

LAMBERTO DEL ROSARIO, PETITIONER, VS. COURT OF AGRARIAN RELATIONS, BRANCH VI, BALIUAG, BULACAN, MAXIMO M. ANDAL, AS DEPUTY SHERIFF, AND BENITA MARTINEZ, RESPONDENTS.

G.R. No. 60819. January 28, 1983

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

Petition to review the legality of an order of the Court of Agrarian Relations, Fifth Regional District, sitting in Baliuag, Bulacan, filed pursuant to R.A. No. 5440.

In the above-mentioned court, Lamberto del Rosario, petitioner herein, filed Case No. 1364 against Benita Martinez, respondent herein. In his complaint Lamberto claimed that he was a share-tenant of Benita; that sometime in 1972, Benita who is his "ninang sa kasal" asked him to sign a certificate stating that he was her hired worker on the land; that he was not in fact a hired worker but he said so in the certificate only to enable his ninang obtain a bank loan; and that Benita sought to eject him forcibly from the land by having it plowed by a farm tractor. Lamberto prayed for the issuance of a restraining order and:

"2. After trial on the merits, judgment be rendered for the plaintiff and against the defendant;

a) Confirming the status of the plaintiff as a legitimate and bona fide tenant on the landholding in question, and fixing the lease rental thereon at 13.5 cavans per agricultural year;

b) Ordering or decreeing a reliquidation of the harvests on said landholding for the last years that the relation between the plaintiff and the defendant was based on a 50-50 sharing system;

c) Ordering the defendant to pay unto the plaintiff attorney's fees and litigation expenses in such amount as may be proved during the trial of this case as well as costs of suit;

d) Plaintiff also prays for such other measures of reliefs as may be just and equitable under the premises."

Benita's answer denied the allegations in the complaint. She made a counterclaim for damages, attorney's fees and expenses of litigation on the ground that the suit was malicious and unfounded. She prayed for the following:

"1. Dismissing plaintiff's complaint, with treble costs against him;

"2. On the Counterclaim, ordering plaintiff to pay defendant moral damages in the amount of P10,000.00, as attorney's fees in the sum of P2,000.00 and litigation expenses in the amount of P500.00.

"Defendant further prays for such other reliefs and remedies which the Honorable Court may deem just and proper in the premises."

After trial, a decision was issued with a dispositive portion which reads as follows:

"WHEREFORE, judgment is hereby rendered dismissing the instant case.

"Defendant's counterclaim is likewise dismissed.

"No pronouncement as to costs."

On appeal to the Court of Appeals, the judgment above-quoted was affirmed in toto. (CA-G.R. No. 11515-CAR.) Thereafter, Benita moved for a writ of execution which was issued but the Deputy Sheriff assigned to carry it out made the following return:

"IT IS HEREBY CERTIFIED, that by virtue of a writ of execution issued in the above-entitled case dated December 11, 1981, the undersigned on January 29, 1982, personally served a copy of the writ to the plaintiff Lamberto del Rosario informing him that the decision rendered by the Honorable Court is already final and executory, as per decision of the Court of Appeals affirming the finding of the lower Court and that his complaint filed against the defendants was dismissed.

"The undersigned also notified the defendants of the said writ informing them that their counterclaim was also dismissed as well as the costs of the suit. After a careful review of the contents of the said writ, the undersigned found out that there is nothing to be executed in the dispositive portions of the decision; thus the same status that the case is dismissed.

"WHEREFORE, said writ of execution dated December 11, 1981 together with the original copy thereof, is herewith returned satisfied."

Nonetheless, the respondent judge issued an order, dated April 30, 1982, which reads as follows:

"Submitted for resolution is defendant's 'Motion for Execution' filed through counsel on March 17, 1982. The said motion was set for hearing on April 20, 1982, whereat only counsel for the defendant appeared.

"An examination of the records show that per Order of December 11, 1981, the Clerk of Court was directed to issue the writ of execution of the Decision rendered in this case on August 22, 1980, it appearing that said decision has become final and executory. On December 14, 1981, the corresponding writ of execution was issued. On February 4, 1982, the Deputy Sheriff who implemented the writ of execution submitted his return of service with the following statements:

' . . . After a careful review of the said writ, the undersigned found out there is nothing to be executed in the dispositive portion of the decision; thus the same status that the case is dismissed.

