

MAYON ESTATE CORPORATION, PETITIONER, VS. MARIETTA ALTURA, LEOPOLDO LEONARDO, ISIDERIO CATLI, JOSE BOCATO, POLICARPIO FERRER, TERESITA PEREGRINO, PRIMITIVO RIVERA, TEOFILO NAPAO...

G.R. No. 134462. October 18, 2004

Ponente: CALLEJO, SR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-134462/>

CALLEJO, SR., J.:

This is a petition for review on certiorari under Rule 45 of the Revised Rules of Court assailing the Decision[1] of the Court of Appeals in CA-G.R. SP No. 42602 and its Resolution[2] denying the motion for reconsideration thereof.

Petitioner Mayon Estate Corporation, Everlasting Estate Corporation (EEC) and NBC Agro-Industrial Development Corporation (NBC) were co-owners of a residential land known as the Peñafrancia Hills Subdivision, with an area of 150 hectares located in Antipolo, Rizal, covered by Transfer Certificate of Title Nos. 310001 to 310946; TCT No. 317488; TCT No. 240606; TCT No. 417624; TCT No. 341357 and TCT No. 338897.[3] On May 6, 1976, the corporations filed a civil suit for forcible entry and damages[4] with the Municipal Trial Court (MTC) of Antipolo, Rizal, against Eladio Medina, for himself and in his capacity as President of the Concerned Citizen Farmers Association, Inc., and Ranulfo B. Buensalida, for himself and in his capacity as Vice-President of the Doña Flora Farmer's Association, Inc. with 1000 members, more or less. The case was docketed as Civil Case No. 890. On June 26, 1979, the court rendered judgment in favor of the petitioner, EEC and NBC. The fallo of the decision reads:

IN VIEW OF ALL THE FOREGOING, defendants and all other persons acting in their behalf are hereby ordered to vacate the premises in question and remove all the improvements they constructed thereon, and to restore the possession of the lots to the plaintiff.

Further, ordering the defendants to pay attorney's fees in the amount of P5,000.00 and to pay the cost of suit.

SO ORDERED.[5]

When the decision became final and executory, the petitioner, EEC and NBC moved for the issuance of a writ of execution, which the MTC granted on April 26, 1980.[6] However, the sheriff failed to implement the said writ because the defendants therein refused to vacate the premises.[7] Left with the problem of a final judgment which had not been executed for five (5) years since the writ of execution was issued, the petitioner and its co-owners filed a motion for the issuance of a writ of demolition with the MTC. The MTC granted the same, pursuant to its Order[8] dated January 2, 1985. The demolition was partially implemented with 42 houses destroyed.[9]

On October 25, 1985, the respondents[10] filed before the RTC, Antipolo, Rizal, Branch 71, a Petition for Prohibition with Writ of Preliminary Injunction & Damages[11] against Judge Romeo de Leon, the petitioner and the Provincial Sheriff of Rizal, to enjoin the enforcement of the January 2, 1985 Writ of Demolition issued by the

MTC, on the ground that the same was issued beyond the five-year period during which a judgment may be executed by motion. The case was docketed as Civil Case No. 739-A. It was also alleged that the June 26, 1979 judgment of the MTC in Civil Case No. 890 should be enforced by an independent action and not by a mere motion. For failing to file a responsive pleading, the petitioner was declared in default, while the respondents were allowed to present evidence *ex parte*.

The RTC issued a Temporary Restraining Order,[12] because of which the sheriff was not able to fully implement the writ of demolition in Civil Case No. 890.

On July 28, 1986, the RTC rendered a Decision[13] in Civil Case No. 739-A in favor of the respondents, the dispositive portion of which reads:

Accordingly, the Court has no alternative but to give due course to the instant Petition for Prohibition. Let the corresponding Writ of Prohibition be issued to prevent respondents from enforcing the decision of the respondent Court in Civil Case No. 890.

No pronouncement as to cost.

SO ORDERED.[14]

No appeal was taken by the petitioner, thus, the decision became final and executory. Entry of judgment was made of record on August 4, 1987.[15] The court issued an Order[16] dated June 15, 1988, for the issuance of a Writ of Prohibition. However, the Clerk of Court failed to issue the said writ.

