COL. FRANCISCO DELA MERCED, SUBSTITUTED BY HIS HEIRS NAMELY, LUIS CESAR DELA MERCED, BLANQUITA DELA MERCED NEE MACATANGAY, AND MARIA OLIVIA M. PAREDES, PETITIONERS, VS. GOVERNME...

G.R. No. 167140. November 23, 2011

Ponente: DEL CASTILLO, J.

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DEL CASTILLO, J.:

A transferee pendente lite of registered land, whose title bears a notice of a pending litigation involving his transferor's title to the said land, is bound by the outcome of the litigation, whether it be for or against his transferor. Given this principle, the modification of the final decision against the transferor in order to include the transferee pendente lite does not violate the doctrine of immutability of final judgments. His inclusion does not add to or change the judgment; it is only a legal consequence of the established doctrine that a final judgment binds the privy of a litigating party.

Before the Court is a Petition for Review[1] assailing the validity of the February 9, 2005 Order[2] of Branch 160 of the Regional Trial Court (RTC) of Pasig City. The said Order denied petitioners' motion for supplemental writ of execution:[3]

> Conformably with Section 8, Rule 39, 1997 Rules of Civil Procedure, execution in this case can only be implemented as far as what has been decreed in the decision dated September 11, 2001, qualified by the Order of this Court dated January 20, 2003 with respect [to] the payment of attorney's fees.
>
> In view thereof, plaintiffs' motion for supplemental writ of execution is DENIED.
>
> SO ORDERED.[4]

The September 11, 2001 Decision referred to in the assailed Order was rendered by this Court in G.R. No. 140398, entitled Col. Francisco Dela Merced, substituted by his heirs, namely, BLANQUITA E. DELA MERCED, LUIS CESAR DELA MERCED, BLANQUITA E. DELA MERCED (nee MACATANGAY), and MARIA OLIVIA M. PAREDES, v. GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS) and SPOUSES VICTOR and MILAGROS MANLONGAT.[5] The fallo of the said Decision reads:

> WHEREFORE, in view of the foregoing, the petition is GRANTED. The decision of the Court of Appeals is REVERSED AND SET ASIDE. The decision of the Regional Trial Court of Pasig City, Branch 160, in Civil Case Nos. 51410 and 51470, is REINSTATED. The foreclosure sale of Lot Nos. 6, 7, 8 and 10 of Block 2 and Lot 8 of Block 8 of the property originally covered by TCT 26105, and the subsequent certificates of titles issued to GSIS as well as TCT No. PT-94007 in the name of Elizabeth Manlongat, are declared NULL AND VOID. The Register of Deeds of Pasig City is ordered to CANCEL all present certificates of title in the name of GSIS and Elizabeth Manlongat covering the above-mentioned properties, and to ISSUE new certificates of title over the same in the name of petitioners as co-owners thereof. Respondents GSIS and spouses Victor and Milagros Manlongat are ORDERED to pay, jointly and severally, attorney's fees in the increased amount of

P50,000.00, and to pay the costs.

SO ORDERED.[6]

G.R. No. 140398 has long attained finality[7] but could not be executed because of the objections raised by the Register of Deeds (RD) and respondent Government Service Insurance System (GSIS). These objections, which the trial court found insurmountable in its assailed February 9, 2005 Order, are now presented to us for resolution.

Factual antecedents

This case involves five registered parcels of land located within the Antonio Subdivision, Pasig City – Lots 6, 7, 8, and 10 of Block 2 and Lot 8 of Block 8 (subject properties). These lots were originally owned by, and titled in the name of, Jose C. Zulueta (Zulueta), as evidenced by Transfer Certificate of Title (TCT) No. 26105.[8] TCT No. 26105 contains several lots, other than the subject properties, within the Antonio Subdivision.

Later, the Zulueta spouses mortgaged[9] several lots contained in TCT No. 26105 to the GSIS, which eventually foreclosed on the mortgaged properties, including the subject properties. Upon consolidation of GSIS's ownership, TCT No. 26105 in Zulueta's name was cancelled, and TCT No. 23554[10] was issued in GSIS's name.[11]

Upon learning of the foreclosure, petitioners' predecessor, Francisco Dela Merced (Dela Merced) filed a complaint[12] praying for the nullity of the GSIS foreclosure on the subject properties (Lots 6, 7, 8, and 10 of Block 2 and Lot 8 of Block 8) on the ground that he, not the Zuluetas, was the owner of these lots at the time of the foreclosure. Dela Merced also impleaded Victor and Milagros Manlongat,[13] who were claiming Lot 6, Block 2 by virtue of a sale executed by the GSIS in their daughter's (Elizabeth Manlongat) favor.[14] Dela Merced argued that, due to the nullity of GSIS's foreclosure over the subject properties, it had no ownership right that could be transferred to Elizabeth Manlongat.

