

THE HEIRS OF FERRY BAYOT, NAMELY, SIMPLICIO BAYOT, JERRY BAYOT, MARICRIS BAYOT, TERESA OBIAL AND ROSIE PALADO, PETITIONERS, VS. ESTRELLA BATERBONIA AND ANGEL BATERBONIA, RESPOND...

G.R. No. 142345. August 13, 2004

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

This is a petition for review on certiorari filed by the Heirs of Ferry Bayot of the Resolution[1] of the Court of Appeals in CA-G.R. CV No. 44106 which denied their motion for clarification of its November 8, 1995 Decision.[2]

The Antecedents

The Buayan Townsite Subdivision located in General Santos, Cotabato, was owned by the Board of Liquidators. During the period of August 6, 1948 to August 6, 1951, the Board of Liquidators had the property surveyed by Simplicio Cagampang. Lots No. 4116, 4117 and 4118 were located along Magsaysay Avenue.

In 1954, Estrella Baterbonia acquired Lot No. 4118 and occupied the property. In the meantime, the Bureau of Lands approved the Cagampang survey plan on May 29, 1959. In 1962, Ferry Bayot acquired Lot No. 4117 consisting of an area of 550 square meters from her aunt and took possession of the property.

During the period of 1963 to 1964, the Board of Liquidators had the property resurveyed by the Calina Survey Office and, in the process, the numbering of the lots was altered. Lot No. 4116 under the Cagampang survey became Lot No. 4115 under the Calina survey, while Lot No. 4118 became Lot No. 4117. The resurvey plan prepared by the Calina Survey Office was not, however, approved by the Bureau of Lands.

On July 6, 1966, Baterbonia filed an Application for a Miscellaneous Sales Patent over her property. On her belief that the Calina resurvey plan had been approved by the Bureau of Lands, she indicated in her application that her property was Lot No. 4117. Her application was approved. On October 17, 1966, a Miscellaneous Sales Patent was executed over Lot No. 4117 of the Calina survey in her favor, on the basis of which she was issued Original Certificate of Title (OCT) No. (P-28221), (P-10766), (P-1702). The title contained the technical description of Lot No. 4118 under the Cagampang survey.

Twenty-three (23) years later, or on October 30, 1989, Bayot filed a Complaint against Baterbonia for reconveyance of Lot No. 4117. Bayot claimed that she had been in possession of Lot No. 4117 of the Cagampang survey, but that Baterbonia had the same titled in her name. She admitted during the hearing that Lot No. 4116 under the Cagampang survey was already owned by Yap Mabuhay.

On March 22, 1993, the trial court rendered judgment against Bayot and in favor of Baterbonia ordering the dismissal of the complaint. However, in the body of its decision, the court directed Baterbonia to file a petition in

court for the correction or amendment of OCT No. (P-28221), (P-10766), (P-1702), thus:

... So that Ferry Bayot would not be prejudiced by the continued existence of Estrella Baterbonia's title to Lot No. 4117, which is not hers, but Ferry Bayot's, because such fact (the continued existence of Estrella Baterbonia's title to Lot No. 4117) would prevent Ferry Bayot from filing an application to secure title for said Lot No. 4117, the Court directs Estrella Baterbonia to file a petition in court for the alteration or amendment of her title, pursuant to Section 108 of P.D. No. 1529, within a reasonable time.[3]

Bayot filed a motion for the reconsideration of the decision, but on April 14, 1993, the trial court issued an Order denying the motion. The decision was then appealed with the Court of Appeals, which rendered judgment on November 8, 1995, affirming the decision of the trial court. Upon the denial of her motion for reconsideration, Bayot filed a petition for review on certiorari with this Court, docketed as G.R. No. 12799, which was denied due course. Entry of judgment was made on September 12, 1997.[4] In the meantime, Bayot died intestate.

On February 29, 1998, the petitioners, the heirs of Bayot, filed a "Notice and Claim of Implied Trust" with the Register of Deeds of General Santos City, claiming that Baterbonia held the property covered by the said title in trust for their predecessors. The respondents, Spouses Angel and Estrella Baterbonia, opposed the application, contending that the CA, in its final and executory Decision of November 8, 1995, ruled that constructive or implied trust in the instant case was inapplicable. The Register of Deeds annotated the claim as Entry No. 307463.[5] The respondents filed a motion to cancel the said entry, alleging that no constructive or implied trust in favor of Bayot or his heirs was created by reason of their continued refusal to file a petition for alteration or amendment of title as directed by the Regional Trial Court and CA. The RTC granted the motion of the respondents.

Aggrieved, the petitioners filed a motion on February 8, 1999 with the CA (Fourth Division) for clarification of its November 8, 1995 Decision. They prayed that the CA clarify its decision and direct the Spouses Baterbonia to comply with its order directing them to file a petition for a correction or amendment of OCT No. (P-28221).[6] On September 10, 1999, the CA denied the motion, holding that the assailed decision had already become final and executory.[7] The motion for reconsideration thereon was, likewise, subsequently denied on January 24, 2000. Hence, this petition.