'WHEREFORE, said writ of execution dated December 14, 1981 together with the original copy thereof is herewith returned satisfied.'

The decision subject of the execution decrees the following:

'WHEREFORE, judgment is hereby rendered dismissing the instant case;

'Defendant's counterclaim is likewise dismissed.

'No pronouncement as to costs.'

"From the context of the Decision dated August 22, 1980, this Court made the following finding:

' . . . From the totality of the facts, circumstances in this case and the convincing evidence of defendant, there is no doubt that plaintiff is a mere laborer of the former and hence no security of tenure as tenant obtains in his favor and consequently no right to claim for fixing of lease rental over the landholding in question would accrue unto him in this case.'

"Therefore, the Court having declared in the body of the decision rendered on August 22, 1980, that plaintiff is a mere laborer of defendant in the landholding in question and, hence, not entitled to security of tenure, as tenant,

he has no valid right over the land and should deliver possession of the same to the defendant, for it would be a useless and vexatious course to require defendant to obtain possession by another suit. (J. Flores Vda. de Yatco, et al. vs. L. Sumagui, et al., C.A. G.R. No. SP-01076, November 14, 1973.)

"Moreover, the dispossession is in consonance with the ruling of the Honorable Court of Appeals in the case of V. Tenarife vs. L. de Leon, CA G.R. No. SP-07540-CAR, May 23, 1978, as follows:

'the rule on conformity of the execution to judgment is not as vigorously undeviating and strait-jacketed as the plaintiff-appellant asserts. While the writ of execution may not vary the terms of the judgment it seeks to enforce, neither may the writ be so circumscribed in its ambit as to nullify the Court's findings and decision and render the judgment incomplete, meaningless, or inutile.

'Courts are established to settle disputes and controversies according to law, equity and justice. Recurring and prolonged litigation must be characterized by dispatch, reliability and finality. We are interpreting a system of living law. Consequently, a writ of execution must not be so restricted as to leave the controversies which gave rise to the litigation not only unsettled but festering and aggravated. Rather, a writ of execution must give life and meaning to the judgment in harmony with and according to its terms as gleaned from a reading of the dispositive portion and where necessary, by resort to the entirety of the decision.'

"Although the Deputy Sheriff in his report stated that execution was satisfied, this is only with respect to delivery of defendant's unrealized share on the land.

"WHEREFORE, let an alias writ of execution of the Decision, dated August 22, 1980, be issued by the Clerk of Court, to be implemented by the Deputy Sheriff of this Court, with the assistance of the Integrated National Police of Sta. Maria, Bulacan."

It is the above-quoted order which is assailed in the instant petition. To maintain the status quo and as prayed for by the petitioner, We issued a temporary restraining order and required the private respondent to comment, not to file a motion to dismiss notwithstanding which a motion to dismiss was filed.

The motion to dismiss argues "that under Section 18 of Presidential Decree No. 946, 'No order or decision of the Court of Agrarian Relations can be elevated directly to the Supreme Court by appeal or any other proceeding because the orders of the Courts of Agrarian Relations on any issue, question, matter or incident cannot be contested in any action or proceeding before the appellate courts.'"

P.D. No. 946 indeed provides that "No order of the Courts of Agrarian Relations on any issue, question, matter or incident raised before them shall be contested in any action or proceeding before the appellate courts until the hearing shall have been terminated and the case decided on the merits." But the same is found in Section 17, not in Section 18. Moreover, the provision is inapplicable to the case at bar because what is contemplated therein are orders issued during a trial but not an order issued after a decision has become final and which is assailed on the ground that the CAR lacks jurisdiction to issue it - as the petitioner herein claims.

It is elementary that what can be executed is what is adjudged in the decision and what is adjudged is contained in the dispositive portion - the fallo - of the decision.

