LA CAMPANA DEVELOPMENT CORPORATION (FORMERLY LA CAMPANA FOOD PRODUCTS INC.), PETITIONER, VS. DEVELOPMENT BANK OF THE PHILIPPINES, RESPONDENT.

G.R. No. 146157. February 13, 2009

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

Before Us is a Petition for Review on Certiorari under Rule 45 of the Revised Rules of Court filed by La Campana Development Corporation (petitioner La Campana) assailing the Decision[1] and Resolution,[2] promulgated on 31 August 2000 and 21 November 2000, respectively, by the Court of Appeals in CA-G.R. SP No. 48773, entitled, "Development Bank of the Philippines vs. The Regional Trial Court, Branch No. 76, Quezon City, Presided by the Hon. Monina A. Zeñarosa, La Campana Food Products Inc. (now known as La Campana Development Corporation), and The Register of Deeds of Quezon City."

The present Petition stemmed from a Motion for the Issuance of a Writ of Execution[3] filed by Development Bank of the Philippines (respondent DBP) on 7 January 1997, which prayed for the implementation of the 3 November 1994 Decision[4] of the Court of Appeals in CA-G.R. CV No. 34856, entitled, "La Campana Food Products, Inc. v. Development Bank of the Philippines, et al."

The antecedents of the aforementioned Motion are as follows:

Sometime in 1968, petitioner La Campana obtained a foreign currency loan that was guaranteed by respondent DBP. To protect the latter, petitioner La Campana executed a real estate mortgage over its properties. Petitioner La Campana, however, failed to pay the interest due on said loan; thus, all the promissory notes became due and respondent DBP, in compliance with the contract of guaranty abovementioned, had to remit payment to petitioner La Campana's creditor. When respondent DBP demanded reimbursement from petitioner La Campana to no avail, the former instituted extrajudicial foreclosure proceedings for the mortgaged properties of the latter.

In order to stay the foreclosure of its mortgaged properties, petitioner La Campana filed a complaint with the Court of First Instance (CFI) of Rizal, Branch IX, for payment of the (1) retained portion of the dollar loan; (2) damages for unearned and expected profits for the failure of respondent DBP to release the proceeds of the dollar loan in its entirety; (3) exemplary damages; and (4) attorney's fees. The sale at public auction of the mortgaged properties eventually pushed through, with respondent DBP being the highest bidder. Accordingly, the complaint of petitioner La Campana was amended to include the nullification of the foreclosure sale. On 3 December 1985,[5] the abovementioned complaint eventually reached this Court and therein we ruled in favor of respondent DBP. We held that the latter did not act capriciously and whimsically in allocating to the numerous creditors of petitioner La Campana the proceeds of the dollar loan, considering that such act was sanctioned by the Discretionary Clause found in the Mortgage Agreement executed by the parties.

On 27 May 1986, petitioner La Campana instituted another complaint against respondent DBP, and impleaded the Register of Deeds of Quezon City, for the cancellation of real estate mortgage and release of titles of the

mortgaged properties on the ground that respondent DBP had already lost whatever right it had to the foreclosed properties which it acquired at public auction sometime in 1972 or more than ten (10) years ago, because it failed to register the Certificates of Sale covering the same.[6] The same was filed with the Regional Trial Court (RTC) of Quezon City, Branch 76, docketed as Civil Case No. Q-47948.

On 5 October 1990, the RTC rendered judgment[7] in favor of respondent DBP. Petitioner La Campana was ordered, inter alia, to (1) deliver possession of the subject properties to respondent DBP; and (2) pay such sums of money unlawfully collected or received by way of rentals and/or fruits from the subject properties to respondent DBP until such time that possession thereof had been restored to the latter.

Upon motion of petitioner La Campana, however, in an Order[8] dated 22 March 1991, the RTC reversed its earlier ruling.

Respondent DBP appealed the aforementioned to the Court of Appeals.

On 3 November 1994, the appellate court decided[9] the appeal, docketed as CA-G.R. CV No. 34856, in favor of the bank and declared that "while non-registration of the certificates of title under the name of DBP may not be binding on innocent third parties, La Campana - which has lost its rights of ownership for its failure to redeem - cannot invoke such non-registration as against DBP. After all, registration under the Torrens System is not a mode of acquiring ownership."[10] The dispositive portion reads:

> - ORDERING La Campana Food Products, Inc. to surrender to the Development Bank of the Philippines the possession of the properties covered by the Transfer Certificate (sic) of Title Nos. 33035, 33036, 45869, 45870, 45871, 42868 and 23617;
>
> - ORDERING La Campana Food Products, Inc. to pay the Development Bank of the Philippines such sums of money unlawfully collected and/or received by way of rentals from the properties covered by the aforementioned TCT's;[11]

Undaunted, petitioner La Campana came to this Court and filed two (2) petitions - a petition for review on certiorari, docketed as G.R. No. 120257 and a petition for certiorari, docketed as G.R. No. L-124107.