Dela Merced caused the annotation of lis pendens[15] on GSIS's TCT No. 23554 on September 21, 1984 in order to protect his interests in the subject properties. Dela Merced died in 1988 and was substituted by his heirs, the petitioners in the instant case.

After a protracted litigation, the case reached this Court as G.R. No. 140398. On September 11, 2001, a Decision[16] was rendered in petitioners' favor. The Court nullified GSIS's foreclosure of the subject properties because these lots were never part of its mortgage agreement with the Zulueta spouses. The dispositive portion of said Decision reads:

> WHEREFORE, in view of the foregoing, the petition is GRANTED. The decision of the Court of Appeals is REVERSED AND SET ASIDE. The decision of the Regional Trial Court of Pasig City, Branch 160, in Civil Case Nos. 51410 and 51470, is REINSTATED. The foreclosure sale of Lot Nos. 6, 7, 8 and 10 of Block 2 and Lot 8 of Block 8 of the property originally covered by TCT 26105, and the subsequent certificates of titles issued to GSIS as well as TCT No. PT-94007 in the name of Elizabeth Manlongat, are declared NULL AND VOID. The Register of Deeds of Pasig City is ordered to CANCEL all present certificates of title in the name of GSIS and Elizabeth Manlongat covering the above-mentioned properties, and to ISSUE new certificates of tile over the same in the name of petitioners as co-owners thereof. Respondents GSIS and spouses Victor and Milagros Manlongat are ORDERED to pay, jointly and severally, attorney's fees in the increased amount of P50,000.00, and to pay the costs.[17]

Judgment was entered on April 23, 2002.[18]

Pursuant to the finality of the above Decision, petitioners filed a Motion for Execution[19] with Branch 160 of the RTC of Pasig City.

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First obstacle:
GSIS's alleged exemption from execution

GSIS opposed the motion for execution, citing as basis Section 39 of Republic Act No. 8291 (RA 8291), also known as the GSIS Act of 1997. The said provision allegedly exempts GSIS funds and properties from attachment, garnishment, execution, levy and other court processes.[20]

On January 20, 2003, the trial court granted petitioners' motion for execution; but held in abeyance the execution of the award of attorney's fees, pending clarification before the higher courts of the issue of GSIS's exemption under Section 39 of RA 8291. The said Order is reproduced below:

> Acting on the Motion for Execution filed by the plaintiff herein together with the opposition of defendant GSIS, and considering that the judgment has already become final and executory, the same is hereby Granted.
>
> As prayed for, let a writ of execution issue to enforce the judgment of this court.
>
> However, with respect to the payment of attorney's fees in the increased amount of P50,000.00 which has to be paid jointly and severally by the GSIS and Sps. Manlongat, the same is held in abeyance as far as GSIS is concerned pending clarification by the GSIS before the Supreme Court on the issue of whether its funds and assets are exempt from execution pursuant to Section 39, R.A. 8291, otherwise known as the GSIS Act of 1997.
>
> SO ORDERED.[21]

A writ of execution was issued on July 24, 2003.[22]

Eventually, GSIS filed with the Court of Appeals (CA) a petition for certiorari and prohibition against the trial court's implementation of the writ of execution against it.[23] The petition, docketed as CA-G.R. SP No. 87821, presented the issue whether the trial judge gravely abused her discretion in ordering execution against GSIS funds and properties despite their alleged express and absolute exemption from execution, garnishment, and other court processes under Section 39 of RA 8291.[24]

In its October 28, 2005 Decision, the CA dismissed GSIS's petition and held that execution may be enforced against it.[25] The ratio of the appellate court is reproduced in part:

> Public respondent court presided by Hon. Amelia A. Fabros did not commit grave abuse of discretion when it issued the Writ of Execution dated 24 July 2003. It must be considered that the properties which (Lots 6, 7, 8, and 10 of Block 2 and Lot 8 of Block 8 of Antonio Subdivision) were the subject of the writ of execution in the instant case are not the properties of petitioner GSIS. In the court a quo's Decision dated October 23, 1987 and reiterated in the Honorable Supreme Court's Decision dated September 11, 2001, it declared inter alia that the certificates of title issued to petitioner GSIS pertaining to Lot Nos. 6, 7, 8, and 10 of Block 2 and Lot 8 of Block 8 are null and void and further directed inter alia the Register of Deeds of Pasig City to cancel all the present certificates of title in the name of petitioner GSIS. x x x[26]
>
> x x x x
>
> [P]etitioner GSIS has no interest over the subject properties and x x x had never validly acquired ownership thereof. x x x[27] Therefore, any and all [rights] that petitioner GSIS may have on the subject properties were non-existent from the very beginning. Verily, the court a quo was right then in issuing the writ of execution dated 24 July 2003 and that petitioner GSIS' claim that it should be exempted from execution has no basis in fact and in law.[28]
>
> x x x x

> We lay stress that the pronouncement made in the abovementioned SC circular and in the case of Commissioner of Public Highways vs. San Diego, cited in the Armovit case find no application in the case at bar. It must be noted that the properties referred to therein are those owned by government which could not be seized under writ of execution to satisfy such judgment because to do so, there is a necessity for the corresponding appropriation of public funds by Congress before the same could be disbursed. In this instant case, it has already been settled that the herein properties involved are not owned by petitioner GSIS; hence, there is no prohibition that the same could be executed and that there is no public funds involved which require the corresponding appropriation thereof. x x x[29]
>
> x x x x
>
> In fine, the execution of the subject properties is proper for to assert otherwise, would be depriving private respondents dela Merced and Paredes of their properties without due process of law as it had been clearly established on record that they really owned the subject properties. To sustain petitioner GSIS' view that it should be exempt from execution would be putting the subject properties beyond the reach of the rightful owners thereof x x x. Likewise, to uphold petitioner GSIS' theory would inevitably lead to a disastrous consequence and lend imprimatur to deprivation of property without due process of law. Additionally, to grant petitioner GSIS' prayer that the subject properties be exempt from execution without any factual and legal basis thereof would resultantly remain the same in the custody or control of petitioner GSIS which unjustly enriches itself at the expense of private respondents dela Merced and Paredes and who the latter could be deprived of the beneficial use/ownership thereof when in the very first place they were able to establish the ownership thereof. Every person who through an act or performance by another, or any other means, acquires or comes into possession of something at the expense of the latter without just or legal ground, shall return the same to him.[30]
>
> x x x x
>
> WHEREFORE, premises considered, the instant PETITION FOR CERTIORARI and PROHIBITION is hereby DISMISSED. Accordingly, the Writ of Execution dated 24 July 2003 and the Order dated 16 September 2004 both rendered by the Regional Trial Court of Pasig City, Branch 160 stand.
>
> SO ORDERED. [31]

GSIS's motion for reconsideration of the above Decision was denied in the June 30, 2006 Resolution of the appellate court.[32] GSIS appealed the CA Decision to this Court[33] but the petition was denied in a Resolution dated February 12, 2007,[34] which denial was entered in the Book of Judgments on October 2, 2007.[35]

Second obstacle:
Alleged inadequacy of the fallo

After the resolution of the issue of GSIS's exemption, petitioners encountered more problems with the execution of the September 11, 2001 Decision in G.R. No. 140398. According to the RD of Pasig City, Policarpio Espenesin, he could not enforce the Decision in G.R. No. 140398 as worded.

The order to cancel the titles of GSIS over Lots 7 and 8 of Block 2 allegedly could not be enforced because GSIS no longer had title over these two lots. GSIS had already conveyed these lots in 1985 and 1988 to Diogenes Bartolome (Lot 8) and Antonio Dimaguila [Dimaguila] (Lot 7), respectively. At present, Lot 7 of Block 2 is titled in Dimaguila's name (TCT No. PT-67466)[36] while Lot 8 of Block 2 is titled in the name of Bartolome's assignee, Zenaida Victorino [Victorino] (TCT No. 53031).[37] While both titles contain notices of lis pendens carried over from GSIS's title,[38] the RD claimed that the writ of execution must first be modified to include the cancellation of derivative titles of the GSIS title.

The RD also found difficulty in implementing the order to cancel GSIS's titles over Lot 10 of Block 2 and Lot 8 of Block 8 and to issue new ones in petitioners' name because no such individual titles exist in his records. The RD posited that these two lots must still be included in GSIS's "mother" title, TCT No. 23554. The RD opined that he cannot cancel GSIS's mother title, even if it contains Lot 10 of Block 2 and Lot 8 of Block 8 because it would affect other lots that might still be included therein.