The respondent judge contends that he made a finding that the petitioner was a mere laborer of the respondent. If that is so, he should have made an adjudication to that effect. Such an adjudication can be justified in the answer's prayer for general relief. But the judgment which he rendered gives no affirmative relief to neither of the litigants. Hence the deputy sheriff is correct and the respondent judge is wrong; there is nothing to execute.

WHEREFORE, the petition is granted; the assailed order is set aside; and the temporary restraining order which We issued in this case is hereby made permanent. Costs against the private respondent.

SO ORDERED.

Concepcion, Jr., Guerrero, and Escolin, Jr., JJ., concur.

Makasiar (Chairman) J., dissents.

Aquino, J.: I concur because the trial judge did not order in his decision that the petitioner should vacate the landholding and deliver its possession to the landowner who failed to ask for such relief in her answer. Petitioner's right to stay on the land should be threshed out in another action.

De Castro, J., I join Justice Makasiar's dissent.

DISSENTING OPINION**MAKASIAR, J.:**

I dissent.

It is true that in the case at bar, the claim of the petitioner is not ownership but possession as tenant.

The conclusion of the majority opinion that there was no thorough adjudication on the issue of possession, is refuted by the records, which disclose that the issue of possession was unavoidably put in issue. The complaint filed by the petitioner Lamberto del Rosario prays that he be declared a share-tenant of the private respondent who strongly asserts that petitioner is merely her hired worker.

Petitioner (plaintiff therein) in his complaint prays among others:

".....

"2. After trial on the merits, judgment be rendered for the plaintiff and against the defendant:

"a) Confirming the status of the plaintiff as a legitimate and bona fide tenant on the land-holding in question. .
." (p. 5, Annex "A", Petition, p. 23, rec. italics supplied).

Answering the aforesaid complaint, private respondent averred inter alia:

".....

"3. That defendant DENIES all the pretensions contained in paragraphs 3, 4 and 5, the truth of the matter being that plaintiff was able to work on the land in question as paid laborer of the defendant and not as tenant, as clearly stipulated in a written contract executed by them on July 1, 1972 copy of which is herewith attached as Annex "A" and made an integral part hereof;

".....

"5. That defendant ADMITS that she had terminated the services of plaintiff as her paid laborer on the land in question virtue of the expiration of their contract as shown in Annex "A" hereof;

"6. That defendant DENIES the allegations contained in paragraphs 8 and 9, the truth of the matter being that on July 5, 1977 an order was issued by Atty. Macario Bautista of the Bureau of Agrarian Legal Assistance finding that plaintiff is only a hired laborer on the land in question and that defendant is the owner-cultivator of the same, decreeing at the same time that status quo be maintained. Copy of that order is herewith attached as Annex "B" and made an integral part hereof. On the basis of the order, defendant continued and remains in possession of the landholding in question up to the present; as a matter of fact, the same has already been transplanted;

".....

"8. That defendant DENIES all the allegations contained in paragraphs 11, 12, 13, 14, 15 and 16 of the complaint, for lack of legal and factual bases, considering that defendant has been in continuous possession of the property in question as owner-cultivator, and that plaintiff's right as alleged tenant has not been clearly established. Even the records of the Agrarian Reform Team at Bocaue, Bulacan which has jurisdiction over the landholding in question attests to the fact that plaintiff is not a tenant-farmer of the defendant but a mere paid laborer as shown in a certification dated 30 June 1977 by the Team Leader copy of which is herewith attached as Annex "C" and made an integral part hereof" (pp. 1-2, Answer, pp. 25-26, rec., italics supplied).

It is likewise crystal-clear from the decision of the lower court that the issue of possession was passed upon. Thus, pertinent portions of said decision are hereunder quoted:

". . . The principal issue in this case is whether plaintiff is the tenant in the landholding in question or a mere hired laborer.

"Plaintiff claims that as early as 1962 he has already been cultivating one-half of the landholding as tenant, the other one-half remained in cultivation by his father, who was the tenant then, and in 1970 he began cultivating the whole of it, his father gave him the other one-half, with the consent of the defendant.

"On the other hand, defendant claims that plaintiff is only her hired worker on the landholding.