On 7 August 1995, we resolved[12] to deny the appeal by certiorari in view of the non-compliance with the requirement that a verified statement of the date of filing of its motion for reconsideration before the Court of Appeals must be submitted with the petition. Similarly, the special civil action for certiorari was dismissed in a Resolution[13] dated 20 May 1996 for failure of petitioner La Campana to show that grave abuse of discretion had been committed by the appellate court. The foregoing resolutions became final and executory and were entered in the Book of Entries of Judgments on 18 March 1996[14] and 2 September 1996,[15] respectively.

In view of the foregoing, on 9 January 1997, respondent DBP filed with the RTC of Quezon City, Branch 76, a Motion for Issuance of Writ of Execution[16] for the implementation of the 3 November 1994 Decision of the Court of Appeals in CA-G.R. CV No. 34856, i.e., for petitioner La Campana to 1) surrender to respondent DBP the possession of the subject properties; and 2) render an accounting of all the sums of money "unlawfully collected and/or received by way of rentals from the properties" covering the period from 1 May 1976 until the possession thereof had been completely surrendered to it.

On 12 February 1997, respondent DBP filed a supplement[17] to the aforesaid motion in order to make of record that La Campana Food Products, Inc. had changed its name to La Campana Development Corporation; and that Transfer Certificates of Title Nos. 33035, 33036, 45869, 45870, 45871, 42868 and 23617 had been reconstituted as Transfer Certificates of Title Nos. RT-10014 (33035), RT 10013 (33036), RT-10011 (45869), RT-1009 (45870), RT-10010 (45871), RT-10012 (42868) and RT-10015 (23617).

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Petitioner La Campana opposed[18] the supplemental motion on the ground that the "decision (sought to be implemented) is incomplete"[19] as it is "totally silent as to what amount was unlawfully collected and from what period up to what period is covered by the said decision x x x."[20] Further, it was of the view that since TCT Nos. 33035, 33036, 45069 (sic), 45870, 45871, 42868 and 23617 had all been cancelled by the Register of Deeds of Quezon City and new ones issued in the new name of petitioner La Campana, i.e., La Campana Development Corporation, the portion of the decision involving said titles cannot now be executed.

In reply[21] to the opposition, respondent DBP maintained that (1) reconstitution of the titles would not render impossible a compliance with the decision, because what was to be surrendered by petitioner La Campana was the possession of the properties; and (2) the change of name of petitioner La Campana had no effect on the execution of the decision. Respondent then manifested that on 17 February 1997, the titles to the subject properties had already been consolidated in its name, as follows:

Former Title Nos.

Reconstituted (La Campana) Title Nos. Present (DBP) Title Nos.

1.

TCT No. 33035

TCT No. RT- 10014 (33035)

TCT No. N-171476

2.

TCT No. 33036

TCT No. RT- 10013 (33036)

TCT No. N-171475

3.

TCT No. 45869

TCT No. RT- 10011 (45869)

TCT No. N-171473

4.

TCT No. 45870

TCT No. RT- 1009 (45870)

TCT No. N-171471

5.

TCT No. 45871

TCT No. RT- 10010 (45871)

TCT No. N-171472

6.

TCT No. 42868

TCT No. RT- 10012 (42868)

TCT No. N-171474

7.

TCT No. 23617

TCT No. RT- 10015 (23617)

TCT No. N-171477

On 31 March 1997, the RTC[22] issued an Order[23] granting respondent DBP's motion for issuance of a writ of execution stating that:

