

PETRA DUENAS-ADMINISTRATRIX, PETITIONER, VS. THE HON. PELAGIO S. MANDI, IN HIS CAPACITY AS PRESID-ING JUDGE OF BRANCH I, RE-GIONAL TRIAL COURT, BASI-LAN PROVINCE; AND EMERITO DU...

G.R. No. 65889. June 30, 1987

Ponente: PARAS, J.

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PARAS, J.:

Before Us is a Petition for Certiorari, petitioner praying that this Court:

- 1) Declare the Writ of Execution, dated July 26, 1983 issued by the respondent Judge in S.P. No. R-6 (234) as well as the Order, dated September 30, 1983, denying petitioner's Motion for Reconsideration as null and void and of no effect;
- 2) Order the return of the intestate estate of the deceased spouses Flaviana Maningo and Adriano Duenas to the administration of the petitioner so that she could proceed, pursuant to law with the closure of the same;
- 3) Order private respondents, jointly and severally, to render an accounting of the proceeds of the intestate estate, which they unwarrantedly and unlawfully appropriated unto themselves;
- 4) Restrain the Provincial Sheriff of Basi-lan from taking any further action relative to the said estate; and,
- 5) Grant petitioner such other and further relief which petitioner may be entitled to under the premises.

This petition emanated from a joint petition for partition of the intestate estate of the late spouses Adriano Duenas and Flaviana Maningo by the heirs of said spouses filed before the court a quo in Special Proceed-ing No. R-6 (234). The court was asked to appoint Petra Duenas as administratrix upon a petition supported by her three younger sisters. However, in view of the Oppo-sition of Petra Duena's elder brother Emerito Duenas supported by four of their sisters and brother (private respondents herein) said court appointed Emerito Duenas instead as the administrator of the intestate estate of their deceased parents. Subsequently, due to neglect in the performance of his duties as administrator, the court relieved Emerito Duenas of his rights and duties as administrator and directed him to turn over the admi-nistration of the properties to the newly appointed admi-nistratrix, Petra Duenas. He was also ordered to deliver the cash balance of P6,029.12 (as reflected in the accoun-ting submitted to and approved by the court) with legal interest from 1978 until delivery to the administratrix for equal distribution among the heirs within a week from the turn-over to her. In the special matter of partition of the intestate estate of the deceased spouses the court a quo made the following ruling:

"IN VIEW OF THE FOREGOING CONSIDERATIONS and in order to put an end to indivision or family disunity, and in the furtherance of law and justice, this Court hereby assigns, confirms, partitions, declares that:

"1. A parcel of land covered by Original Certificate of Title No. P-75-(0-1552) in the name of Adriano Duenas, situated at San Roque, Isabela, Basilan Province, with an area of 13 hectares, 75 ares and 98 centares, to be owned in common by all the nine heirs, namely: Victoria Duenas, married to Teofilo Pagal; Emerito Duenas,

married to Concepcion Camance; Aproniana Duenas, married to Quiterio Cumayao; Laureano Duenas, married to Carmelita Torres; Petra Duenas, married to Florencio Hugo; Julia Duenas, married to Silverio Tabada; Maxima Duenas, married to Arnulfo Bacut; Cleotilde Duenas, married to Ramon Ikang; and Bernardita Duenas, married to Luis Manuel, in equal share or that the said nine heirs who are now pronounced co-owners, to be entitled to equal share, may either decide to manage the same as co-owners or to sell the property and the proceeds thereof be divided equally among them;

"2. A portion of a residential lot sold by Felipe Ikang in favor of Adriano Duenas with an area of 300 square meters and already a subject of a free patent in the name of Maxima Duenas, be likewise owned in common by all. The Administratrix may officially inform the Bureau of Lands, with a copy of this decision and file an amended free patent application in the name of all the nine heirs and that the property or its interest over it may be sold to any interested party and its fruits or proceeds to be divided among the nine heirs;

"3. The parcel of land covered by Tax Declaration No. 6907, marked as Exhibit "B", now divided into three tax declarations, namely, Tax Declaration No. 10255, with an assessed value of P1,200.00, and with an area of 2.3956 hectares, marked Exhibit 'C'; Tax Declaration No. 10256 with an area of 2.3956 and assessed at P1,200.00, marked as Exhibit 'D'; Tax Declaration No. 10257, with an area of 4.3957, valued at P2,110.00, in the names of Cleotilde Duenas, Bernardita Duenas and Maxima Duenas, are hereby assigned to them respectively, since they have already been in possession of the same, and this Court hereby confirms said interest;