Meantime, the finality of the decision in Civil Case No. 739-A notwithstanding, the petitioner filed, on May 20, 1988, a Motion for a Second Alias Writ of Demolition in Civil Case No. 890. The court granted the motion and issued a second alias writ of demolition[17] on May 27, 1988. The sheriff was able to demolish only sixty percent (60%) of the houses, because the RTC of Antipolo, Branch 71, had issued a temporary restraining order in another case, Civil Case No. 1193-A, entitled “Lungsod Silangan Residents Association, Inc. et al. vs. Judge Romeo C. de Leon, et al.”[18] Worse, the occupants reconstructed their houses.[19] On motion of the petitioners in Civil Case No. 739-A, the RTC issued an Order[20] on June 15, 1988, directing the issuance of a writ of prohibition against the enforcement of the MTC decision in Civil Case No. 890. However, no writ was issued. On March 31, 1989, the MTC issued a Third Alias Writ of Demolition.[21] This time, the sheriff was able to demolish almost ninety-five percent (95%) of the houses.[22]

On September 12, 1990, the Branch Clerk of Court finally issued a Writ of Prohibition[23] in Civil Case No. 739-A, conformably with the June 15, 1988 Order of the trial court. Nevertheless, on August 20, 1991, the petitioner filed a motion in Civil Case No. 890 for the issuance of a fourth alias writ of demolition.[24] The court held in abeyance the resolution of the motion to enable the parties to settle the matter amicably.[25] However, no settlement was reached by the parties. On October 20, 1995, the respondents filed a Motion to Lift/Dissolve Writ of Prohibition[26] in Civil Case No. 739-A before the RTC, Branch 71, to enable the sheriff to fully execute the decision in Civil Case No. 890. The RTC issued an Order[27] granting the motion on December 15, 1995. In lifting the writ of prohibition, Judge Felix S. Caballes held, *inter alia*, that:

Firstly, in Civil Case No. 890, the Municipal Trial Court of Antipolo issued within the 5-year reglementary period a writ of execution on April 26, 1980 to enforce its decision dated June 26, 1979, a copy of which decision was received by the defendants therein on August 20, 1979. The alias order of demolition is only an incident of the writ of execution timely or seasonably issued earlier. Indeed, as succinctly expressed by then Justice Ramon C. Aquino in his concurring opinion in *Torralba vs. De Los Angeles* (96 SCRA 69, 76):

“I concur. Since the writ of execution was served upon the petitioner within five years from entry of judgment, the trial court could issue the order of demolition (an incident of the writ of execution) even after the expiration

of the five-year period (Albetz Investment, Inc. vs. Court of Appeals, L-32570, February 28, 1977, 75 SCRA 310, 317).”

Albetz Investments, Inc. vs. Court of Appeals (75 SCRA 310) adds to say that “the law does not specify the period within which the order of demolition should be carried out.”[28]

The petitioner and its co-owners forthwith filed a motion in Civil Case No. 890 reiterating its motion for the issuance of a fourth alias writ of demolition[29] which was granted by the MTC in its Order[30] dated March 20, 1996. The petitioners, in turn, filed a motion[31] in Civil Case No. 739-A before the RTC for the reconsideration of the order lifting the writ of prohibition, but the trial court issued an Order[32] dated October 24, 1996, denying the said motion for lack of merit. The court even set aside its decision granting the petition for prohibition of the respondents herein.[33]

The respondents sought recourse to the Court of Appeals (CA) via a Petition for Certiorari/Prohibition with Prayer for Injunction and Temporary Restraining Order,[34] claiming that the RTC Orders dated December 15, 1995 and October 24, 1996, which in effect set aside a decision that had long become final and executory, were tainted with grave abuse of discretion.

On March 13, 1998, the CA issued the assailed decision granting the petition and setting aside the assailed orders. The fallo of the decision reads:

WHEREFORE, the petition for certiorari is hereby GRANTED. The Orders dated 15 December 1995 and 24 October 1996 are REVERSED and SET ASIDE.

SO ORDERED.[35]

The appellate court held that the decision of the RTC granting the petition for writ of prohibition had long become final and executory; hence, immutable and can no longer be set aside.