> The Decision is clear and unequivocal. The Court of Appeals orders La Campana to surrender the possession of the properties to DBP and not the possession of the certificate of titles (sic) covering said properties. Hence, the cancellation of the titles by virtue of a reconstitution will not render it impossible for La Campana to comply with the foregoing order, x x x. The properties mentioned in the decision refer to no other than those which are the subject of this instant case x x x.
>
> While it is true that the decision is silent as to the amount of money to be turned over to DBP, the right of the latter (to) said sum is underscored when the Court of Appeals declared that the buyer at the foreclosure sale becomes the absolute owner of the property purchased if it is not redeemed during the period of one year after the registration of the sale. Thus, being the absolute owner of the subject realties, the DBP is entitled to receive the fruits thereof, which in this case, are the rentals paid by the tenants for the use of the properties.
>
> La Campana insisted that the decision failed to state the period to be covered by the unlawful collection of rentals. This contention is untenable. The Decision clearly points out that La Campana lost its right of ownership when it failed to redeem the properties within one year from the registration of the sale. Considering that the Sheriff's certificate of sale was annotated in the certificate of titles on April 30, 1976 as PE-9167/T-23617, the DBP became the absolute owner of the properties on May 1, 1977. Thus, the period to be considered in determining the amount of collection should start from May 1, 1977 up to the time when the possession of the properties are actually and completely surrendered to DBP.

The dispositive portion of the same reads:

> WHEREFORE, let a writ of execution be issued in favour of defendant Development Bank of the Philippines, and have the same secured by the Branch Deputy Sheriff of this Court. Further, Mr. Ricardo S. Tantongco, in his capacity as the incumbent President of La Campana Development Corporation (new corporate name) is hereby ordered to immediately render an accounting stating therein the names of the tenants occupying the properties and their respective monthly/yearly rental payments from May 1, 1977 until the date of complete surrender of the properties to DBP. The Court would like to stress that a change in the corporate name does not create a new corporation and it continues to be responsible under its new name for all the liabilities it had previously incurred.

In a scantily argued Motion for Reconsideration,[24] petitioner La Campana prayed for the reversal of the aforequoted Order of the RTC.

In resolving petitioner La Campana's motion, on 13 June 1997, the RTC modified[25] its earlier order. It retained the first part respecting the order directing petitioner La Campana to surrender possession of the subject properties, but it suspended that part ordering the execution of the second paragraph[26] of the 3 November 1994 Decision of the Court of Appeals, "pending [the] filing of a necessary pleading by defendant (DBP) before the

appellate court to clarify the exact amount due to Development Bank of the Philippines and receipt of a resolution thereon from said Court."[27] It ratiocinated that:

> Nowhere in the dispositive portion nor in the body of the decision can be found any reference to or that which indicates the amount of collections to be turned over by La Campana to Development Bank of the Philippines. The Decision is silent on this score.
>
> Settled is the rule that when the judgment of a superior court is remanded to the trial court for execution, the function of the trial court is ministerial only; x x x. Any pronouncement of this Court with respect to the period of computation and the total amount of collections to be paid to Development Bank of the Philippines would be tantamount to modifying or varying the tenor of the decision sought to be executed. A clarification of the judgment on this matter is thereby necessary.[28]

Thus, on 19 June 1997, a writ of execution was issued to implement the first paragraph[29] of the 3 November 1994 Decision of the Court of Appeals in CA-G.R. CV No. 34856, commanding the Sheriff to ensure that petitioner La Campana surrender to respondent DBP possession of the properties formerly covered by TCTs No. 33035, No. 33036, No. 45869, No. 45870, No. 45871, No. 42868 and No. 23617.

On 12 August 1997, the subsequent motion of respondent DBP seeking reconsideration of the 13 June 1997 Order was denied[30] by the RTC.

Respondent DBP then went to Court of Appeals to assail the 13 June 1997 and 12 August 1997 Orders of the RTC by way of a petition for certiorari. The petition was docketed as CA-G.R. SP No. 45749. The same, however, was subsequently dismissed "without prejudice," because the Verification and Certification Against Forum Shopping attached thereto were merely signed by respondent DBP's counsel.[31]

On 31 July 1998, respondent DBP re-filed its Petition for Certiorari with the Court of Appeals. It was docketed as CA-G.R. SP No. 48773.

On 31 August 2000, the Court of Appeals promulgated a decision,[32] the fallo of which states:

> IN THE LIGHT OF ALL THE FOREGOING, the Petition is given due course and is hereby GRANTED. The Orders of the Public Respondent, Annexes "A" and "B" of the Petition, are hereby set aside and nullified. Judgment is rendered as follows:
>
> - The Public Respondent is hereby ordered to set and conduct a hearing for the reception of the evidence of the parties to ascertain the amounts of rentals/income collected/received by the Private Respondent from the properties now titled under the name of the Petitioner during the period from May 1, 1976 up to the time that the possession of the properties is turned over to the Petitioner;
>
> - Once the total amount of said rentals/income/fruits is ascertained by the Public Respondent, after said hearing, the Public Respondent is hereby ordered to resolve the "Motion for a Writ of Execution" and "Supplemental Motion for a Writ of Execution" filed by the Petitioner.