"4. A parcel of land covered by Tax Declaration No. 6901 and subsequently cancelled by Tax Declaration No. 10122, dated November 8, 1972, then ultimately covered by Original Certificate of Title No. P-2939 consisting of 2 hectares with a total value of P1,200.00, is hereby assigned to Petra Duenas and therefore this Court confirms this arrangement;

"5. A parcel of land covered by Tax Declaration No. 6911 in the name of Adriano Duenas covering 2.1862 hectares with a total value of P1,160.00 situated at Calvario, Isabela, is hereby assigned to Julia Duenas since this has been already in her possession before the Administratrix Petra Duenas took over by virtue of the Order of this Court, as Administratrix;

"6. All the coconut plantation covered by three tax declarations, namely: Tax Declaration No. 920, situated at Matarling (formerly Isabela) now Lantawan, Basilan, with an area of 1.3269 hectares and valued at P1,760.00, marked as Exhibit 'Q'; a parcel of land situated at San Roque covered by Tax Declaration No. 2069, with an area of 1.8313 hectares and valued at P2,200.00; and, parcel of land covered by Tax Declaration No. 2012, situated at Palma Grava, Isabela, Basilan, with an area of 1.5000 hectares and valued at P1,000.00, are hereby assigned to Emerito Duenas, Victoria Duenas, Aproniana Duenas and Laureano Duenas, to be owned in common or they may sell any or all of these properties and the proceeds thereof be equally divided among the four heirs on a fair and amicable basis.

"The relieved administrator, Emerito Duenas, based upon the annual report of accounting which was approved by this Court for the purpose of turning over the administration of the properties and cash to Petra Duenas, is hereby ordered to deliver the cash amount of P6,029.12, with legal interest from 1978 until delivered to the administratrix for equal distribution within a week from delivery to her. If the relieved administrator refuse, his properties shall answer for it, in accordance with law and in order to finally adjudicate this case, once and for all.

"SO ORDERED."[1]

On appeal to the Court of Appeals, Emerito Duenas and his co-appellants (Victoria, Aproniana, Laureana and Julia) assigned the following errors:

I

THE LOWER COURT ERRED IN NOT FINDING THAT AN ORAL PARTITION WAS MADE BY THE LATE ADRIA-NO DUENAS DURING HIS LIFETIME BUT AFTER THE DEATH OF FLAVIANA MANINGO, WITH THE CONSENT OF ALL HIS CHILDREN, COVERING FIVE (5) OUT OF THE TOTAL EIGHT (8) PARCELS OF LAND, BE-LONGING TO THE SPOUSES, THE LATE ADRIANO DUENAS AND FLAVIANA MANINGO.

II

THERE BEING AN ORAL PARTITION, THE LOWER COURT ERRED IN ASSIGNING THE ONLY TITLED REAL PROPERTY IN FAVOR OF ALL THE HEIRS OF THE LATE ADRIANO DUENAS AND FLAVIANA MANINGO.

III

EVEN IN THE ABSENCE OF AN ORAL PARTITION, THE LOWER COURT STILL ERRED IN THE DISTRIBUTION AND ASSIGNMENT OF THE REAL PROPERTIES COMPRISING THE ESTATES OF THE LATE ADRIANO DUENAS AND FLAVIANA MANINGO IN FAVOR OF THE HEIRS-THE PARTIES IN THIS CASE.

Petra Duenas and her co-appellees (Maxima, Cleotilde and Bernardita) did not appeal the lower court's judgment but instead filed with the court a quo a new complaint for quieting of title which was dismissed by said court as it was "barred by the final judgment of this Court in Special Proceedings No. R-6 (234)." This Order of Dismissal was brought by Petra Duenas, et al., to Us on a Petition for Review by Certiorari in G.R. No. 56548, which We denied as per Our resolution, dated November 25, 1981 (Annex "I", p. 117)

The appellate court rendered a decision affirming the ruling of the court a quo with slight modification, with its pertinent provisions quoted hereunder:

"For its factual background, we shall adopt, by way of reference, the factual findings and conclusions of the trial court as spread in its decision, except its findings and conclusions on the land declared under Tax Dec. No. 6901, and now covered by OCT No. P-2939 in the name of Petra Duenas, which it ruled to be completely collated to the mass of property hereditarily from the deceased parents.

"We take note that on December 25, 1972, Adriano Duenas sold the whole land to Petra Duenas, as shown by a notarial deed of absolute sale, marked Exh. L, for P500.00. The validity of this sale is not challenged by the parties, and so, its validity is to be sustained insofar, however, as it pertains only to the undivided one-half of this property, it being deemed to be a conjugal property of the deceased Adriano Duenas and his wife. And since the wife was already dead at the time Adriano Duenas sold the whole land to Petra Duenas, he could have not validly sold the shares of his children on the property which was transmitted to them, by operation of law, upon the death of their mother. Consequently, what should be collated into the mass of the hereditary estate is one-half or one hectare of the land covered by OCT No. P-2939.