The RD further lamented that assuming he could cancel GSIS's mother title with respect to Lot 10 of Block 2 and Lot 8 of Block 8, there is still no way that he could issue new titles over these lots in petitioners' name. This is because his office has no information regarding the technical descriptions for these two lots. The RD thus suggested that the parties provide him with these relevant information before he can proceed.

In order to address these difficulties, petitioners filed before the trial court a Motion for Supplemental Writ of Execution.[39] They prayed for a supplemental writ ordering the RD to cancel the titles over Lots 7 and 8 of Block 2 in GSIS's name or in the name of other subsequent transferees; and directing the GSIS and the Bureau of Lands to supply the RD with the technical descriptions of Lot 10, Block 2, and Lot 8, Block 8.[40]

GSIS opposed the issuance of a supplemental writ of execution.[41]

On February 9, 2005, Judge Amelia A. Fabros issued the assailed order denying petitioners' motion for supplemental writ of execution.

Respondent's arguments

The Manlongats could not be served with copies of the Court's resolutions; hence the Court dispensed with their comment.[42]

GSIS argues that petitioners' motion was properly denied because it seeks

to modify a final and executory Decision. The September 11, 2001 Decision in G.R. No. 140398 only ordered the cancellation of GSIS's titles over the subject properties. It did not order the cancellation of all derivative titles of GSIS's transferees; nor did it order the GSIS to perform acts such as providing the RD with the technical descriptions for Lot 10, Block 2 and Lot 8, Block 8. GSIS maintains that a supplemental writ that includes such additional orders is null and void for non-conformity with the judgment.

Further, GSIS argues that the inclusion of "derivative titles" in the September 11, 2001 Decision in G.R. No. 140398 would deprive the holders of these derivative titles their day in court. GSIS opines that the holders of the derivative titles are not bound by the judgment against GSIS because these holders are strangers to the action between GSIS and petitioners.

Lastly, GSIS again raises its earlier argument that the September 11, 2001 Decision in G.R. No. 140398 cannot be enforced because of GSIS's exemption from court processes under RA 8291.

Petitioners' arguments

Petitioners counter that the September 11, 2001 Decision in G.R. No. 140398 can be enforced against GSIS's transferees pendente lite because these transferees were given notice of the pendency of the case by virtue of the notice of lis pendens that had been inscribed on GSIS's TCT No. 23554 as early as September 21, 1984. In fact, when TCT No. 23554 was cancelled with respect to Lots 7 and 8 of Block 2 in order to issue new titles in Dimaguila's and Victorino's names, this notice was carried over to their respective titles. Moreover, the conveyance of these lots to Victorino and Dimaguila transpired in 1985 and 1988, respectively; clearly during the pendency of the case and with notice of the questions surrounding GSIS's ownership over these properties.

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As transferees pendente lite, Dimaguila's and Victorino's titles are proper subjects of writs of execution even if they were not actual parties to the case. Petitioners cite Voluntad v. Spouses Dizon[43] as their authority.[44]

With regard to the issuance of new titles for Lot 10, Block 2 and Lot 8, Block 8, petitioners argue that GSIS can be compelled to provide the RD with their respective technical descriptions. This power is granted to the courts under Section 10, Rule 39 of the Rules of Court.[45]

Petitioners maintain that execution of the Decision in G.R. No. 140398 should not be confined to the literal terms contained only in the fallo or the dispositive portion.[46]

As regards GSIS's alleged exemption, petitioners posit that the GSIS can no longer raise the issue of exemption from execution given that the CA had already rendered its Decision on that question in CA-G.R. SP No. 87821. The said Decision was affirmed by this Court in G.R. No. 173391 through our February 12, 2007 Resolution[47] and entry of judgment in that case was made on October 2, 2007.[48]

Issues

Can GSIS still raise the issue of exemption?

Whether a final and executory judgment against GSIS and Manlongat can be enforced against their successors-in-interest or holders of derivative titles

Whether an order to cancel title to a particular property includes an order to provide technical descriptions and segregate it from its mother title

Our Ruling

On the issue of GSIS's exemption

The issue of GSIS's alleged exemption under RA 8291 had been finally decided against GSIS in G.R. No. 173391, when this Court denied GSIS's petition for review. The denial rendered the CA Decision in CA-G.R. SP No. 87821 final and executory. GSIS's attempt to resurrect the same issue by interjecting the same in this proceeding is barred by the principle of "law of the case," which states that "determinations of questions of law will generally be held to govern a case throughout all its subsequent stages where such determination has already been made on a prior appeal to a court of last resort."[49] The Decision in G.R. No. 173391 allowing the execution of the judgment against GSIS is the "law of the case" and controls the proceedings below which are already in the execution stage.