In granting the petition, the appellate court dealt with the issues raised seriatim: First. As to the issue of the supposed defective Verification and Certification against Forum Shopping of the Petition filed by respondent DBP in CA-G.R. SP No. 48773, the Court of Appeals, after scrutinizing the assailed certifications, held that:

> It is as clear as broad daylight that the affiants categorically and unequivocally declared in said "Verification/Certification" that they (Vice-President/Head of Special Accounts Management of DBP and a Senior Assistant Vice-President/in-house counsel of DBP) were authorized to execute the same for and in behalf of the Petitioner (DBP).[33]

Second. With respect to the allegation that the petition was filed out of time or beyond the 60-day period within

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which to file a petition for certiorari under Rule 65 of the Revised Rules of Court, the appellate court made the following pronouncements:

> While it may be true that the Petitioner (DBP) received on September 18, 1997 the Order of the Public Respondent, x x x, however, it filed its first "Petition for Certiorari" with this Court, docketed as CA-G.R. No. 45749, on October 27, 1997, or thirty-nine (39) days from notice of the Order, x x x, well within the sixty (60) day period provided for in Section 4, Rule 65 of the Rules of Civil Procedure. The Petitioner (DBP) received on August 11, 1998 the Resolution of this Court in CA-G.R. No. 45749 denying its "Motion for Reconsideration" declaring that the dismissal of the Petition was "without prejudice" and, on August 27, 1998, or barely sixteen (16) days from notice of said Resolution, the Petitioner filed its "Petition for Certiorari" in the present recourse. Patently, then, the Petition was filed well within the period therefore. Incidentally, the Resolution of the Supreme Court in Bar Matter 8

03 was effective only on September 1, 1998.[34]

And, third. Anent the related issues of whether the second paragraph of the decretal portion of the 3 November 1994 Decision of the Court of Appeals in CA-G.R. CV No. 34856 was incomplete, as it failed to fix the amount of rentals due from petitioner La Campana; and whether the trial court, in resolving the motion for issuance of a writ of execution, was empowered to hold hearings and receive evidence to ascertain the exact amount to be remitted to respondent DBP, the appellate court discoursed:

> [T]here is no need for a "clarification" by this Court, in CA-G.R. No. 34856 (CV). Contrary to the perception of the Public Respondent, its Decision, x x x, is efficacious. The deficiency perceived by the Public Respondent does not involve a clerical error in the Decision of this Court in said case or a correction or amendment thereof. What is involved is x x x, described as a "logical follow through of something set forth in the body" of the Decision of this Court and in the dispositive portion thereof; "the inevitable follow through or translation into, operational or behavioural terms, of the finding and declaration," by this Court in said case of the Petitioner (DBP) having become the absolute owner of the property as of May 1, 1976, one (1) year after the registration of the "Certificate of Sale," executed by the Sheriff x x x after the Private Respondent (La Campana) failed to redeem the property within one (1) year thereafter, and the entitlement of the Petitioner to rentals collected and/or received by the Private Respondent (La Campana), during the period from May 1, 1976 up to the time the possession of said properties is turned over to the Petitioner (DBP) x x x.
>
> x x x x
>
> It cannot be said that simply because this Court x x x did not specifically order the Public Respondent to receive said evidence of the parties after the records were remanded by this Court to the Public Respondent, the Public Respondent is bereft of residual if not inherent authority to receive the evidence of the parties to ascertain the precise amount due to the Petitioner (DBP) x x x.
>
> x x x x.
>
> Neither is the Public Respondent proscribed from setting a hearing for the purpose of receiving evidence on the amounts collected or received by the Private Respondent (La Campana) from May 1, 1976 up to the time the possession of the properties is turned over to the Petitioner (DBP) x x x.[35]

The Motion for Reconsideration[36] of petitioner La Campana was denied by the Court of Appeals in a Resolution dated 21 November 2000.

Hence, this petition.

