SPS. IGLECERIO MAHINAY AND FIDELA MAHINAY, PETITIONERS, VS. THE HON. ENRIQUE C. ASIS, PRESIDING JUDGE, BRANCH 16, NAVAL, BILIRAN; SHERIFF LUDENILO S. ADOR, DANILO VELASQUEZ III,...

G.R. No. 170349. February 12, 2009

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

Before this Court is a petition for review on certiorari under Rule 45 of the Rules of Court seeking to set aside the June 6, 2005 Decision[1] and October 20, 2005 Resolution[2] of the Court of Appeals (CA) in CA-G.R. S.P. No. 84045 which affirmed the January 28, 2004 Order[3] and April 26, 2004 Order[4] of the Regional Trial Court (RTC) of Naval, Biliran.

The facts of the case:

On February 24, 1987, Danilo Gabino III; Ethel, Virgilio, Lolito, Gabino IV, Gertudes, Merle, Maria Cielo, Jose, all surnamed Velasquez; Lino Redoblado, Leo Redoblado (Leo), Jose Redoblado, and Marilyn Tansingco (Marilyn), all represented by Gabino A. Velasquez Jr. (Gabino, Jr.), collectively referred to as respondents, filed with the RTC of Naval, Biliran, Branch 16 a complaint for recovery of possession of parcels of lands against spouses Iglecerio and Fidela Mahinay (petitioners). This case was docketed as Civil Case No. B-0647 (Mahinay Case).[5]

On January 6, 1988, respondents, with the exception of Ethel, Jose, Gertudes, Leo, Marilyn and Jose Redoblado, likewise represented by Gabino, Jr., filed with the same RTC a complaint for recovery of possession of parcels of lands against spouses Simeon and Gloria Narrido (petitioners). This case was docketed as Civil Case No. B-0682 (Narrido Case).[6]

In both cases, respondents claimed that they were the absolute owners of the subject parcels of lands, as evidenced by the certificates of title issued in their names.

Meanwhile, on May 30, 1989, while the two cases were being tried by the RTC, the Republic of the Philippines (State) filed twelve separate complaints against respondents for the cancellation of their titles and for the reversion of the disputed lands to the mass of the public domain. These complaints were docketed as Civil Cases Nos. B-0735 to B-0746 (Reversion Cases).[7]

On August 7, 1989, the RTC rendered its Decision[8] in the Mahinay and Narrido Cases awarding to respondents the properties in dispute. Petitioners appealed the RTC decision to the CA.

In the meantime, on June 11, 1990, the RTC rendered its Decision[9] in the Reversion Cases, dismissing all twelve cases, declaring the certificates of title issued to respondents as valid, and upholding respondents as lawful owners of the parcels of lands covered by the said titles. The State appealed the RTC decision to the CA.[10]

While the appeal[11] of the State in the Reversion Cases was pending, petitioners filed with the CA a "Motion to

Suspend Proceedings" in the appeal of their case until after the appeal of the Reversion Cases shall have been resolved. The CA granted said motion.[12]

On July 30, 1993, the CA in the Reversion Cases reversed[13] the ruling of the RTC. The CA ruled that the lands in dispute were within public forest and thus declared that the certificates of title of respondents were null and void. The CA considered the lands to have reverted to the public domain.[14] Respondents filed a Motion for Reconsideration,[15] but the same was denied[16] by the CA. Respondents appealed to this Court on a petition for review on certiorari[17] but the same was denied since it was not seasonably filed. Thereafter, on December 5, 2001, the CA, taking notice of the result of the Reversion Cases, promulgated its Decision[18] in the Mahinay and Narrido Cases. The pertinent portions of the decision reads:

> x x x x
>
> While indisputably, the state owns the property, still the only entity that can question plaintiffs-appellees' [herein respondents] colorable title to it is the State. While the issuance of a certificate of title does not give the owner any better title than what he actually has, it is a rule long standing that 'in case where the State had granted free composition title to a parcel of land in favor of certain individuals, and there were other persons who tried to show that such land was cultivated by them for many years prior to the registration thereof in the name of grantees, the Supreme Court held that such persons who have not obtained title from the State cannot question the titles legally issued by the State.'
>
> However, since it is the State that has dominion over the property, and it is not impleaded herein as a party, We believe it not within Our province to order defendants-appellants [herein petitioners] to return the property to plaintiffs-appellees, as the same property should be given back to the State. Yet, considering the damage inflicted upon plaintiffs- appellees by reason of their dispossession of the subject lands, it is but fair that damages should be awarded to them for their inability to utilize the property for their own gain.
>
> WHEREFORE, the Decision of the lower court is hereby MODIFIED, in that plaintiffs-appellees [herein respondents] are declared not the owner of the subject lands but the State. Plaintiffs-appellees, however, are declared to be better entitled to possession thereof, and as such entitled to actual damages owing to their inability to use them. Considering the paucity of evidence before Us on the value of damage sustained by plaintiffs- appellees, We resolve to hereby remand this case to the trial court for determination and computation of correct amount of damages due plaintiffs-appellees.
>
> SO ORDERED.[19] (Emphasis and underscoring supplied)

