LYDIA MONTEBON, A.K.A. JINGLE MONTEBON, PETITIONER, VS. THE HONORABLE COURT OF APPEALS, THE HON. SILVINO PAMPILO, JR., IN HIS CAPACITY AS PRESIDING JUDGE OF BRANCH 26, REGIONAL ...

G.R. No. 180568. July 13, 2009

Ponente: NACHURA, J.

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NACHURA, J.:

This is a petition for review on certiorari of the Court of Appeals (CA) Decision[1] dated May 9, 2007 and Resolution dated November 13, 2007, which dismissed a petition for certiorari for lack of merit. Petitioner questions the respondent court's issuance of a writ of execution pending appeal of a decision, the dispositive portion of which contained an incorrect address of the subject property.

The facts of the case are as follows:

On July 4, 2004, private respondent Jose Rizal Lopez, represented by Edwin Pastor who lives at 1457 Paz St., Paco Manila, instituted an action for ejectment and damages against petitioner, Lydia Montebon. Private respondent alleged that he is the owner of a residential/commercial unit located at 1459 Paz St. Paco, Manila, which he leased to petitioner for a monthly rental of P20,000.00. When petitioner defaulted in the payment of the monthly rentals, private respondent made several demands on the petitioner for the payment of the accumulated rentals due, amounting to P384,900.00, but petitioner refused to pay. When his final demand remained unheeded, private respondent filed the ejectment case against petitioner.

On December 27, 2005, the Metropolitan Trial Court (MeTC) ruled in favor of private respondent. The dispositive portion of the MeTC Decision reads:

> WHEREFORE, judgment is hereby rendered in favor of herein plaintiff and against defendant, ordering the latter and all persons claiming rights under her:
>
> - To vacate the subject premises located at 1457 Paz Street, Paco, Manila and peacefully surrender possession thereof to plaintiff;
>
> - To pay plaintiff the amount of Php384,900.00 representing the back rentals as of May 2004;
>
> - To pay plaintiff the amount of Php20,000.00 as current rental, beginning June 2004 until the premises had been fully vacated;
>
> - To pay plaintiff the amount of Php10,000.00 for and as attorney's fees; and
>
> - To pay the costs of suit.
>
> SO ORDERED[2]

On January 3, 2006, petitioner filed a Notice of Appeal,[3] but she failed to file a supersedeas bond. On account of this, private respondent filed a Motion for Issuance of Writ of Execution pending appeal before the Regional

Trial Court (RTC). On March 30, 2006, the RTC issued an Order[4] granting the Motion for Issuance of Writ of Execution. A writ of execution was issued subsequently.[5]

Noticing the erroneous address indicated in the MeTC Decision, private respondent filed a Manifestation and Motion[6] before the RTC asking that the address found in the Writ of Execution be changed from 1457 Paz Street, Paco, Manila to 1459 Paz Street, Paco, Manila, the latter being the correct address of the subject premises. The RTC granted the motion in an Order dated June 13, 2006.[7]

On June 15, 2006, the RTC issued the assailed Alias Writ of Execution Pending Appeal[8] with the correct address. Implementation of the writ was suspended pending petitioner's offer of an amicable settlement.[9]

For failure of the petitioner to submit a written proposal on how to liquidate her past due rentals, the RTC issued an Order[10] dated October 27, 2006, granting private respondent's motion and implementing the Alias Writ of Execution. Accordingly, Sheriff Carlos P. Bajar issued the assailed Notice to Vacate Premises.[11]

Aggrieved, petitioner filed a petition for certiorari with the CA, assailing the (1) March 30, 2006 Order, (2) June 13, 2006 Order, (3) Alias Writ of Execution Pending Appeals, (4) October 27, 2006 Order, and (5) Notice to Vacate Premises.

On May 9, 2007, the CA dismissed the petition.[12] The CA later denied the petitioner's motion for reconsideration.

