25, 1990.[8]

Re: G. R. No. 93390

On their part, on June 18, 1990, respondents Illuscupides filed with the Supreme Court a petition for review on certiorari seeking to modify the same Court of Appeals decision so as to allow them to repurchase the two (2) lots in question, not only the ten-door apartment.[9]

On December 9, 1992, the Supreme Court rendered a decision affirming in toto the decision of the Court of Appeals.[10] On March 8, 1993, the decision became final and executory.[11]

On December 2, 1993, respondents Illuscupides filed with the trial court a motion for execution of the resolution of the Supreme Court[12] "ordering petitioners to reconvey the lots and apartment to respondents Illuscupides." The trial court granted the motion in an order dated July 14, 1994,[13] followed by the issuance of a writ of execution, dated February 14, 1995.[14]

On July 26, 1994, petitioners filed with the trial court a motion for reconsideration/clarification and/or to quash the writ of execution.[15]

On February 14, 1995, the clerk of court of the lower court issued a writ of execution directing the petitioners to reconvey the lots and apartment to respondents Illuscupides.[16]

On February 27, 1995, petitioners filed with the trial court a motion to quash writ of execution.[17] On March 16, 1995, the trial court denied the motion for lack of merit.[18]

Hence, this petition.[19]

On June 5, 1995, the Court issued a resolution[20] dismissing the petition and ruling that the decision of the Court in G. R. No. 93390 neither altered nor modified the decision in G. R. No. 92248, which is final and executory. And since the decision in G. R. No. 92248 has become final and executory, then it can no longer be amended.

On June 26, 1995, petitioners filed with the Supreme Court a motion for reconsideration.[21] On December 13,

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1995, the Court denied the motion.[22]

On February 13, 1996, petitioners filed with the Supreme Court a motion for leave to file a second motion for reconsideration with the attached motion for reconsideration.[23]

On June 17, 1996, the Court granted the motion for reconsideration. We reinstated the petition and required respondents to comment thereon.[24]

Petitioners raised the following issues:

First: Is the phrase "ordering the petitioners to pay contractor's fee and to reconvey the lots and apartment building to respondents Illuscupides" a mere paraphrase of the decision of the Court of Appeals in which the Supreme Court found no reversible error, and the inclusion of reconveyance of the lot a mere typographical error?

Second: If the order to reconvey the lot was not a typographical error, then the grant of that relief was a departure from established jurisprudence that no affirmative relief can be given a party who did not appeal from the decision.

Third: Is not the order to reconvey the lot, which is not prayed for in the petition of the Torreses, inconsistent with the finding that there was no reversible error in the decision of the Court of Appeals, thereby supporting the contention that the order to reconvey the lot was a mere typographical error in paraphrasing?

Fourth: If indeed the order to reconvey the lots was a relief granted, is this not violative of the constitutional requirement of due process provided in Article III, Section 1, and Article VIII, Section 14 of the Constitution?

Fifth: Did not the decision of the Supreme Court in G. R. No. 93390, which affirmed in toto the decision of the Court of Appeals finally dispose of the rights of the Illuscupides as to the lot, for: (a) the reconveyance of the lot was the issue raised in the Petition; (b) the Supreme Court having the two cases (G. R. No. 93390 and G. R. No. 92248) in the caption of the two decisions had considered both cases;

Sixth: Is the decision in G. R. No. 93390, which denied reconveyance of the lot, a supervening event, legally sufficient to prevent enforcement of the minute resolution in G. R. No. 92248.

Seventh: Granting for the sake of argument that the minute resolution in G. R. No. 92248 granted the affirmative relief sought to be enforced by the lower court, which shall prevail: the minute resolution in G. R. No. 92248 or the decision in G. R. No. 93390?[25]

The questions presented boil down to the issue of whether the minute resolution of the Court in G. R. No. 92248 has been superseded by the decision in G. R. No. 93390.

We dismiss the petition.