"When the whole property was titled exclusively in the name of Petra Duenas, it shall be deemed to have been done so in trust of their parents, or of the legal heirs of the deceased spouses Adriano Duenas and Flaviana M. Duenas.

"Consequently, the one-half of the lot covered by OCT No. P-2939 is subject to a reconveyance to the heirs of Adriano and Flaviana Duenas.

"Now, we come to the first assigned error. It is the contention of appellants that the lands covered by Exhibits A, B, I, O and T were orally partitioned and assigned by Adriano Duenas, during his lifetime but already after

the death of Flaviana Ma-ningo Duenas, to certain children like Eme-rito, Victoria, Aproniana, Laurena and Julia as regards the property covered by Exh. A; to Cleotilde, Bernardita, and Maxima, as regards the property covered by Exh. B; to Petra Duenas, as regards the property covered by Exh. I; to Julia Duenas, as regards the property covered by Exh. O; and to Maxima Duenas, as regards the property covered by Exh. T. And so they say that this partition made by their father should be respected and the distributees should respectively hold their assigned shares to the exclusion of the other heirs. This alleged oral partition was denied and contested by the appellees.

"We rule that this oral partition could not have been valid, even between the parties, because Adriano Duenas could have not validly made such a partition without the consent and approval of all the co-owners to the properties. If a deed of extra-judicial partition which did include the co-heirs who had no knowledge of and consent to the same is considered fraudulent and vicious (Villaluz, et al., vs. Nene, et al, 7 SCRA 27), with more reason should we say that an alleged partition, which has not been positively established, be considered non-existent, and being non-existent, it can not furnish a spring or source from which rights can arise.

"While it is true that oral partition can be a valid distribution of hereditary properties among the heirs (Hernandez vs. Andal, 78 Phil. 196); that in this jurisdiction, on grounds of equity, it is competent for the heirs of an estate, where no rights of creditors are involved, to enter into an oral agreement for distribution of the estate among themselves (Barcelona, et al., vs. Barcelona, et al., 100 Phil. 251), yet such partition must be participated in by all the heirs in order that it be binding on all.

"In the case at bar, it was not even an oral partition or designation of properties by the father in favor of five children, without the participation of the four others. Under what legal authority Adriano Duenas has assigned to his five children the five properties we can not see. Adriano Duenas was only a co-owner to the undivided one-half of each of the five properties. He did not execute a valid donation over his undivided one-half interest on each of the properties to the recipient of the assignment. So, there was not even a valid transmission of rights to any of his five children as regards his undivided shares, in the five properties. Indeed, his undivided interest to each of the five properties were transmitted upon his death to all of the nine children. Now, when, before the death of Adriano Duenas, he and his five children had executed an Extra-judicial partition (Exh. P) of the properties, where the other four children, the herein appellees,[2] had refused to consent and to sign the deed, then the appellees are not bound by the said extra-judicial partition. They retain their rights to every inch of ground, or area, in each of every property that was the subject of the extra-judicial partition. The recipients of certain properties under the extra-judicial partition can not take exclusive interests on the property to the exclusion of the co-heirs who did not participate in the partition. And so, appellees had a right to demand partition of each of the eight parcels of land - the mass of property inherited from their parents." (Rollo, pp. 15-17)

In view of the aforementioned findings, the appellate court found it necessary to revise the distribution of the estate made by the court a quo by not including one-half ($\frac{1}{2}$) of the land covered by Tax Declaration No. 6901 in the mass of collated hereditary property, the court ruling as follows:

"There is available for partition 30.-8211 hectares, and each of the nine heirs is entitled to an average of 3.4245 hectares. We now make the distribution, giving and granting unto each of the following heirs, as their share in the eight parcels of lands, subject of this partition, thus:

A. Cleotilde Duenas

1. On a portion of the lot co--

vered by Tax Dec. No. 6907

(Exhibit B), containing an

area of -----

2.3956 has.

2. On a portion of the lot co?

vered by OCT No. 75-(0-1522)

of the Register of Deeds of

(Zamboanga) Basilan City,

containing an area of -----

1.0256 has.

3. A portion of a residential

lot, now identified as Lot No.

916-GSS-09-000002 (See

Exh. V), containing an area

of -----

.0033 has.

Total share -----

3.4245 has.