Enforcement of judgment against transferees pendente lite

"A notice of lis pendens is an announcement to the whole world that a particular real property is in litigation, serving as a warning that one who acquires an interest over said property does so at his own risk, or that he gambles on the result of the litigation over the said property."[50] The effect of the annotation of lis pendens on future transactions over the subject property is discussed by an authority on land titles and registration:

> Once a notice of lis pendens has been duly registered, any cancellation or issuance of the title of the land involved as well as any subsequent transaction affecting the same, would have to be subject to the outcome of the litigation. In other words, upon the termination of the litigation there can be no risk of losing the property or any part thereof as a result of any conveyance of the land or any encumbrance that may be made thereon posterior to the filing of the notice of lis pendens.[51]

It is not disputed that petitioners caused the annotation of lis pendens on TCT No. 23554, which covers Lots 7 and

8 of Block 2, as early as September 21, 1984.[52] On July 29, 1985 and August 24, 1998, TCT No. 23554 was cancelled with respect to Lots 7 and 8 of Block 2 and new individual titles were issued to Victorino and Dimaguila. Both titles had the notice of lis pendens which was carried over from TCT No. 23554. Ineluctably, both Victorino and Dimaguila had notice of the litigation involving GSIS's ownership over the subject properties, and were bound by the outcome of the litigation. When a transferee pendente lite takes property with notice of lis pendens, such transferee undertakes to respect the outcome of the litigation. As held in Selph v. Vda. de Aguilar,[53] an order to cancel the transferor's title may be enforced against his transferee, whose title is expressly subject to the outcome of the litigation by the fact of the annotation of lis pendens.

The existence of these entries on Dimaguila's and Victorino's titles bars any defense of good faith[54] against petitioners and effectively makes Dimaguila and Victorino mere privies of GSIS and subject to whatever rights GSIS might have in the subject properties, which (as it turns out) is none at all. What Dimaguila and Victorino possess are derivative titles of the GSIS's title over Lots 7 and 8 of Block 2, which this Court has finally adjudicated to be null and void. Given the legal maxim that a spring cannot rise higher than its source, it follows that Dimaguila's and Victorino's titles, or any other title over the subject properties that are derived from TCT No. 23554 of the GSIS, are likewise null and void. As explained by this Court in another case, the title obtained by the transferee pendente lite affords him no special protection; he cannot invoke the rights of a purchaser in good faith and cannot acquire better rights than those of his predecessor-in-interest.[55]

In Voluntad v. Spouses Dizon,[56] the Court allowed the issuance of an alias writ of execution against the transferees pendente lite, who had knowledge of the pending litigation on the basis of the annotation of the notice of lis pendens on their titles. The Court clarified therein that there was no need for the victorious [parties] to file a separate action to enforce their right to recover the property as against the new registered owners.[57]

In Associated Bank v. Pronstroller,[58] the Court affirmed the judgments of the trial and appellate courts cancelling the titles of the spouses Vaca, who were transferees pendente lite of Associated Bank, despite the fact that the spouses Vaca were not parties to the case between Associated Bank and the Pronstrollers. The Court explained therein:

> Admittedly, during the pendency of the case, respondents timely registered a notice of lis pendens to warn the whole world that the property was the subject of a pending litigation.
>
> Lis pendens, which literally means pending suit, refers to the jurisdiction, power or control which a court acquires over property involved in a suit, pending the continuance of the action, and until final judgment. Founded upon public policy and necessity, lis pendens is intended to keep the properties in litigation within the power of the court until the litigation is terminated, and to prevent the defeat of the judgment or decree by subsequent alienation. x x x
>
> The filing of a notice of lis pendens has a twofold effect: (1) to keep the subject matter of the litigation within the power of the court until the entry of the final judgment to prevent the defeat of the final judgment by successive alienations; and (2) to bind a purchaser, bona fide or not, of the land subject of the litigation to the judgment or decree that the court will promulgate subsequently.
>
> This registration, therefore, gives the court clear authority to cancel the title of the spouses Vaca, since the sale of the subject property was made after the notice of lis pendens. x x x[59]