The decision in G. R. No. 93390 did not alter or modify the resolution in G. R. No. 92248. A final judgment of the Supreme Court cannot be altered or modified, except for clerical errors, misprisions or omissions.[26] No "inferior" court has authority to revoke a resolution of a superior court, much less a final and executory resolution of the Supreme Court, the latter itself having no power to revoke the same after it has become final.[27] Any amendment or alteration which substantially affects a final and executory judgment is null and void for lack of jurisdiction, including the entire proceedings held for that purpose.[28] An order of execution which varies the tenor of the judgment or exceeds the terms thereof is a nullity.[29]

As this Court has stated, "all litigation must at last come to an end, however unjust the result of error may appear. Otherwise, litigation would become even more intolerable than the wrong or injustice it is designed to correct. Considering the litigiousness of our people and the volume of litigation being processed in our legal system, the

importance of the public policy cannot be overturned.[30]

Once final and executory, the judgment shall be remanded to the lower court, where a motion for its execution may be filed after its entry.[31] On June 18, 1990, the Court dismissed the petition in G. R. No. 92248, and on July 25, 1990, the decision became final and executory. It was proper for the trial court to grant the respondents' motion for a writ of execution on July 14, 1994, after the entry of judgment of the decision on July 25, 1990. Consequently, execution may be effected as a matter of course before the decision becomes stale.[32]

WHEREFORE, we DISMISS the petition for certiorari for lack of merit.

No costs.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Ynares-Santiago, JJ., concur.

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[1] In Civil Case No. D-3198, Regional Trial Court, Dagupan City, Branch 41. Petition, Annex "B", Rollo, pp. 14-15.

[2] Petition, Annex "A", Rollo, p. 13.

[3] Petition, Annex "C", Rollo, p. 16.

[4] In G. R. No. 92248 and G. R. No. 93390.

[5] Docketed as Civil Case No. D-3198.

[6] Docketed as CA-G. R. CV No. 14779.

[7] Rollo of G. R. No. 92248. Petition filed on March 9, 1993, pp. 6-13.

[8] Petition, Annex "D", Rollo, p. 17.

[9] Rollo of G. R. No. 93390. Petition filed on June 18, 1990, posted by Registered mail, pp. 7-19.

[10] Petition, Annex "E", Rollo, pp. 18-26. See 216 SCRA 287 [1992].

[11] Petition, Annex "E -1", Rollo, p. 27.

[12] In G. R. No. 92248.

[13] Petition, Annex "A", Rollo, p. 13.

[14] Petition, Annex "B", Rollo, pp. 14-15.

[15] Petition, Annex "H", Rollo, pp. 40-42.

[16] Petition, Annex "B", Rollo, pp. 14-15.

[17] Petition, Annex "I", Rollo, pp. 43-46.

[18] Petition, Annex "C", Rollo, p. 16.

[19] Filed on April 28, 1995. Petition, Rollo, pp. 2-12.

[20] Rollo, pp. 47-49.

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[21] Rollo, pp. 50-55.

[22] Rollo, p. 73.

[23] Rollo, pp. 74-80.

[24] Rollo, p. 82. On April 5, 2000, we gave due course to the petition (Rollo, pp. 119-120).

[25] Petitioner's Memorandum, pp. 5-6, Rollo, pp. 131-132.

[26] Filcon Manufacturing Corp. v. NLRC, 199 SCRA 814 [1991]; International School, Inc. v. Minister of Labor and Employment, 175 SCRA 507 [1989]; Marcopper Mining Corporation v. Briones, 165 SCRA 464 [1988]; Philippine Long Distance Telephone Company v. Medina, 127 Phil. 47 [1967].

[27] Moran, Comments on the Rules of Court, Vol. II, 1996 edition, p. 290, citing Viguierra v. Barana, 78 Phil. 486 [1947]; Amor v. Jugo, 77 Phil. 703[1946].

[28] Industrial Management International Development Corp. v. NLRC, 331 SCRA 640, 648 [2000], citing Arcenas v. Court of Appeals, 360 Phil. 122, 132 [1998]; Navarro v. NLRC, 327 SCRA 22, 30 [2000], citing Gaudia v. NLRC, 318 SCRA 438, 445 [1999].

[29] Ibid., citing Philippine Bank of Communications v. Court of Appeals, 344 Phil. 90 [1997].

[30] Reinsurance Company v. Court of Appeals, 198 SCRA 19 [1991].

[31] Heirs of the late Justice Jose B. L. Reyes v. Court of Appeals, G. R. Nos. 135180-81 and 135425-26, August 16, 2000.

[32] Rule 39, Section 6, Revised Rules of Court.

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