

**ANASTACIO TUBALLA HEIRS, NAMELY: JULIANA TUBALLA,
AGUSTIN TUBALLA, AND HERMAN TUBALLA, PETITIONERS, VS.
RAUL CABRERA, ET AL., RESPONDENTS.**

G.R. No. 179104. February 29, 2008

Ponente: VELASCO JR., J.

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VELASCO JR., J.:

This is a Petition for Review on Certiorari under Rule 45 which seeks to correct the Order dated January 3, 2006 of the Regional Trial Court (RTC), Branch 36 in Dumaguete City, Negros Oriental, and to direct its Judge to correct the transposition of the digits 6 and 5 in both the dispositive portions of the Court of Appeals (CA) Decision dated October 25, 2002 and the RTC Decision dated September 30, 1994 to conform to Lot No. 5697 as described in the Complaint and the evidence, that is, the Original Certificate of Title (OCT) No. FV-16880.

On June 21, 1991, Anastacio Tuballa filed a Complaint against Cabrera Enterprises, Incorporated (Cabrera Enterprises), for Recovery of Possession of a parcel of sugar land. Tuballa is the registered owner of Lot No. 5697 with an area of 11.0337 hectares located in Bondo, Siaton, Negros Oriental, covered by Free Patent No. 544264 granted on September 28, 1973 and by OCT No. FV-16880 dated October 11, 1974. Tuballa and his predecessors-in-interest had been in possession and occupation of the land since time immemorial. It was Tuballa who invested time, resources, and effort to convert the public land into private ownership.

Sometime in 1982, the men employed by Cabrera Enterprises intruded into the subject land without Tuballa's consent. The laborers of Cabrera Enterprises did not heed Tuballa's protestation and admonition, prompting him to make several attempts to accost the manager of Cabrera Enterprises but to no avail, as the manager either was always out of office or refused to meet Tuballa.

On September 30, 1994, the RTC rendered a Decision,[1] the dispositive portion of which reads:

WHEREFORE, judgment is hereby rendered:

- Ordering the defendant corporation, Cabrera Enterprises Incorporated to vacate Lot No. 6597, Pls-659-D and turn over the possession of the same to the plaintiff Anastacio Tuballa;
- Condemning defendants to pay unto plaintiff damages in the amount of P100,000.00 and attorney's fees in the sum of P10,000.00
- Sentencing defendants to pay the costs of [these] proceedings.

SO ORDERED.

Aggrieved, Cabrera Enterprises, represented by its Manager, Agnes Cabrera, and by Raul Cabrera and Carmen Cabrera, interposed its timely appeal before the CA. On October 25, 2002, the appellate court rendered its Decision,[2] the decretal portion of which reads:

UPON THE VIEW WE TAKE OF THIS CASE, THUS, the judgment appealed from must be, as it hereby is, AFFIRMED, subject to the caveat that the awards for actual damages in the amount of P100,000.00, and attorney's fees in the sum of P10,000.00 are DELETED. Without costs.

SO ORDERED.

The CA issued on March 7, 2003 an Entry of Judgment,[3] stating that its Decision dated October 25, 2002 has become final and executory on March 7, 2003.

Subsequently, Tuballa filed a Manifestation before the RTC, pointing out that there was a typographical error in the dispositive portion of the RTC Decision, which indicated Lot No. 6597 instead of Lot No. 5697, and that the CA affirmed the RTC Decision.

On January 3, 2006, the RTC issued an Order,[4] disposing Tuballa's manifestation, as follows:

After a careful study and evaluation on the pleadings at hand, the Court believes that the very issue confronting the Court is whether or not it has the power or authority to correct or clarify the error in the Decision sought to be executed. As can be gleaned on the records, the decision sought to be executed is not the decision of this Court but rather of the Court of Appeals. Hence, any correction or clarification of the decision of the Court of Appeals must be addressed to the said court.

In view of the foregoing, this Court is of the opinion and so holds that it has no power and authority to correct or clarify the error of the said Decision.

SO ORDERED.

Tuballa was thus compelled to file a Petition for Certiorari and Mandamus under Rule 65 before the CA, which, on September 25, 2006, dismissed the same due to a number of procedural omissions and deficiencies. On July 16, 2007, the appellate court denied Tuballa's motion for reconsideration.

Hence, the instant petition filed by the children and heirs of Tuballa.

A decision that has acquired finality becomes immutable and unalterable. A final judgment may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact and law; and whether it be made by the court that rendered it or by the highest court in the land.[5]

The orderly administration of justice requires that the judgments/resolutions of a court or quasi-judicial body must reach a point of finality set by the law, rules, and regulations. The noble purpose is to write finis to dispute once and for all. This is a fundamental principle in our justice system, without which there would be no end to litigations. Utmost respect and adherence to this principle must always be maintained by those who exercise the power of adjudication. Any act, which violates such principle, must immediately be struck down.[6] Indeed, the principle of conclusiveness of prior adjudications is not confined in its operation to the judgments of what are ordinarily known as courts, but it extends to all bodies upon which judicial powers had been conferred.[7]

The only exceptions to the rule that final judgments may no longer be modified in any respect are (1) the correction of clerical errors, (2) the so-called nunc pro tunc entries which cause no prejudice to any party, and (3) void judgments.[8]

Under OCT No. FV-16880,[9] the technical description of the land refers to Lot No. 5697, Pls-659-D and not Lot No. 6597. The RTC committed a typographical error in its Decision when it ordered Cabrera Enterprises to vacate Lot No. 6597, Pls-659-D and turn over the possession of the same to Tuballa. And, in accordance with the first exception to modification of final judgment mentioned earlier, this Court hereby modifies the clerical error in the Decision of the RTC.

WHEREFORE, the Decision dated September 30, 1994 of the RTC is hereby MODIFIED by changing Lot No. 6597 to Lot No. 5697 in the first paragraph thereof, the fallo of which shall now read:

WHEREFORE, judgment is hereby rendered:

- Ordering the defendant corporation, Cabrera Enterprises Incorporated to vacate Lot No. 5697, Pls-659-D and turn over the possession of the same to the plaintiff Anastacio Tuballa;

- x x x x;

- Sentencing defendants to pay the costs of [these] proceedings.

SO ORDERED.

Carpio (Acting Chairperson), Carpio Morales, Azcuna,[*] and Tinga, JJ., concur.
Quisumbing, J., (Chairperson), on official leave.

[*] Additional member as per Special Order No. 485 dated February 14, 2008.

[1] Penned by Judge Saturnino Ll. Villegas.

[2] Penned by Associate Justice Renato C. Dacudao and concurred in by Associate Justices Eugenio S. Labitoria (Chairperson) and Mario L. Guariña III.

[3] Rollo, p. 36.

[4] Penned by Judge Cesar Manuel Cadiz, Jr.

[5] Collantes v. Court of Appeals, G.R. No. 169604, March 6, 2007, 517 SCRA 561, 562; citing Ramos v. Ramos, 447 Phil. 114, 119 (2003).

[6] Peña v. Government Service Insurance System (GSIS), G.R. No. 159520, September 19, 2006, 502 SCRA 383, 404; citing Fortich v. Corona, 352 Phil. 461, 486 (1998).

[7] Id. at 404-405; citing San Luis v. Court of Appeals, G.R. No. 80160, June 26, 1989, 174 SCRA 258, 271.

[8] Ramos, supra note 5.

[9] Rollo, p. 43, Exhibit "M."

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