Upon Associated Bank's MR, the spouses Vaca filed a motion to intervene arguing that they had a real interest in assailing the July 14, 2008 Decision, which ordered the cancellation of their title. The Court denied the intervention. It was held that the interests of the spouses Vaca in the subject property were properly represented in the action by their transferor/vendor Associated Bank, which was already a party thereto. As transferees pendente

lite, the spouses Vaca stand exactly in the shoes of their predecessor-in-interest, Associated Bank.[60]

The Court cannot accept GSIS's theory that the dispositive portion of the Decision in G.R. No. 140398 is enforceable only against GSIS's title because it does not contain the phrase "and all its derivative titles." GSIS's narrow interpretation would render nugatory the principle that a final judgment against a party is binding on his privies and successors-in-interest. We cannot sustain this interpretation. In Cabresos v. Judge Tiro,[61] the Court upheld the respondent judge's issuance of an alias writ of execution against the successors-in-interest of the losing litigant despite the fact that these successors-in-interest were not mentioned in the judgment and were never parties to the case. The Court explained that an action is binding on the privies of the litigants even if such privies are not literally parties to the action. Their inclusion in the writ of execution does not vary or exceed the terms of the judgment. In the same way, the inclusion of the "derivative titles" in the writ of execution will not alter the Decision in G.R. No. 140398 ordering the cancellation of GSIS's title.

Cancellation of title

The RD claimed that it cannot execute the order to cancel the GSIS's titles over Lot 10, Block 2 and Lot 8, Block 8 because it has no record of GSIS's title over these two lots. The RD theorized that these lots are included in a 'mother title' in GSIS's possession and would still have to be segregated therefrom. To effectuate such segregation, the RD needed the technical descriptions of the two lots and the 'mother title.' Thus, petitioners ask that the GSIS be compelled to surrender its title over, as well as the technical descriptions of, Lot 10, Block 2 and Lot 8, Block 8.

GSIS refused to turn over the needed documents and information, claiming that these acts go beyond what were ordered in the Decision in G.R. No. 140398. GSIS's protestations ring hollow.

The order contained in the Decision in G.R. No. 140398 is for the RD to cancel GSIS's titles over Lot 10, Block 2 and Lot 8, Block 8, inter alia. Whether these titles are individual or contained in a mother title is of no consequence. The RD has to cause their cancellation. If the cancellation can only be carried out by requiring GSIS or the Bureau of Lands to provide the necessary information, then they can be compelled to do so. Otherwise, the Court's decision would be rendered inefficacious, and GSIS would retain ostensible ownership over the lots by the simple expedience that they are included in a mother title, instead of individual titles. That result is manifestly contrary to the Court's ruling and would subvert the very purpose of bringing this case for a complete resolution.

A similar predicament was ruled upon by the Court in Republic Surety and Insurance Co., Inc. v. Intermediate Appellate Court.[62] In that case, the Court declared that Republic Mines had no right to the property involved but during the execution, the RD refused to cancel the TCT in Republic Mine's name on the ground that the dispositive portion of the trial court's Decision did not order the RD to cancel the title and to revive the old title in favor of the victorious party. The Court held that the missing "order to cancel and revive" should be deemed implied in the trial court's decision. Speaking through Justice Feliciano, the Court explained thus:

> What is involved here is not what is ordinarily regarded as a clerical error in the dispositive part of the decision of the Court of First Instance, which type of error is perhaps best typified by an error in arithmetical computation. At the same time, what is involved here is not a correction of an erroneous judgment or dispositive portion of a judgment. What we believe is involved here is in the nature of an inadvertent omission on the part of the Court of First Instance x x x, of what might be described as a logical follow-through of something set forth both in the body of the decision and in the dispositive portion thereof: the inevitable follow-through, or translation into, operational or behavioral terms, of the annulment of the Deed of Sale with Assumption of Mortgage, from which petitioners' title or claim of title embodied in TCT 133153 flows. The dispositive portion of the decision itself declares the nullity ab initio of the simulated Deed of Sale with Assumption of Mortgage and instructed the petitioners and all persons claiming under them to vacate the