On January 30, 2002, respondents filed with the CA a motion for the delivery of possession of the lands in dispute pending determination of ownership. In a Resolution[20] dated April 11, 2002, the CA denied the motion. Thus, pursuant to the December 5, 2001 Decision of the CA, the case was remanded to the RTC for determination of the amount of damages due the respondents.

On October 7, 2002, respondents filed with the RTC a "Motion for the Issuance of a Writ of Execution Upon Determination and Computation of the Correct Amount of Award of Damages by the Honorable Court, in Favor of Plaintiff's."[21]

On January 28, 2004, the RTC issued the herein assailed Order [22] awarding the possession of the disputed lands to the respondents, to wit:

> x x x x
>
> Finding the motion for execution to be with merit, the same is hereby GRANTED.
>
> WHERFORE, issue a writ of execution in favor of plaintiffs and against the defendants in accordance with the

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> above computation and further directing the Sheriff to place the plaintiffs [herein respondents] in possession of the land immediately being the registered owner (sic) thereof.
>
> SO ORDERED.[23] (Emphasis supplied)

Petitioners filed a Motion for Reconsideration[24] of the RTC Order. Petitioners argued that the Order varied the decision of the CA it sought to execute when it ordered the sheriff to place the respondents in possession of the lands. The RTC denied the motion for reconsideration.[25]

Petitioners then appealed[26] the RTC Order to the CA.

On June 6, 2005, the CA issued a Decision[27] denying petitioner's appeal, the dispositive portion of which reads:

> IN LIGHT OF THE FOREGOING, we hold that public respondent Judge was correct when he issued the questioned orders dated January 28, 2004 and April 26, 2004, wherein he ordered for the issuance of a writ of execution to deliver the possession of the above-mentioned properties to the private respondents.
>
> However, the trial court is ordered to conduct further proceedings to determine the amount of expenses, duly supported by evidence that the petitioners allegedly spent for the preservation and cultivation of the land. These expenses should be deducted from the total amount of damages petitioners are liable to pay the private respondents.
>
> The amount of Php1,800.00, representing the excess payment for the docket and other legal fees is again ordered returned to the petitioners, as contained in Our Resolution dated June 3, 2004.
>
> Costs against the petitioners.
>
> SO ORDERED.[28]

The CA likewise denied petitioner's motion for reconsideration through a Resolution[29] dated October 20, 2005.

Petitioner filed with this Court the present petition.

On February 13, 2006, this Court issued a Temporary Restraining Order[30] enjoining the public respondents from implementing the June 6, 2005 Decision and October 20, 2005 Resolution of the CA.

The Petition assigns a single assignment of error of the CA, to wit:

> THE HONORABLE COURT OF APPEALS ERRED IN HOLDING THAT THE RESPONDENT JUDGE ENRIQUE C. ASIS WAS CORRECT WHEN, IN EXECUTING THE DECISION (ANNEX "C") AND RESOLUTION (ANNEX "D") OF THE COURT OF APPEALS, HE ISSUED THE QUESTIONED ORDERS (ANNEXES "F" AND "H") WHEREIN HE DIRECTED THE RESPONDENT SHERIFF TO PLACE THE PRIVATE RESPONDENTS IN POSSESSION OF THE LANDS SUBJECT MATTER OF THE CASES THEY "BEING THE REGISTERED OWNER [SIC] THEREOF"[31]

The petition is meritorious.

The RTC, in executing the December 5, 2001 CA decision, may not grant a relief not ordered by the said appellate court.