"In support of their respective contentions, the parties, aside from their and their witnesses' testimonial evidence, submitted documentary proofs.

"After assessing the evidence submitted by both parties, this Court finds that plaintiff has not been able to substantiate his claim of tenancy. The relation of hired help is clearly indicated from the oral as well as the documentary evidence of the defendant.

"According to plaintiff, as early as 1962 one-half of the landholding has already been given to him by his father for cultivation with the consent of the defendant, and the other one-half in 1970, likewise, with the consent of the defendant. If this is true, why did his father file with this Court in 1970 a case, docketed as CAR Case No. 433 (Honorato del Rosario vs. Benita Martinez Bernardo) against defendant for maintenance of peaceful possession on the whole landholding in question (T.s.n., hearing of December 8, 1977, pp. 13-14). In her answer in said case, defendant therein, defendant herein, claims that plaintiff therein Honorato del Rosario, father of herein plaintiff, surrendered the landholding in question and even before start of the working season in the agricultural year 1970-71 she was already in possession and cultivation of the landholding. Said case was dismissed for failure to prosecute. So, the claim of the plaintiff in the instant case that as early as 1962 one-half of the landholding was already in his cultivation and the other half in 1970 is belied with the filing by his father of CAR Case No. 433 against defendant. With the effort of the defendant to free her land of tenant, which started with the filing with this Court in 1970 of CAR Case No. 433 by the former tenant that resulted in the surrender thereof, is indeed highly persuasive of her claim that she did not thereafter take plaintiff as her tenant. It is quite illogical for the defendant to get another tenant in the person of the son of the former tenant to work the landholding when the relationship of the latter, father of herein plaintiff, with the defendant was already estranged.

"Now, the 'Kasunduan' executed on July 1, 1972 (Record, p. 16) between plaintiff and defendant is clear and considering all the stipulations recited therein leads no room to doubt that plaintiff is fully aware that his status in the landholding was that of a mere hired helper. If the intention of the defendant is to make the plaintiff her tenant on the landholding, then the contract should not in the first place (have) been executed. With the execution of said contract, the principal element of tenancy relationship consent is lacking. Truly, plaintiff as testified to by his corroborative witnesses performs phases of farm work on the landholding in question, but this is of no consequence and would not vest in him the status of a tenant thereon for, as aforesaid, the consent of the owner of the landholding regarding plaintiff's cultivation thereof which is necessary element of tenancy relationship is wanting. This Court cannot likewise believe the claim of plaintiff that the 'Kasunduan' was

executed to accommodate defendant in connection with her loan application in the bank to facilitate the approval thereof because according to him the bank will not approve the loan if the landholding is tenanted. Plaintiff is clinging to a weak defense. The 'Kasunduan' was executed on July 1, 1972 before Presidential Decree No. 27 was promulgated and long before Circular No. 31 dated May 29, 1973, issued by the Acting Secretary of Justice to all Registers of Deeds and Branch Registers of Deeds was conceived. It is the latter circular that enjoins all Registers of Deeds to require the registrant of a voluntary deed or instrument purporting to be a subdivision, mortgage sales or any other mode of encumbrance or conveyance of private agricultural land or any portion thereof to present an affidavit to the effect that the land involved is not tenanted, or if tenanted, the same is not primarily devoted to the production of rice and/or corn as of 21 October 1972 and on or about the date of registration. So the requirement of certification that the land is not tenanted in registration of a deed was only after the promulgation of PD No. 27 and not before. This clearly belies plaintiff's claim that the 'Kasunduan' was executed to accommodate defendant in her loan application.

"As additional evidence, defendant offered the certification of the Department of Agrarian Reform (now Ministry of Agrarian Reform), Exhibit '5', to the effect that plaintiff is not a registered tenant and not even a member of the Samahang Nayon. From the totality of the facts, circumstances in this case and the convincing evidence of defendant, there is no doubt that plaintiff is merely a hired laborer of the former and hence no security of tenure as tenant obtains in his favor and consequently no right to claim for the fixing of lease rental over the landholding in question would accrue unto him in this case" (pp. 6-8, Decision, pp. 36-38, rec., italics supplied).