A motion for reconsideration[36] was filed by the petitioner which the CA denied per its Resolution[37] dated July 2, 1998.

The Petitioner filed its petition at bar contending that:

THE HONORABLE COURT OF APPEALS GRAVELY ERRED ON A QUESTION OF LAW IN RULING THAT HON. JUDGE FELIX CABALLES COMMITTED GRAVE ABUSE OF DISCRETION WHEN HE ISSUED HIS ORDERS DATED DECEMBER 15, 1995 AND OCTOBER 24, 1996 DISSOLVING THE WRIT OF PROHIBITION AND DENYING RESPONDENTS’ MOTION FOR RECONSIDERATION.

THE HONORABLE COURT OF APPEALS GRAVELY ERRED ON QUESTION OF LAW IN REVERSING AND SETTING ASIDE THE ORDERS DATED DECEMBER 15, 1995 AND OCTOBER 24, 1996 ISSUED BY HON. JUDGE FELIX CABALLES.

THE HONORABLE COURT OF APPEALS GRAVELY ERRED ON QUESTION OF LAW IN HOLDING THAT THE ORDER FOR THE ISSUANCE OF A WRIT OF PROHIBITION IS “FINAL” AND TAKES PRECEDENCE OVER THE EARLIER FINAL AND EXECUTORY JUDGMENT RENDERED BY THE MUNICIPAL TRIAL COURT OF ANTIPOLO.[38]

Anent the first and the second errors, the petitioner asserts that the Court of Appeals erred in holding that the RTC committed a grave abuse of discretion in lifting the writ of prohibition. It argues that the writ of demolition and the subsequent alias writs of demolition issued by the MTC were valid and effective, since the five (5)-year period within which to execute a court decision by mere motion was tolled or suspended by the obstinate act of the respondents in refusing to vacate the premises. Hence, in lifting the writ of prohibition, Judge Caballes was

merely correcting a manifestly erroneous decision earlier issued by his predecessor, Judge Patricio M. Patajo. It posits that the July 28, 1986 Decision of the RTC which gave due course to respondents' petition for prohibition and which ordered the issuance of the writ of prohibition was patently erroneous because it prohibited the enforcement of the decision of the MTC in Civil Case No. 890 which had already become final and executory.

The petitioner's contention has no merit.

There is no denying the fact that the decision of the MTC in Civil Case No. 890 had long become final and executory when the respondents filed their petition for prohibition with the RTC in Civil Case No. 739-A. What the respondents sought to prevent was the enforcement of the MTC decision, on their claim that such decision could be effected only via an action to enforce the decision of the MTC, and not by mere motion. Whether right or wrong, the decision of the RTC granting a writ of prohibition in Civil Case No. 739-A had long become final and executory; hence, immutable, beyond the jurisdiction of the RTC to amend, modify, or reverse.[39] Nothing is more settled in law than that when a final judgment is executory, it thereby becomes immutable and unalterable. The judgment may no longer be modified in any respect, even if the modification is meant to correct what is perceived to be an erroneous conclusion of fact or law, and regardless of whether the modification is attempted to be made by the court rendering it or by the highest Court of the land.[40] The doctrine is founded on considerations of public policy and sound practice that, at the risk of occasional errors, judgments must become final at some definite point in time.[41] The only recognized exceptions are the corrections of clerical errors or the making of the so-called nunc pro tunc entries, in which case no prejudice to any party, and, of course, where the judgment is void.[42]

Anent the third error, the petitioner contends that, contrary to the appellate court's ruling that there are two (2) final and executory judgments in Civil Cases Nos. 890 and 739-A, there is but one immutable judgment, that which was rendered in Civil Case No. 890. The petitioner maintains that the decision of the RTC in Civil Case No. 739-A can never attain immutability because the said case was merely an adjunct to the ejectment suit in the MTC and has no independent existence apart from the said ejectment suit. It argues that "to hold otherwise would result in an unjust and absurd situation whereby the prevailing party on the merits in the main case will be forever barred, by the simple expedient of the other party's obtaining an incidental writ of prohibition, from executing the judgment in the core case favorable to it and from enforcing a right and a demandable obligation from the losing party."

We do not agree with the petitioner.