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> subject premises and to turn over possession thereof to the respondent-spouses. Paragraph B of the same dispositive portion, confirming the real estate mortgage executed by the respondent-spouses also necessarily assumes that Title No. 133153 in the name of petitioner Republic Mines is null and void and therefore to be cancelled, since it is indispensable that the mortgagors have title to the real property given under mortgage to the creditor (Article 2085 [2], Civil Code).[63]
>
> x x x x
>
> There are powerful considerations of an equitable nature which impel us to the conclusions we reach here. Substantial justice cannot be served if the petitioner Republic Mines, having absolutely no right, legal or equitable, to the property involved, its claim thereto being based upon a transaction which was not only simulated but also immoral and unconscionable, should be allowed to retain the Transfer Certificate of Title in its name. The petitioner would thereby be in a position to inflict infinite mischief upon the respondent-spouses whom they deprived for 15 years of the possession of the property of which they were and are lawful owners, and whom they compelled to litigate for 15 years to recover their own property. The judicial process as we know it and as administered by this Court cannot permit such a situation to subsist. It cannot be an adequate remedy for the respondent-spouses to have to start once more in the Court of First Instance, to ask that court to clarify its own judgment, a process which could be prolonged by the filing of petitions for review in the Court of Appeals and eventually in this Court once more. Public policy of the most fundamental and insistent kind requires that litigation must at last come to an end if it is not to become more pernicious and unbearable than the very injustice or wrong sought to be corrected thereby. That public policy demands that we cut this knot here and now.[64]

When a judgment calls for the issuance of a new title in favor of the winning party (as in the instant case), it logically follows that the judgment also requires the losing party to surrender its title for cancellation. It is the only sensible way by which the decision may be enforced. To this end, petitioners can obtain a court order requiring the registered owner to surrender the same and directing the entry of a new certificate of title in petitioners' favor.[65] The trial court should have granted petitioners' motion for supplemental writ of execution as it had authority to issue the necessary orders to aid the execution of the final judgment.[66]

GSIS's objection that these orders cannot be enforced because they do not literally appear in the Decision in G.R. No. 140398 is unreasonable. GSIS would have the Court spell out the wheres, whys, and hows of the execution. GSIS wants a dispositive portion that is a step-by-step detailed description of what needs to be done for purposes of execution. This expectation is unreasonable and absurd.

WHEREFORE, the petition is GRANTED. The February 9, 2005 Order of Branch 160 of the Regional Trial Court of Pasig City is REVERSED and SET ASIDE. The September 11, 2001 Decision in G.R. No. 140398 is clarified to read as follows:

> WHEREFORE, in view of the foregoing, the petition is GRANTED. The decision of the Court of Appeals is REVERSED AND SET ASIDE.
>
> The decision of the Regional Trial Court of Pasig City, Branch 160, in Civil Case Nos. 51410 and 51470, is REINSTATED. The foreclosure sale of Lot Nos. 6, 7, 8 and 10 of Block 2 and Lot 8 of Block 8 of the property originally covered by TCT No. 26105, and the subsequent certificates of titles issued to GSIS as well as TCT No. PT-94007 in the name of Elizabeth Manlongat, and their respective derivative titles are declared NULL AND VOID.
>
> The Register of Deeds of Pasig City is ordered to CANCEL all present certificates of title covering the above-mentioned properties, whether contained in individual titles or in a mother title, in the name of GSIS and Elizabeth Manlongat, or in the name of their privies, successors-in-interest or transferees pendente lite, and to ISSUE new certificates of title over the same in the name of petitioners as co-owners thereof.

> GSIS and the Bureau of Lands are ordered to supply the necessary documents and information for the proper enforcement of the above orders.
>
> Respondents GSIS and spouses Victor and Milagros Manlongat are ORDERED to pay, jointly and severally, attorney's fees in the increased amount of P50,000.00, and to pay the costs.
>
> SO ORDERED.

The trial court is ordered to ISSUE the writ of execution in accordance with the above clarified dispositive portion.

GSIS is seriously warned not to further delay the execution of this case.

SO ORDERED.

Corona, C.J., (Chairperson),Leonardo-De Castro, Bersamin, and Villarama, Jr., JJ., concur.

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[1] Rollo (G.R. No. 167140), pp. 10-30.

[2] Id. at 31.

[3] Id. at 47-54.

[4] Id. at 31; penned by Judge Amelia A. Fabros.

[5] Rollo (G.R. No. 140398) at 247-261; penned by Associate Justice Consuelo Ynares-Santiago and concurred in by Chief Justice Hilario G. Davide, Jr. and Associate Justices Santiago M. Kapunan and Bernardo P. Pardo.

[6] Id. at 259-260.

[7] Entry of Judgment was recorded on April 23, 2002 (id. at 300-301).

[8] Records, Vol. II, pp. 268-278.