Petitioner by way of reply to private respondent's comment alleged the following: that the dispossession of petitioner from the landholding was not litigated by the parties nor decreed in the dispositive portion of the judgment of the respondent Court; that petitioner's cause of action in his complaint against the private respondent before the respondent Court was for the confirmation of his status as bona fide tenant on the landholding, and fixing of the lease rental; that private respondent set up the defense that petitioner was not a tenant but merely a hired laborer and counterclaimed for damages; that private respondent prayed for the dismissal of the complaint and an award of damages but did not seek the ejectment/dispossession of petitioner in her counterclaim.

From the aforesaid factual backdrop, it can be said that while petitioner is correct in his assertion that dispossession of petitioner from the controverted landholding was not decreed in the dispositive portion of the judgment of the trial court, there is however no merit to his contention that the same was not litigated by the parties.

The possessory right of the petitioner was squarely passed upon by the trial court; for the issue of tenancy cannot be decided without in effect passing upon the alleged possessory right of the petitioner. The alleged share tenancy relationship is the foundation or source of petitioner's claim to possession, which tenancy relationship was found by the trial court to be non-existent.

The trial court instead found that petitioner was not a tenant but a mere hired laborer of the owner-cultivator, Benita Martinez (herein private respondent).

Under the terms of the "Kasunduan" executed on July 1, 1972 by petitioner and private respondent, the relationship of hired laborer and owner-cultivator was supposed to end during the rainy season of 1976. Thus:

"Na ang kasunduang ito ay tatagal lamang sa sakahang ito sa tag-ulan ng 1976" (Annex "A", Petition, p. 28, rec.).

Consequently, petitioner is obliged to surrender physical possession of the controverted landholding to the private respondent, the "Kasunduan" not being renewed. Neither did petitioner claim to be entitled to possession by virtue of any other contract. As correctly contended by private respondent, "(A) part from this claim of tenancy,

petitioner failed to give any reason why he is retaining the possession of the disputed landholding" (p. 4, Comment of Private Respondent, p. 67, rec., italics supplied).

It may be relevant to mention the cases of *Talens vs. Garcia, et al.*, 87 Phil. 173 and *Jabon, et al. vs. Alo, et al.*, 91 Phil. 750. In said cases, the actions were for the trial court to declare one of the contending parties as owner. Thus, ownership -- as distinguished from possession -- was the principal issue. The trial court declared one of the contending parties as owner but failed to order the delivery of possession of the controverted landholding in the dispositive portion of the judgment. Subsequently, the judgment became final.

In the case of *Talens vs. Garcia*, it was held:

"Although it is true that the owner is generally entitled to possession, it is equally true that there may be cases where the actual possessor has some rights which must be respected or defined. A lessee is not the owner; yet a declaration of ownership in another person does not necessarily mean his ouster.

"Touching the case at bar, if the possessor Garcia had made necessary improvements for which he is entitled to compensation, an order of possession would deprive him of such payment without having had an opportunity to claim for them and prove their value."

In the case of *Jabon, et al. vs. Alo, et al.*, which cited the abovesaid case, this Court ruled:

"Here there has been only a declaration of ownership. No other relief is awarded to the plaintiff. In the absence of any other declaration, can we consider a mere declaration of ownership as necessarily including the possession of the property adjudicated? We do not believe so, for ownership is different from possession. A person may be declared owner, but he may not be entitled to possession. The possession may be in the hands of another either as a lessee or a tenant. A person may have improvements thereon of which he may not be deprived without due hearing. He may have other valid defenses to resist surrender of possession. We, therefore, hold that a judgment for ownership, does not necessarily include possession as a necessary incident."

Relatedly, in the cases of *Perez vs. Evite*, 1 SCRA 949, and *Tiro vs. Court of Appeals, et al.*, 85 SCRA 554, this Court ruled that the cases of *Talens vs. Garcia* and *Jabon vs. Alo* are applicable only in cases where the actual possessor has some rights over the property which must be respected and defined and enforceable even against the owner thereof. They are not applicable however, in instances where no such right may be appreciated in favor of the possessor.