The petitioners contend that, under its decision in CA-G.R. CV No. 44106, the CA directed respondent Estrella Baterbonia to file a petition with the appropriate court for the amendment of title within a reasonable time, pursuant to Section 108 of Presidential Decree (PD) No. 1529.[8] They relate that the respondent was allowed to keep her title as basis for the filing of a petition in court for correction of title.[9] They insist that the order of the CA under its decision was for the respondents to merely utilize their title as basis for the correction and/or amendment thereof, and not to perpetually keep the same. They allege that, as such, the respondent was not given any option nor discretion to dispose of or to convey the title to anyone. Citing Section 10, Rule 39 of the Rules of Court, the petitioners claim that if a judgment directs a party to perform a specific act and the party failed to comply within the time specified, the court may direct the act to be done at the cost of the disobedient party.[10]

In their comment, the respondents prayed that the petition be dismissed on the ground that the November 8, 1995 Decision of the CA in CA-G.R. CV No. 44106 had long become final and executory. They contend that the order of the CA in its decision directing them to file a petition in the court for the amendment of their certificate of title, pursuant to Section 108 of P.D. No. 1529 was unnecessary, considering that the technical description in OCT No. (P-28221), (P-10766), (P-1702) was, in fact, the property contained in Lot No. 4117 under the Cagampang survey, approved by the Bureau of Lands on May 29, 1959. They further allege that the fact that the lot number was erroneously stated in their title was unimportant.

The issues for resolution are the following: (a) whether or not a decision which has become final and executory precludes the filing of a motion for the clarification thereof; (b) whether or not the decision of the CA is ambiguous; and (c) whether or not the respondents may be compelled to file a petition for alteration or amendment of their title to reflect the correct lot number of their property.

The petition is meritorious.

Even if its decision is already final and executory, the CA retains jurisdiction to clarify any ambiguities caused by any inadvertent omission or mistake in the dispositive portion thereof. For this purpose, the appellate court may resort to the pleadings of the parties, its findings of facts and conclusions of law as expressed in the body of the decision.[11] In *Republic Surety and Insurance Co., Inc. v. Intermediate Appellate Court*,[12] we held that a final and executory judgment or the fallo thereof may be clarified or rectified by an amendment because of an ambiguity arising from inadvertent omission of what might be described as a logical follow-through of something set forth in the body of the decision of the court and in the dispositive portion thereof.

In this case, the trial court and the appellate court ruled that Ferry Bayot was not entitled to a reconveyance of the property because the respondents were its lawful owners as declared therein, although erroneously numbered as Lot No. 4117 based on the unapproved Calina survey. However, the petitioner was the owner of Lot No. 4117 of the Cagampang survey, and unless the lot number under OCT No. (P-28221), (P-10766), (P-1702) under the names of the respondents was corrected and amended as Lot No. 4118, the petitioners would never be able to apply for and secure title over the property under their names. Hence, both the trial and appellate courts directed respondent Estrella Baterbonia to file a petition in court for the correction or amendment of the said OCT pursuant to Section 108 of P.D. No. 1529 and, for this purpose, allowed her to keep the owner's duplicate of the said title as basis for the filing of the said petition. The appellate court, in fact, emphasized that:

One final point is the defendant's contention that the trial court erred in directing them to file a petition in court for the alteration or amendment of their title in order to correct the technical description as well as the number of the lot in accordance with the approved Cagampang Survey.

A petition to amend or alter a certificate of title is allowed under Sec. 108 of P.D. 1529 "if any error, omission or mistake was made in entering a certificate of title" or "upon any other reasonable ground." Hence, there maybe a correction of technical description of lands covered by a certificate of title (*Domingo vs. Santos*, 55 Phil. 361) provided that the original decree of registration be not thereby reopened and the "title or other interest of a purchaser holding a certificate for value and in good faith" be not thereby impaired. (*Nadela and Jaca vs. Cabras*, 70 Phil. 392).

In the present case, the technical description and the lot number used by the defendants were based on the unapproved Calina Survey plan; hence, necessarily it should be amended to reflect the correct description as well as the lot number under the Cagampang Survey.

The disposition by the trial court of the issue as to the non-cancellation of OCT No. (P-28221) (P-1702) raised in the present case appears reasonable and fair under the admitted circumstances of the case.[13]

The filing of the petition was ordered by the courts for the benefit of the parties, to avoid any confusion on the precise property covered by the said title. Unfortunately, however, both courts, through inadvertence, failed to include in the fallo of their decisions the order directing respondent Estrella Baterbonia to file the said petition. Such inadvertent omission must be rectified by an amendment of the dispositive portion of the decision of the CA. The bare fact that the petitioners filed their motion in the CA for clarification of its decision only after the lapse of some years is of no moment. Technicality should not prevail over considerations of substantial justice.[14]

IN LIGHT OF ALL THE FOREGOING, the petition is GRANTED. The respondents are ORDERED to file the

appropriate petition in court within thirty (30) days from the finality of this decision for the amendment of the lot number of the property covered by Original Certificate of Title No. (P-28221), (P-10766), (P-1702) from Lot No. 4117 under the Calina survey to Lot No. 4118 under the Cagampang survey, pursuant to Section 108 of P.D. No. 1529.

SO ORDERED.

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

[1] Penned by Associate Justice Angelina Sandoval-Gutierrez (now a member of this Court), with Associate Justices Conrado M. Vasquez, Jr. and Godardo A. Jacinto, concurring.

[2] Penned by Associate Justice Gloria C. Paras (retired), with Associate Justices Angelina Sandoval-Gutierrez and Conrado M. Vasquez, Jr., concurring.

[3] Rollo, p. 70.

[4] Id. at 35.

[5] Id.

[6] CA Rollo, pp. 138-158.

[7] Rollo, p. 27.

[8] Id. at 17.

[9] Id. at 18.

[10] Id. at 19.

[11] Reinsurance Company of the Orient, Inc. v. Court of Appeals, 198 SCRA 19 (1991).

[12] 152 SCRA 309 (1987).

[13] Rollo, p. 69.

[14] Partosa-Jo v. Court of Appeals, 216 SCRA 692 (1992).

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