In this petition, petitioner submits the following issues:

> A.
>
> THE HONORABLE COURT OF APPEALS COMMITTED AN ERROR OF LAW WHEN IT ISSUED THE DECISION DATED MAY 09, 2007 AND SUBSEQUENT DENIAL OF THE MOTION FOR RECONSIDERATION DATED NOVEMBER 13, 2007 AND RULED THAT THE HONORABLE REGIONAL COURT DID NOT COMMIT GRAVE ABUSE OF DISCRETION WHEN IT GRANTED THE MOTION TO CORRECT THE ADDRESS INDICATED IN THE DECISION OF THE HONORABLE METROPOLITAN TRIAL COURT AND SUBSEQUENTLY ISSUING AN ALIAS WRIT OF EXECUTION PENDING APPEAL ON THE CORRECTED ADDRESS.
>
> B.
>
> THE HONORABLE COURT OF APPEALS COMMITTED AN ERROR OF LAW IN NOT FINDING THAT THE DECISION OF THE METROPOLITAN TRIAL COURT IS DEFECTIVE FOR IT CONTAINS AN ERRONEOUS ADDRESS OF THE SUBJECT PREMISES.[13]

Petitioner posits that the error in the dispositive portion was not merely typographical as it pertained to the address of the subject matter of the ejectment case. She then argues that the RTC may not issue a writ of execution over a decision that is defective on its face. After all, the province of a writ of execution pending appeal is to implement the decision as rendered by the court of origin. Private respondent should have sought first the correction of the decision before asking for its execution. Since the MeTC Decision states a wrong address of the subject premises, it cannot be implemented without giving the MeTC an opportunity to correct its error.

The petition is absolutely without merit.

The CA correctly held that the RTC did not commit grave abuse of discretion in ordering the issuance of a writ of execution with the correct address of the subject property. Such act was well within a court's inherent power "to amend and control its process and orders so as to make them conformable to law and justice."[14]

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At the time the motion for execution pending appeal was filed, the RTC had already assumed jurisdiction over the case. Hence, the MeTC was no longer in a position to correct the error contained in the dispositive portion. The duty devolved upon the RTC, before which the appeal was pending, to rectify the error contained in the dispositive portion of the judgment sought to be executed. Clerical error or ambiguity in the dispositive portion of a judgment may be rectified or clarified by reference primarily to the body of the decision itself and, suppletorily, to the pleadings previously filed.[15]

The rule that a writ of execution must conform to the dispositive portion of the decision applies with equal force to the case. In directing that a writ of execution be issued with the correct address of the subject property, the RTC did not veer away from the MeTC judgment, which, without a doubt, referred to the plaintiff's property. The complaint states that the plaintiff's property is the place where the petitioner is living and maintaining a business establishment, that is, at 1459 Paz St., Paco, Manila. Edwin Pastor, private respondent's representative, is the one who lives at 1457 Paz St., Paco, Manila.

By filing this patently unmeritorious case, obviously, petitioner has unjustly prevented the execution of the MeTC judgment. A judgment is not rendered defective just because of a typographical error in the dispositive portion. The judgment remains valid and subject to execution.

WHEREFORE, premises considered, the petition is DENIED. The Court of Appeals' Decision dated May 9, 2007 and Resolution dated November 13, 2007 are AFFIRMED.

SO ORDERED.

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

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[1] Penned by Associate Justice Vicente S.E. Veloso with Associate Justices Juan Q. Enriquez, Jr. and Ricardo R. Rosario, concurring; rollo, pp. 41-51.

[2] Rollo, pp. 56-57.

[3] Id. at 58.

[4] Rollo, p. 55.

[5] Id. at 59.

[6] Id. at 59-60.

[7] Id. at 61.

[8] Id. at 62-63.

[9] Id. at 65.

[10] Id. at 64.

[11] Id. at 66.

[12] Rollo, p. 149.

[13] Id. at 25.

[14] Rules of Court, Rule 135, Sec. 5, par. (g).

[15] Reinsurance Company of the Orient, Inc. v. Court of Appeals, G.R. No. 61250, June 3, 1991, 198 SCRA 19, 28.

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