To stress, the December 5, 2001 Decision of the CA only ordered the remand of the case to the RTC for the determination and computation of the amount of damages due private respondents.[32] More importantly, possession over the lands in dispute was not awarded by the CA to private respondents. Thus, on remand, the RTC was only expected to compute the amount of damages and award the same to respondents. However, in its January 8, 2004 Order, the RTC ordered the sheriff to place respondents in possession of the lands declaring them

to be the registered owners thereof.[33]

The RTC justified its Order of awarding possession of the lands in dispute to respondents by relying on the April 11, 2002 Resolution[34] of the CA. The RTC ratiocinated in its Order that the CA had modified its stand on the issue of possession, thus:

> x x x x
>
> Most importantly, on April 11, 2002, the Court of Appeals, that rendered the decision of December 5, 2001, modified its stand, thus:
> "At the time the Titles of Plaintiffs subsisted, there was color of title in favor of Appellees [herein respondents], and the same was an operative fact which granted them a better right to possess the property, as against Appellants [herein petitioners] who, being are practically squatters, do not have any possessory rights."

This Order of the Court of Appeals, clearly supports the Order of execution of this Court, to include delivery of possession. Since the Rules of Procedure, are the same in all Courts, the rule in Malolos vs. Dy, 325 SCRA 827, finds appropriate applicability "that the Court, who ordered the execution exercises general supervisory control over its processes of execution and this power carries with it the right to determine every question of fact and law involved in the execution." x x x x

> "The finality of the decision with respect to possession de facto cannot be affected by the pendency on appeal of a case where ownership of the property is being contested. Carreon vs. Court of Appeals, 291 SCRA 78; Moreover, it is now a musty principle of justice that a right cannot arise from a wrong. (San Miguel vs. Sandiganbayan 340 SCRA 289)

WHEREFORE, premises considered, the Motion for Reconsideration and the Supplemental Motion of Defendants praying for a Modification of the award for damages cannot be granted, for Defendants admitted the areas they have occupied in their Comment to the Commissioner's Report and that the computation of this Court of the palay harvest was based on Government records from the Bureau of Agriculture and from the National Food Authority. The order of the Court of Appeals, of December 5, 2001, was modified by the same Court on April 11, 2002, as follows:

> As a Court of Justice, we cannot allow Appellants (Defendants herein) to take full advantage of their illegal occupancy of the land be it private or of the public domain- without being liable therefor; otherwise it would be unjust enrichment of the worst kind."

Moreover, the prayer for the stay of execution is DENIED by reason of law and jurisprudence. Therefore, the Provincial Sheriff is directed to proceed with the Execution by delivering possession to the Plaintiffs, notwithstanding appeal on the matter of damages, on the part of the Defendants.

SO ORDERED.[35]

The RTC misapprehended the CA's Resolution dated April 11, 2002. A simple perusal of the Resolution shows that no such modification was made. Had the RTC considered the entire paragraph from which the quoted sentences were taken, it would have readily seen that possession was not awarded by the CA. Quoted in bolder print are the portions which the RTC omitted:

> While true it is that the title of appellees [herein respondents] were subsequently annulled by the Supreme Court, nevertheless, at the time the Titles of Plaintiffs subsisted, there was color of title in favor of Appellees, and the same was an operative fact which granted them a better right to possess the property, as against Appellants [herein petitioners] who, being are practically squatters, do not have any possessory rights.

> Since the basis of appellees in exercising possession over the property in question are Torrens titles, which should not be taken lightly, appellants violated the rights of appellees when they, and not appellees, took and held the property, depriving the appellees, who were the registered owners, of the use and fruits of the property. In other words, before the title to the property reverted to the Republic, appellees were the putative owners thereof, entitled to all rights which are the full accouterments of dominion, including possession. As a Court of Justice, we cannot allow Appellants (Defendants herein) to take full advantage of their illegal occupancy of the land be it private or of the public domain- without being liable therefore; otherwise it would be unjust enrichment of the worst kind. Thus, it would only be fair, since possession was wrested by appellants [petitioners] from the appellees [respondents], to make the former liable for whatever damages may have been occasioned appellees for the unlawful usurpation their possession of the land.[36]
>
> x x x x
>
> 4. For the same reasons as those stated in the discussion of the Motion to implead the Republic, the Motion of appellees for possession to be turned-over to them whilst the instant case is pending, also cannot be granted. Briefly, it had already been decided with finality that the title of appellees over the same are null and void as of 11 August 1997; therefore, to award the appellees possession of the same would not only be inconsistent with the 'becoming modesty' on the part of this Court as only an appellate Court, but may be downright contumacious of a final decision of the highest court in the land. It is for these reasons that said motion must be denied.[37] (Emphasis and underscoring supplied)

Based on the December 5, 2001 Decision of the CA wherein possession was not awarded to private respondents, just damages, it is clear that the RTC was mistaken when it ruled that the CA had modified the latter's December 5, 2001 Decision.