Thus, delivery of possession of the controverted property was ordered in the *Perez* and *Tiro* cases despite the absence of the same in the dispositive portion of the judgment of the trial court.

In the case at bar, ownership is not put in issue as private respondent is undisputedly the landowner. To reiterate, the cause of action was for the trial court to confirm petitioner's status as alleged bona fide tenant of private respondent and for the fixing of rental—in effect, for the trial court to declare whether or not the relationship of share tenant landowner was existent. And it is submitted that the complaint was tantamount to asking the trial court to rule whether petitioner (plaintiff therein) was entitled to possession as tenant of private respondent or not.

This Court has repeatedly ruled that "a judgment is not confined to what appears upon the face of the decision, but also those necessarily included therein or necessary thereto" (*Tiro vs. Court of Appeals, et al.*, 85 SCRA 554; *Unson vs. Lacson*, 2 SCRA 861; *Perez vs. Evite*, 1 SCRA 949; *Marcelo vs. Mencias*, 107 Phil. 1071).

Thus, in *Perez vs. Evite*, supra, cited in *Tiro vs. Court of Appeals*, 85 SCRA 554, 557, 558, this Court said:

"Under Section 45 of Rule 39 (now Sec. 49 [c] of Rule 39, Revised Rules of Court), Rules of Court, which reads:

"Sec. 45. What is deemed to have been adjudged. - That only is deemed to have been adjudged in a former judgment which appears upon its face to have been so adjudged, or which was actually and necessarily included therein or necessary thereto (Italics supplied).

"a judgment is not confined to what appears upon the decision, but also those necessarily included therein or necessary thereto. Thus, in a land registration case wherein ownership is adjudged, we allowed the issuance of a writ of demolition (to remove the improvements existing on the land), for being necessarily included in the judgment. Considering that herein plaintiffs-appellants have no other claim to possession of the property apart from their claim of ownership which was rejected by the lower court and, consequently, has no right to remain thereon after such ownership was adjudged to defendants-appellees, the delivery of possession of the land should be considered included in the decision" (italics supplied).

In the same breath, considering that herein petitioner has no other claim to possession of the controverted landholding apart from his claim as share tenant which was rejected by the trial court, he has no right to remain thereon after the alleged tenancy relationship was ruled inexistent. If this Court ruled that delivery of possession of the landholding in question should be considered included in the decision despite the absence thereof in the dispositive portion in cases where possession was only intertwined with ownership, with more reason that the doctrine becomes applicable in instances where the issue of possession was squarely put in issue.

It can be inferred from the judgment of the lower court that petitioner is under obligation to deliver physical possession of the landholding in question to the private respondent because he (petitioner) asserted nothing about his right to keep the controverted landholding in the event the alleged tenancy relationship is found inexistent.

Petitioner in his reply to private respondent's comment, alleged the following:

"1. The dispossession of petitioner from the landholding was not litigated by the parties nor decreed in the dispositive portion of the judgment of the respondent Court, hence the questioned order of execution dated April 30, 1982 (Annex "E") and Alias Writ of Execution dated May 3, 1982 (Annex "F") directing the respondent Sheriff to eject petitioner from said landholding and place it in the possession of private respondent not only varied the judgment of the respondent Court dated August 22, 1980 (Annex "C") but practically amounted to a substantial amendment to the latter after it has become final and executory, if not an altogether new and different judgment which the respondent Court no longer had jurisdiction to render;

".

"3. While the respondent Court upheld private respondent's contention that petitioner was only a hired laborer, and not a tenant, one landholding, the judgment it rendered on August 22, 1980 (Annex "C") simply contained in its dispositive portion the following:

'WHEREFORE, judgment is hereby rendered dismissing the instant case.

'Defendant's counterclaim is likewise dismissed.

'No pronouncement as to cost.

'SO ORDERED.'