A special civil action of prohibition is an original and independent action and not merely a continuation or a part of the trial resulting in the rendition of the judgment or order complained of.[43] Neither is such an action ancillary or substitute to the action against which the supervisory authority of the appellate court is sought and directed. It bears stressing that an action for prohibition or certiorari, for that matter, does not divest the inferior or trial court of its jurisdiction validly acquired over the case pending before it; it is merely an invocation for the exercise of its supervisory power over the lower court to insure that the lower court acts within its jurisdiction.[44] If the lower court errs in the exercise of its jurisdiction, the remedy of the aggrieved party is to appeal in due course from an adverse judgment of the trial court, absent grave abuse of its discretion amounting to excess or lack of jurisdiction.

The petitioner posits that if we uphold the decision of the CA, the decision in Civil Case No. 890 will only be phyrhic. It laments that it has to go back to square one, as it was, and begin all over again. We do not think so. The petitioner may still file an action to revive the decision of the MTC under Section 6, Rule 39 of the Rules of Court:

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.

Besides, one may commiserate with the petitioner, ultimately, it has no one else to blame but itself. After being declared in default in Civil Case No. 739-A, it did nothing to regain its legal standing in court. Incredibly, it did not even lift a finger after the RTC had rendered its decision and permitted the statutory period within which to file an appeal to elapse, consequently allowing the trial court's judgment to become final and executory. By its own negligence, it is guilty of laches and is now precluded from assailing the validity of the RTC's final and executory judgment and the writ of prohibition issued pursuant thereto.

WHEREFORE, the petition is DENIED. The impugned decision and resolution of the Court of Appeals are hereby AFFIRMED. Costs against the petitioner.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, and Tinga, JJ., concur.
Chico-Nazario, J., on leave.

[1] Penned by Associate Justice Hector L. Hofileña (retired), with Associate Justices Jesus M. Elbinias (retired) and Omar U. Amin (retired), concurring.

[2] Rollo, p. 66.

[3] CA Rollo, p. 109.

[4] Id. at 108-110.

[5] Id. at 117.

[6] Rollo, pp. 77-78.

[7] Id. at 79.

[8] Id. at 80.

[9] Id. at 84.

[10] Ranulfo Buensalida, Marietta Altura, Leopoldo Leonardo, Isiderio Catli, Jose Bocato, Policarpio Ferrer, Teresita Peregrino, Primitivo Rivera, Teofilo Napao, Salvador Herbolario, Jesus Verzosa, Jr., Elisa Pangilinan, Roger Canzon, Norman Altura, Romualdo de Belen and Raymundo de Guzman.

[11] CA Rollo, pp. 17-20.

[12] CA Rollo, p. 23.

[13] Penned by Judge Patricio M. Patajo.

[14] CA Rollo, p. 23.

[15] Id. at 24.

[16] Records, p. 47.

- [17] Rollo, pp. 84-85.
- [18] Id. at 86.
- [19] Id.
- [20] Records, p. 47.
- [21] Rollo, pp. 86-87.
- [22] Id. at 91.
- [23] Records, p. 49.
- [24] Rollo, pp. 92-93.
- [25] Id. at 115.
- [26] Id. at 94-113.
- [27] Id. at 114-116.
- [28] Id. at 115-116.
- [29] Id. at 117-122.
- [30] Id. at 123-126.
- [31] Id. at 127-134.
- [32] Id. at 172-175.
- [33] Records, pp. 147-150; CA Rollo, pp. 49-52.
- [34] Rollo, pp. 176-190.
- [35] Id. at 64.
- [36] CA Rollo, pp. 229-234.
- [37] Rollo, p. 66.
- [38] Id. at 25.
- [39] *Yu v. NLRC*, 245 SCRA 134 (1995).
- [40] *Alba Patio de Makati v. NLRC*, 201 SCRA 355 (1991).
- [41] *Paramount Insurance Corp. v. Japzon*, 211 SCRA 879 (1992).
- [42] *Manning International Corp. v. NLRC*, 195 SCRA 155 (1991).
- [43] *Perez v. Court of Appeals*, 168 SCRA 236 (1988).
- [44] *Santiago v. Vasquez*, 217 SCRA 633 (1993).

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.