However, in the assailed Resolution dated June 6, 2005, the CA affirmed the RTC Order dated January 28, 2004 insofar as the Order awarded possession to the respondents, rationalizing, thus:

> x x x x
>
> Again, we are stressing that Our decision is confined to the mere question of the right of possession of said land by the petitioners as against the private respondents and the proper amount of damages ought to be awarded to the latter.
>
> It bears emphasis that the private respondents had been in quiet, peaceable and uninterrupted enjoyment of the possession of the land in question since 1946, when Gabino Velasquez, Sr. bought the same from the parents of Rodrigo Arche and Panfila Arche. When the land occupied by the petitioners was sold to them, it was already previously disposed and sold to private respondents. In effect, the second sale to the petitioners was a patent nullity and transmits no rights. On this score, possession is [sic] ougth to be with the private respondents.
>
> Furthermore, Article 1477 provides that the ownership of the thing sold shall be transferred to the vendee upon the actual or constructive delivery thereof. The execution of a public instrument is equivalent to the delivery of the realty sold and its possession by the vendee. Because after the sale of a realty by means of a public instrument, the vendor, who resells it to another, does not transmit anything to the second vendee and if the latter, by virtue of this second sale, takes material possession of the thing, he does it as a mere detainer, and it would be unjust to protect this detention against the rights to the thing lawfully acquired by the first vendee.
>
> Hence, this Court is convinced that possession should also be awarded to the private respondents to harmonize the decision of the court in granting the award of damages to them. In the first place, had the petitioners been entitled to the possession of the property, they should not be required to pay damages to the private respondents. We are of the considered opinion that justice dictates for us to award also the possession to the private respondents. It will be an empty judgment if the petitioners will be just required to pay damages and yet

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> continue possessing the property. Possession of a piece of a property may be wholly precarious or unrighteous, yet if the possessor has in his favor priority of time, he has this security, that he is entitled to stay upon the property until he is put off lawfully by a person having a better right. The fact remains that respondents were first to possess the property and in fact titles were issued in their favor as evidenced by Original Certificates of Titles Nos. x x x. Despite the fact that their titles were nullified, between two contending parties, possession should be given to one who had priority in time. Petitioners are not the lawful possessors that can dispossess the respondents for they are mere usurpers of the land.[38] (Emphasis supplied)

It is a general rule that the writ of execution should conform to the dispositive portion of the decision to be executed, and that the execution is void if it is in excess of and beyond the original judgment or award, for it is a settled general principle that a writ of execution must conform strictly to every essential particular of the judgment promulgated.[39] Where the judgment of an appellate court has become final and executory and has been returned to the lower court, the only function of the latter is the ministerial act of carrying out the decision and issuing the writ of execution.[40] In addition, a final and executory judgment can no longer be amended by adding thereto a relief not originally included.[41]

Thus, this Court finds that it was improper for the RTC to award to respondents possession over the lands in dispute, as the December 5, 2001 CA Decision it sought to execute and the April 11, 2002 CA Resolution clearly did not award possession to respondents, but instead held that the owner of the subject lands is the State. Possession was not a relief granted by the aforementioned CA Decisions. It is therefore not a relief which the RTC may grant on execution. Accordingly, the CA seriously erred in issuing its June 6, 2005 Resolution affirming the assailed RTC Order awarding possession to respondents.

This Court is not unmindful of a number of decisions[42] wherein the Court affirmed writs of execution awarding possession of land, notwithstanding that the decisions sought to be executed did not order its delivery to the parties. In Perez v. Evite,[43] the Court ruled that where the ownership of a parcel of land was decreed in the judgment, the delivery of possession of the land should be considered included in the decision, it appearing that the defeated party's claim to the possession thereof is based on his claim of ownership. Moreover, in Baluyut v. Guiao ,[44] the Court held that a judgment is not confined to what appears on the face of the decision, but also covers those necessarily included therein or necessary thereto. The foregoing ruling, however, find no application to the case at bar, as it is necessary that the decision sought to be executed must have at the very least awarded ownership of the lands to the parties. To reiterate, respondents are not the owners of the land in dispute, but the State.

Respondents insist that possession should be awarded to them, as they allege that the government has slept on their rights and has not moved to execute[45] the CA judgment, which declared the disputed lands part of the public domain. Such argument deserves scant consideration, considering that the inaction of the State does not detract from the fact that it is the owner of the lands in dispute and, therefore, respondents have no standing or right to demand their return.