[9] Id. at 280-285.

[10] Id. at 286.

[11] Id. at 437.

[12] Id. at 1-6.

[13] Id. at 99-102.

[14] Id. at 24-26.

[15] Id. at 167-169.

[16] Rollo (G.R. No. 140398), pp. 247-260.

[17] Id. at 259-260.

[18] Id. at 300-301.

[19] Records, Vol. IV, pp. 135-140.

[20] Id. at 171-174.

[21] Id. at 194.

[22] Id. at 312-314.

[23] Id. at 290-311.

[24] Rollo (G.R. No. 173391), p. 66.

[25] Id. at 60-75; penned by Associate Justice Bienvenido L. Reyes (now a member of this Court) and concurred in by Associate Justices Godardo A. Jacinto and Arturo D. Brion (now a member of this Court).

[26] Decision in CA-G.R. SP No. 87821, p. 9; rollo (G.R. No. 173391), p. 68.

[27] Id. at 11; id. at 70.

[28] Id. at 12; id. at 71.

[29] Id. at 13; id. at 72.

[30] Id. at 14; id. at 73.

[31] Id. at 15-16; id. at 74-75.

[32] Rollo (G.R. No. 173391), pp. 76-77.

[33] Id. at 28-59.

[34] Id. at 127.

[35] Records, Vol. V, pp. 425-426.

[36] Id., Vol. IV, p. 268; Comment of Policarpio L. Espenesin, rollo (G.R. No. 140398), p. 349.

[37] Id., Vol. V, p. 267.

[38] Comment of Policarpio L. Espenesin, rollo (G.R. No. 140398), p. 349.

[39] Records, Vol. IV, pp. 259-266.

[40] This is the prayer contained in petitioners' Motion for Supplemental Writ of Execution:

> PREMISES CONSIDERED, it is respectfully prayed that the Honorable Court order the issuance of a supplemental writ of execution:
>
> 1. Directing the Register of Deeds of Pasig to CANCEL the Transfer Certificates of Title covering Lot 8, Block 2 and Lot 7, Block 2 in the name of GSIS and all subsequent and derivative titles of the same in the name of GSIS or other subsequent transferees including Zenaida C. Victorino, and Antonio C. Dimaguila and to ISSUE new certificates of title over the same in the name of plaintiffs;
>
> 2. Directing the GSIS and the Bureau of Lands to supply the Register of Deeds of Pasig with the technical descriptions for Lot 10 Block 2 and Lot 8 Block 8 of the property originally covered by Transfer Certificate of Title No. 26105 within five (5) days.
>
> Other reliefs just and equitable are prayed for. (Id. at 264-265)

[41] Id. at 271-279.

[42] Rollo (G.R. No. 167140), p. 104.

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[43] 372 Phil. 82 (1999).

[44] Petitioners' Memorandum, pp. 11-12; rollo (G.R. No. 167140), pp. 132-133.

[45] Id. at 14; id. at 135.

[46] Id. at 13; id. at 134.

[47] Id. (G.R. No. 173391), pp. 127-128.

[48] Records, Vol. V, pp. 425-426.

[49] Villa v. Sandiganbayan, G.R. Nos. 87186, 87281, 87466, 87524, April 24, 1992, 208 SCRA 283, 295.

[50] Spouses Po Lam v. Court of Appeals, 400 Phil. 858, 868 (2000).

[51] PEÑA, REGISTRATION OF LAND TITLES AND DEEDS (2008 ed.), p. 482; Juan P. Pellicer & Co. Inc. v. Philippine Realty Corporation, 87 Phil. 302, 307 (1950).

[52] Petitioners' Memorandum, pp. 10-11; rollo (G.R. No. 167140), pp. 131-132.

[53] 107 Phil. 443 (1960).

[54] Yu v. Court of Appeals, 321 Phil. 897, 901-902 (1995).

[55] Id.

[56] Supra note 43.

[57] Id. at 91.

[58] G.R. No. 148444, July 14, 2008, 558 SCRA 113.

[59] Id. at 133.

[60] Associated Bank (now United Overseas Bank [Phils.]) v. Pronstroller, G.R. No. 148444, September 3, 2009, 598 SCRA 13, 17-18.

[61] 248 Phil. 631 (1988).

[62] 236 Phil. 332 (1987).

[63] Id. at 338-339.

[64] Id. at 340-341.

[65] Selph v. Vda. de Aguilar, supra note 53.

[66] RULES OF COURT, Rule 135, Section 5.

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