

MUNICIPALITY OF ANTIPOLO, PETITIONER, VS. AQUILINA ZAPANTA, ISIDRO DELA CRUZ, ELIAS DELA CRUZ, MARIA DELA CRUZ, MODESTA LEYVA, FERMIN LEYVA, SUSANA LEYVA, MARCIAL LEYVA, FELISA ...

G.R. No. 65334. December 19, 1986

Ponente: MELENCIO-HERRERA, J.

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MELENCIO-HERRERA, J.:

Acting on the Motion for Clarification of paragraph (3) of the Decision of December 26, 1984, filed by petitioner Municipality of Antipolo on September 16, 1986, the Opposition thereto filed by private respondent Aurelia L. Lavilla, the Comment of the Solicitor General, and the Rejoinder thereto by the same private respondent, the Court RESOLVED, inasmuch as what is involved is a mere clerical error, to CORRECT para-graph (3) of the dispositive portion of its Decision of December 26, 1984, to read Heirs of Joaquin Avendaño instead of Heirs of Isabela Avendaño, as follows:

"WHEREFORE, judgment is hereby rendered as follows:

"(1) The Resolutions of respondent Court, now the Intermediate Appellate Court, dated August 23, 1983 and September 27, 1983, are hereby set aside, with this Court acting directly on the appeal of the Municipality of Antipolo from the judgment rendered by the then Court of First Instance of Rizal, Branch XIII, in its Civil Case No. 41353;

"(2) The aforesaid judgment of the then Court of First Instance of Rizal, Branch XIII, in Civil Case No. 41353 is set aside; and, instead, the judgment and decree rendered by the then Court of First Instance of Rizal, Branch XV, in Land Registration Case No. N-9995, LRC Rec. No. N-52176, is hereby declared null and void in respect of the "Heirs of Joaquin Avendaño";

"(3) The Register of Deeds of Rizal is hereby ordered to cancel all certificates of title issued/transferred by virtue of the said judgment and decree issued in the mentioned Land Registration Case No. N-9995, LRC Rec. No. N-52176 in respect of the "Heirs of Joaquin Avendaño"; (Revision underlined)

"(4) The certificate of title issued in the name of Conrado Eniceo, and transfers therefrom, by virtue of the judgment and decree in the mentioned Land Registration Case No. N-9995, LRC Rec.No.N-52176, for practical purposes shall continue to be valid.

"Without pronouncement as to costs.

"SO ORDERED."

SO ORDERED.

Yap, (Chairman), Narvasa, Cruz, and Feliciano, JJ., concur.

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