Thus, as far as the December 5, 2001 Decision of the CA is concerned, the Court upholds the pronouncement that the subject lands are State-owned and inalienable, and possession is not to be awarded to private respondents.

WHEREFORE, the Petition is granted. The Decision dated June 6, 2005 and Resolution dated October 20, 2005 of the Court of Appeals in C.A.-G.R. S.P. No. 84045 are hereby REVERSED and SET ASIDE, only insofar as it affirmed the Order dated January 28, 2004 of the Regional Trial Court of Naval, Biliran (Branch 16) directing the Sheriff to place the respondents in possession of the subject land in Civil Case No. B-0647.

The Temporary Restraining Order issued by the Court on February 13, 2006, is converted to a permanent writ of

preliminary injunction.

Let the original records be remanded to the said Regional Trial Court for further proceedings to determine the amount of expenses, as directed by the Court of Appeals in its Resolution dated June 6, 2004, within ten (10) days from the date of finality of this Decision.

Costs against respondents.

SO ORDERED.

Ynares-Santiago, (Chairperson), Chico-Nazario, Nachura, and Peralta, JJ., concur.

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[1] Penned by Associate Justice Pampio A. Abarintos with the concurrence of Executive Justice Mercedes Gozo-Dadole and Associate Justice Ramon M. Bato, Jr., rollo, pp. 71-81.

[2] Id. at 82-83.

[3] Id. at 103-105.

[4] Id. at 111-113.

[5] Id. at 86.

[6] Id. at 86-87.

[7] Rollo, p. 88.

[8] CA rollo, pp. 245-249.

[9] Id. at 239-244.

[10] Rollo, p. 88.

[11] Docketed as CA-G.R. CV Nos. 28745-28756.

[12] Rollo pp. 88-89.

[13] Id. at 109-123, G.R. No. 123081-82. Penned by Associate Justice Eubulo G. Verzola with the concurrence of Associate Justices Antonio M. Martinez and Serafin V.C. Guingona.

[14] Rollo, p. 89.

[15] Id. at 124-126, G.R. No. 123081-82.

[16] Id. at 147-152, G.R. No. 123081-82.

[17] Id. at 36-58, G.R. No. 123081-82.

[18] Penned by Associate Justice Romeo A. Brawner with the concurrence of Associate Justices Elvi John S. Asuncion and Juan Q. Enriquez, Jr., id. at 84-93

[19] Id. at 91-92.

[20] Rollo, pp. 94-99.

[21] Id. at 100- 102.

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[22] Id. at 103-105.

[23] Id. at 105.

[24] Id. at 106-110.

[25] Id. at 111-113.

[26] Docketed as CA-G.R.SP No. 84045.

[27] Penned by Associate Justice Pampio A. Abarintos with the concurrence of Executive Justice Mercedes Gozo-Dadole and Associate Justice Ramon M. Bato, Jr., rollo, pp. 71-81.

[28] Id. at 80-81.

[29] Id. at 82-83.

[30] Id. at 151-152.

[31] Rollo, p. 64.

[32] Id. at 92.

[33] Id. at 105.

[34] Id. at 94-99.

[35] Rollo, pp. 112-113.

[36] Rollo, p. 96.

[37] Id. at 98.

[38] Rollo, pp. 79-80.

[39] See Ex-Bataan Veteran Security Agency, Inc. v. National Labor Relations Commission, G.R. No. 121428, November 29, 1995, 250 SCRA 418; Equatorial Realty Development, Inc. v. Mayfair Theater, Inc., G.R. No. 136221, May 12, 2000, 332 SCRA 139; Philippine Veterans Bank of Communications v. Court of Appeals, G.R. No. 126158, September 28, 1997, 279 SCRA 364.

[40] Sia v. Villanueva, G.R. No. 152921, October 9, 2006, 504 SCRA 43.

[41] Civil Procedure Annotated, Justice Jose Feria and Maria Concepcion Noche, 2001 Edition, p.13.

[42] Perez v. Evite, No. L-16003, March 29, 1961, 1 SCRA 949; Tiro v. Court of Appeals, No. L-47341, October 20, 1978, 85 SCRA 554; Baluyut v. Guaio, G.R. No. 136294, September 28, 1999, 315 SCRA 396.

[43] Supra note 42.

[44] Supra note 42.

[45] Rollo, p. 293.

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