"4. The only question of law presented to this Honorable Court for resolution is: Whether or not the respondent Court may validly issue an Order of Execution authorizing the ejectment/dispossession of petitioner when the dispositive portion of the judgment sought to be executed simply ordered the dismissal of the complaint as well as the counterclaim and did not decree the dispossession of petitioner;

"5. Petitioner maintains that an order of execution must not vary or deviate from the terms of the judgment,

otherwise it will be illegal and void;

".....

"7. In the present case, the respondent court either substantially amended the judgment of August 22, 1980 (Annex 'C') or practically rendered a new judgment when it issued the order of execution dated April 30, 1982 (Annex 'E') directing the respondent sheriff to eject petitioner from the landholding. Respondents cannot invoke the opinion contained in the body of the judgment to justify the ejectment of petitioner which is not decreed or ordained in the dispositive portion. And since the dispositive portion did not decree the ejectment of petitioner, the order of execution directing his ejectment/dispossession is null and void" (pp. 70-74, rec.).

Petitioner invokes the general rule that the only portion of the decision that becomes the subject of execution is that ordained or decreed in the dispositive part.

The posture of the petitioner is not well taken.

"It is true that the resolution of the court in a given issue which determines and settles the rights of the parties is ordinarily embodied in the last or dispositive part of the decision (*Manalang, et al. vs. Rickards, et al.*, 104 Phil. 254), yet not infrequently such resolution or ruling may and does appear in other parts thereof. Thus, it is well said that to get the true intent and meaning of a decision, no specific portion thereof should be resorted to but that the same must be considered in its entirety" (*De Ralla vs. Director of Lands*, 83 Phil. 491; *Policarpio vs. Phil. Veterans Board*, G.R. No. L-12779, Aug. 28, 1959; *Martin, R.G.*, *Rules Court in the Philippines*, Vol. 2, 2nd ed., p. 174).

Moreover, "(T)he dispositive part of the judgment should not be interpreted in a manner contrary to its ratio decidendi" (*Morelos vs. Go Chin Ling*, G.R. No. L-12794, May 26, 1959). "The dispositive part should be construed in harmony with the spirit of said decision as revealed in other portions thereof" (*Insular Sugar Refining Corp. vs. Court of Industrial Relations*, G.R. No. L-12108, Sept. 29, 1959; *Martin, R.G.*, *Rules of Court in the Philippines*, Vol. 2, 2nd ed., p. 175).

Significantly, this Court in several cases applied a certain degree of elasticity to the doctrine that the dispositive part of a decision controls irrespective of what might appear in the opinion portion thereof if only to prevent a sacrifice of substantial justice on the altar of technicalities. Thus, WE enunciated the principle that the dispositive part does not always constitute a judgment and the judicial pronouncements in the body of the decision must be considered (*Auyong Hian vs. Court of Tax Appeals*, 59 SCRA 110; *Aguirre vs. Aguirre*, 58 SCRA 461; *Millare vs. Millare*, 106 Phil. 298, 299). In the language of Justice Perfecto, "(E)mancipation from the shackles of empty formalism is an enterprise that imposes new duties to the Judiciary. That enterprise should be undertaken if many failures of justice are to be avoided. The system of justice by mantras belongs to the past" (Dissenting Opinion of Justice Perfecto in the case of *Contreras, et al. vs. Felix, et al.*, 44 O.G. 4306, 4316 [No. 11]).

Finally, to require the private respondent to file another action against petitioner to obtain possession is for her to go through another calvary. It would be defeating the ends of justice should WE require private respondent to obtain actual possession of the property by submitting to court litigations anew. Indeed, it would be a cumbersome process and would foster unnecessary and expensive litigations and result in multiplicity of suits, which our judicial system abhors (*Unson vs. Lacson*, 2 SCRA 861; *Perez vs. Evite*, 1 SCRA 949, 958; *Marcelo vs. Mencias*, 107 Phil. 1071). Furthermore, it aggravates the clogging of dockets and is contrary to the constitutional injunction of speedy justice, which pre-supposes that justice be obtained at a maximum speed and at a minimum cost.

I therefore vote for the dismissal of the petition and for the lifting of the temporary restraining order issued by this

Court in a resolution dated August 2, 1982.

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