The aforementioned 31 August 2000 Decision and 21 November 2000 Resolution of the Court of Appeals in CA-G.R. SP No. 48773 are now the subjects of the Petition for Review on Certiorari[37] before this Court, where

petitioner La Campana assigns the following errors [38]:

> I.
>
> THE HONORABLE COURT OF APPEALS ERRED IN FINDING THAT THE REGIONAL TRIAL COURT OF QUEZON CITY, BRANCH 76 (SIC) ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK AND/OR EXCESS OF JURISDICTION WHEN IT ISSUED ITS ASSAILED ORDERS DATED 13 JUNE 1997 AND 12 AUGUST 1997;
>
> II.
>
> THE HONORABLE COURT OF APPEALS ERRED IN RESOLVING THAT ITS EARLIER DECISION DATED 03 NOVEMBER 1994 IS COMPLETE AND CAN BE SUBJECT OF EXECUTION WITHOUT THE TRIAL COURT BEING CLARIFIED OF HAVING TO DETERMINE THE EXACT AMOUNT DUE TO RESPONDENT DEVELOPMENT BANK OF THE PHILIPPINES;
>
> III.
>
> THE HONORABLE COURT OF APPEALS IN RESOLVING THE PETITION FILED BY THE RESPONDENT ERRED IN GOING BEYOND THE PRAYER OF THE RESPONDENT'S PETITION BY CONSIDERING THE PERIOD OF MAY 1, 1976 INSTEAD OF MAY 1, 1977; AND
>
> IV.
>
> THE HONORABLE COURT OF APPEALS ERRED IN EVEN CONSIDERING THE PETITION FOR CERTIORARI OF THE RESPONDENT DEVELOPMENT BANK OF THE PHILIPPINES, THE SAME HAVING BEEN FILED OUT OF TIME, OR MORE THAN SIXTY (60) DAYS HAVE LAPSED SINCE THE FILING OF THE RESPONDENT'S PETITION.

At the outset, the procedural infirmity of the present petition calls for the denial of the same. A perusal of the statement of material dates herein indicates that petitioner La Campana received a copy of the 21 November 2000 Resolution of the Court of Appeals denying its motion for reconsideration on 4 December 2000; thus, it had until 19 December 2000 within which to appeal by certiorari the assailed decision and resolution or to move for extension of time to file the said appeal. Petitioner La Campana filed its motion for extension on 18 December 2000, praying for 30 days' extension from 19 December 2000 or until 18 January 2001 to file its petition for certiorari, which this Court granted. However, petitioner La Campana was only able to file its Petition on 19 January 2001,[39] or one (1) day beyond the extended period.

Having been filed late, the present petition should be denied. The perfection of an appeal in the manner and within the period prescribed by law is not only mandatory but jurisdictional as well, and failure to perfect an appeal has the effect of rendering the judgment or resolution final and executory.[40] After all, the right to appeal is not a natural right or a part of due process; it is merely a statutory privilege and may be exercised only in the manner and in accordance with the provisions of law.[41]

Be that as it may, this Court is of the view that the procedural faux pas of petitioner La Campana should not take precedence over the final resolution of the present controversy that has long plagued the parties herein. The denial of the present Petition will have put the instant case to rest, but this court has time and again ruled that litigants should have the amplest opportunity for a proper and just disposition of their cause - free, as much as possible, from the constraints of procedural technicalities.[42] In the interest of our equity jurisdiction, this court may disregard procedural lapses so that a case may be resolved on its merits.[43]

Essentially two issues confront this Court, viz: (a) whether the Court of Appeals, in CA-G.R. SP No. 48773, erred in giving due course to the Petition for Certiorari of respondent DBP; and (b) whether the Court of Appeals erred

in setting aside and nullifying the 13 June 1997 and 12 August 1997 Orders of the RTC and ordering the conduct of hearings for the reception of evidence to determine the amount of rentals/fruits collected/received by petitioner La Campana from the subject properties.

Petitioner La Campana urges this Court to set aside the 31 August 2000 Decision and 21 November 2000 Resolution of the Court of Appeals in CA-G.R. CV No. 48773, as the latter erred in holding that the 3 November 1994 Decision of the Court of Appeals in CA-G.R. SP No. 34856 clearly defined how the amount of rentals/fruits collected/received from the subject properties could be computed, considering that the dispositive part of said decision was silent on this matter. It justified the issuance by the RTC of the 13 June 1997 and 12 August 1997 Orders by contending that said court is not in a position to hear evidence on the supposed ambiguity and/or deficiency of the 3 November 1994 Decision of the Court of Appeals in CA-G.R. CV No. 34856, as it would be "contrary to the well-settled rule that clarification of judgment is not the duty of the trial court to make."[44] It further argued that if the RTC proceeds with the hearing, the latter may unwittingly change, amplify, enlarge, alter or modify the decision sought to be executed.

For petitioner La Campana, the issue of the amount to be collected "is not merely simple mathematical computation, but determination of the existence of the rentals and the period of time";[45] and the "portion of the period when collection was deemed unlawful is still to be determined."[46]

On the other hand, respondent DBP counters that the 3 November 1994 Decision of the Court of Appeals in CA-G.R. CV No. 34856 was complete in itself and enforceable by execution. It reasons that the subject decision stated clearly why petitioner La Campana lost its right of ownership over the properties, and at what point in time it occurred. Moreover, it maintains that the fact that the subject decision has long attained finality is more than enough reason to compel the RTC to order petitioner La Campana to render an accounting of the collected and/or received rentals and/or fruits received from the subject properties.

Given the foregoing discourse, the threshold issue then that must be resolved is whether the 3 November 1994 Decision of the Court of Appeals in CA-G.R. CV No. 34856 was complete and capable of execution even if the dispositive part of the same, which reads:

- ORDERING La Campana Food Products, Inc. to surrender to the Development Bank of the Philippines the possession of the properties covered by the Transfer Certificate (sic) of Title Nos. 33035, 33036, 45869, 45870, 45871, 42868 and 23617;

- ORDERING La Campana Food Products, Inc. to pay the Development Bank of the Philippines such sums of money unlawfully collected and/or received by way of rentals from the properties covered by the aforementioned TCT's; x x x.[47] (Emphasis supplied.)

does not state the precise amount to be paid by petitioner La Campana and the particular date from whence to begin computing such amount.

In refusing to issue a writ of execution against petitioner La Campana for the remittance of collected/received rentals/fruits from the subject properties, the RTC in its 12 August 1997 Order reasoned that:

> It is a settled general principle that the execution of judgment must conform to that which is ordained and decreed in the dispositive portion of the decision (citation omitted). In the present case, nowhere in the dispositive portion of the decision dated November 3, 1994 can (it) be deduced the period of computation and the exact amount due to defendant Development Bank of the Philippines. These omissions should be properly addressed to the Court of Appeals which rendered said decision which incidentally modified the Order of the Court dated March 22, 1991.[48]

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We disagree.

The controversy between the parties herein has been dragging for close to four decades already, and this is the third time this case has reached us. What should have been a simple implementation of the 3 November 1994 Decision of the Court of Appeals in CA-G.R. CV No. 34856 in 1997 was delayed by the filing of a motion for reconsideration raising the issue of ambiguity of the fallo of said decision, when a simple reading of the body thereof could have easily exposed the motion for what it really was - nothing more than a dilatory move.

Having read the entirety of the subject decision abovementioned, we find neither insufficiency nor ambiguity in its fallo so as to justify the issuance of the 13 June 1997 and 12 August 1997 Orders of the RTC. A careful examination of the Orders would straightaway reveal the superfluity of the need for clarification from the Court of Appeals. The reading by the RTC of the fallo of the 3 November 1994 Decision of the Court of Appeals in CA-G.R. CV No. 34856 should have included the statements of the body thereof. This is sanctioned by the aphorism that a final and executory judgment may nonetheless be "clarified" by reference to other portions of the decision of which it forms a part[49]; that a judgment must not be read separately but in connection with the other portions of the decision of which it forms a part.[50] Otherwise stated, a decision should be taken as a whole and considered in its entirety to get the true meaning and intent of any particular portion thereof.[51] Indeed, as early as in Policarpio v. Philippine Veterans Board,[52] we have already settled the rule that in order to get to the true intent and meaning of a decision, no specific portion thereof should be resorted to, but the same must be considered in its entirety.

In foreclosure proceedings, the buyer becomes the absolute owner of the property purchased if it is not redeemed during the prescribed period of redemption,[53] which is one year from the date of registration of the sale.[54] In the case at bar, the 3 November 1994 Decision of the Court of Appeals in CA-G.R. CV No. 34856 not only determined and declared that the foreclosure sale of the subject properties occurred on 25 March 1976; it also acknowledged that there existed in the record a Certificate of Sale dated 31 March 1976 issued by the Sheriff of Quezon City and subsequently annotated on the titles of the subject properties. Hence, although the said decision did not categorically state the date of the registration of sale, which was 30 April 1976, and while the inclusion of this piece of information in the decision would have been ideal, such precision is not absolutely necessary nor the lack thereof fatal to the certainty of the judgment. Besides, fixing the date at one year from said registration, or on 1 May 1977, is easily discernible as the logical consequence of the meaning of the period stated.

That there was need for an accounting of the monies representing rentals/fruits collected/received from the subject properties should have alerted the trial court of the need to look into the record of the case, specifically the body of the decision being executed, from which it would have learned the parameters in calculating the amount to be satisfied, as well as the fact that the amount to be satisfied could only be determined after due accounting that petitioner La Campana was yet to make. Just because the means for determining the exact amount payable by petitioner La Campana to respondent DBP was not definitively stated in the judgment does not make the same ambiguous, hence, unenforceable. The accounting of the books and records of petitioner La Campana during the time frame material to the issue is a practical and expedient means of determining with specificity the amount to be paid by it to respondent DBP. For the RTC to require such accounting and submission of the results thereof would only give effect to the 31 August 1997 Decision of the Court of Appeals in CA-G.R. SP No. 48773, and there is no apparent and immediate danger of the RTC modifying said judgment.

The insistence of the RTC on a literal reading of the dispositive portion of the subject decision shows a lack of familiarity with the congruent interplay of the provisions of procedural law. The 31 August 1997 Decision of the Court of Appeals in CA-G.R. SP No. 48773, through then Court of Appeals Associate Justice Callejo,[55] hit it squarely on the head when it held that:

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> It cannot be said that simply because this Court, in CA-G.R. No. 34856 (CV) did not specifically order the Public Respondent (trial court) to receive said evidence of the parties after the records were remanded by this Court to Public Respondent, the Public Respondent is bereft of residual if not inherent authority to receive the evidence of the parties to ascertain the precise amount due to the Petitioner (DBP), under the second paragraph of the Decision of this Court in CA-G.R. No. 34856 (CV) x x x [r]esort must be made to the true intent and meaning of the Decision of the Court.[56]

Notably, the 31 March 1997 Order of the RTC correctly acknowledged that:

> La Campana insisted that the decision failed to state the period to be covered by the unlawful collection of rentals. This contention is untenable. The Decision clearly points out that La Campana lost its right of ownership when it failed to redeem the properties within one year from the registration of the sale. Considering that the Sheriff's certificate of sale was annotated in the certificate of titles (sic) on April 30, 1976 as PE-9167/T-23617, the DBP became the absolute owner of the properties on May 1, 1977. Thus, the period to be considered in determining the amount of collection should start from May 1, 1997 up to the time when the possession of the properties are actually and completely surrendered to DBP.

but for some reason or another, it "chose" to err on the side of caution; hence, its 13 June 1997 and 12 August 1997 Orders.

It must be remembered that it is to the interest of the public that there should be an end to litigation by the parties over a subject fully and fairly adjudicated. The doctrine of res judicata is a rule that pervades every well-regulated system of jurisprudence and is founded upon two grounds embodied in various maxims of the common law, namely: (1) public policy and necessity, which dictates that it would be in the interest of the State that there should be an end to litigation - republicae ut sit litium; and (2) the hardship on the individual that he should be vexed twice for the same cause - nemo debet bis vexari pro una et eadem causa. A contrary doctrine would subject public peace and quiet to the will and neglect of individuals and prefer the gratification of the litigious disposition on the part of suitors to the preservation of public tranquillity and happiness.[57]

It is almost trite to say that execution is the fruit and end of the suit and is the life of the law.[58] A judgment, if left unexecuted, would be nothing but an empty victory for the prevailing party.[59] Litigation must end sometime and somewhere. An effective and efficient administration of justice requires that once a judgment has become final, the winning party be not deprived of the fruits of the verdict. Courts must, therefore, guard against any scheme calculated to bring about that result. Constituted as they are to put an end to controversies, courts should frown upon any attempt to prolong them.[60]

Instead of allowing itself to be used by petitioner La Campana in its schemes to evade execution of the judgment against it, the RTC should exert the utmost effort, permitted by law, equity, and reason, to see to it that respondent DBP shall enjoy the fruits of the final and executory decision in its favor.

With respect to the issue of whether or not the Court of Appeals erred in giving due course to the petition filed before it, considering the allegations, issues and arguments adduced and our disquisition thereof, suffice it to state that to reverse the assailed decision and resolution of the Court of Appeals is to disregard the error of the RTC. In so doing, great injustice and undue prejudice would be caused respondent DBP who has long awaited the fruit of the verdict in its favor; a verdict that has long attained finality.

WHEREFORE, premises considered, the instant Petition for Review on Certiorari is DENIED for lack of merit. The case at bar is remanded to the court a quo for further proceedings in consonance with our discussion as abovestated. With costs against petitioner La Campana Development Corporation.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, Nachura, and Peralta, JJ. concur.

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[1] Penned by Associate Justice Romeo J. Callejo, Sr. with Associate Justices Salome A. Montoya and Martin S. Villarama, Jr., concurring; rollo, pp. 28-49.

[2] Rollo, p. 51.

[3] Records, pp. 1103-1110.

[4] Penned by Associate Justice Hector L. Hofileña with Associate Justices Gloria C. Paras and Salome A. Montoya, concurring; rollo, pp. 57-75.

[5] Development Bank of the Philippines v. Intermediate Appellate Court, G.R. No. L-65338, 3 December 1985, 140 SCRA 338, 345.

[6] Petitioner La Campana contended that the complaint was predicated on Arts. 1142 and 1144 of the New Civil Code, which provides that a mortgage action prescribes within ten (10) years. Specifically, it alleged: "In as much as the registration of the Certificate of Sale is an indispensable requirement required by law for the validity of any extra-judicial foreclosure proceeding and in order to perfect whatever rights the defendant Development Bank (DBP) may have had by virtue of the auction sale held on June 20, 1975, its failure to effect the registration of the certificate of sale within the period of ten (10) years inevitably resulted in the extinguishment of its right over the mortgaged properties of the plaintiff."

[7] Records, pp. 1111-1116

[8] Id. at 1136-1140.

[9] Id. at 1117-1135

[10] Id. at 1132.

[11] Id. at 1134.

[12] Id. at 1141-1142.

[13] Id. at 1237-c.

[14] Id. at 1143.

[15] Id. at 1237-b.

[16] Id. at 1103-1110.

[17] Id. at 1146-1150.

[18] Id. at 1180-1184.

[19] Id.

[20] Id.

[21] Id. at 1185-1192.

[22] RTC, Branch 76, Quezon City, presided by Hon. Monina A. Zeñarosa is now an Associate Justice of the

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Court of Appeals.

[23] Records, pp. 1220-1223.

[24] Id. at 1224-1227.

[25] Id. at 1277-1280.

[26] 2. ORDERING La Campana Food Products, Inc. to pay the Development Bank of the Philippines such sums of money unlawfully collected and/or received by way of rentals from the properties covered by the aforementioned TCT's.

[27] Records, p. 1280.

[28] Id. at 1279.

[29] 1. ORDERING La Campana Food Products, Inc. to surrender to the Development Bank of the Philippines the possession of the properties covered by the Transfer Certificate (sic) of Title Nos. 33035, 33036, 45869, 45870, 45871, 42868 and 23617.

[30] Rollo, pp. 55-56.

[31] Id. at 39.

[32] Penned by Court of Appeals Associate Justice Romeo J. Callejo with Associate Justices Salome A. Montoya and Martin S. Villarama, Jr. concurring; rollo, pp. 28-49.

[33] Rollo, p. 40.

[34] Id. at 42.

[35] Id. at 44-46.

[36] CA rollo, pp. 287-297.

[37] Rollo, pp. 10-26.

[38] Id. at 13-14.

[39] Id. at 10.

[40] Manipor v. Sps. Ricafort, 454 Phil. 825, 832 (2003).

[41] Republic v. Court of Appeals, 379 Phil. 92, 100-101 (2000).

[42] Cando v. Olazo, G.R. No. 160741, 22 March 2007, 518 SCRA 741, 748-749.

[43] Id.

[44] Rollo, p. 18.

[45] Id.

[46] Id.

[47] Id. at 74.

[48] Records, p. 1352.

[49] Heirs of Moreno v. Mactan-Cebu Int'l. Airport Authority, 459 Phil. 948, 964 (2003).

[50] Republic v. De los Angeles, 148-B Phil. 902, 922-923 (1971).

[51] Id. at 926-927.

[52] De Ralla v. Director of Lands, 83 Phil. 491 (1941).

[53] Samson v. Rivera, G.R. No. 154355, 20 May 2004, 428 SCRA 759, 767-768.

[54] Id.

[55] Now a retired Supreme Court Associate Justice.

[56] Rollo, pp. 45-46.

[57] Cruz v. Court of Appeals, G.R. No. 164797, 13 February 2006, 482 SCRA 379, 395.

[58] Florentino v. Rivera, G.R. No. 167968, 23 January 2006, 479 SCRA 522, 532; Garcia v. Yared, 447 Phil. 444, 453 (2003).

[59] Garcia v. Yared, id.

[60] Ho v. Lacsa, G.R. No. 142664, 5 October 2005, 472 SCRA 92, 100.

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