B. Bernardita Duenas

1. On a portion of land co?

vered by Tax Dec. No. 6907

(Exh. B), containing an

area of -----

2.3956 has.

2. On a portion of land co?

vered by OCT No. 75-(0-1522),

containing an area of -----

1.0256 has.

3. On a portion of a residen?

tial lot, now identified as

Lot No. 916-GSS-09-01-000002

(See Exh. V), containing an

area of -----

.0033 has.

Total share -----

3.4245 has.

C. Maxima Duenas

1. On a portion of land co?

vered by Tax Dec. No. 6907

(Exh. B) containing an

area of -----

3.4215 has.

2. On a portion of a resi?

dential lot, now identi?

fied as Lot No. 916-GSS-09-
01-000002 (See Exh. V)

containing an area of - - - - -
.0033 ha.

Total share - - - - -
3.4248 has.

D. Petra Duenas

1. On the undivided one-half

(½) of the lot covered by

Tax Dec. No. 6901 (Exh. I),

containing an area of - - - - -
1.0000 ha.

2. A portion of the land co?

vered by OCT No. 75-(0-1522), containing an area of - - - - -

2.4212 has.

3. A portion of a residential

Lot, now identified as Lot

No. 916-GSS-09-01-000002,
(See Exh. V), containing an

area of - - - - -

.0033 has.

Total share -----

3.4245 has.

The other half of the land covered by Tax Dec. No. 6901 (Exh. I) is adjudged to be owned by Petra Duenas in her own right, having purchased this one-half portion from her father, Amado Duenas, in virtue of Exhibit L.

E. Julia Duenas

1. On a portion of the land co?

vered by OCT No. 75-(0-1522)

containing an area of -----

1.2350 has.

2. On the land covered by Tax

Dec. No. 6911 (Exhibit O),

containing an area of -----

2.1862 has.

3. On a portion of a resi?

dential land, now identi?

fied as Lot No. 916-GSS-09-

01-000002, (See Exhibit V),

containing an area of -----

.0033 has.

Total share -----

3.4245 has.

F. Victoria Duenas

1. On a portion of a lot co?

vered by OCT No. 75-(0-1522),

containing an area of - - - - -

2.2567 has.

2. On a portion of land co--

vered by Tax Dec. No. 920

(Exhibit Q) containing an

area of - - - - -

.3317 ha.

3. On a portion of land co?

vered by Tax Dec. No. 2069

(Exhibit R) containing an

area of - - - - -

.3750 ha.

4. A portion of a residential

lot, now identified as Lot

No. 916-GSS-0-01-000002

(See Exhibit V), containing

an area of - - - - -

.0033 ha.

Total share - - - - -

3.4245 has.

G. Laureano Duenas

1. On a portion of a lot co?

vered by OCT No. 75-(0-1522),

containing an area of - - - - -

2.2567 has.

2. On a portion of a land co?

vered by a Tax Dec. No. 920

(Exh. Q), containing an

area of - - - - -

.3317 ha.

3. On a portion of land covered

by Tax. Dec. No. 2069 (Exh.

R), containing an area of - - - - -

.4578 ha.

4. On a portion of land covered

by Tax Dec. No. 2012 (Exh.

S), containing an area of - - - - -

.3750 ha.

5. On a portion of a residen-

tial lot, now identified as

Lot No. 916-09-01-000002

(See Exh. V), containing an

area of -----

.0034 ha.

Total share -----

3.4246 has.

H. Emerito Duenas

1. On a portion of the land

covered by OCT No. 75-(0-1522),

containing an area of -----

.2465 ha.

2. On a portion of the land

Covered by OCT No. 75-(0-1522),

containing an area of -----

2.0101 has.

3. On a portion of the land co?

vered by Tax Dec. No. 920

(Exh. Q), containing an

area of -----

.3318 ha.

4. On a portion of the land

covered by Tax Dec. No. 2069

(Exh. R) containing an area

of -----

.4578 ha.

5. On a portion of the land co?

vered by Tax Dec. No. 2012

(Exh. S) containing an area

of -----

.3750 ha.

6. On a portion of a residen-

tial lot, now identified as

Lot No. 916-GSS-09-01-000002,

(See Exh. V), containing an

area of -----

.0034 ha.

Total share -----

3.4246 has.

I. Aproniana Duenas

1. On a portion of the land

covered by Tax Dec. No. 6907

(Exh. B) containing an area

of -----

.7277 ha.

2. On a portion of land covered

by OCT No. 75-(0-1522), con-

taining an area of -----

1.5289 has.

3. On a portion of land covered

by Tax Dec. No. 920 (Exh. Q)

containing an area of -----

.3317 ha.

4. On a portion of land covered

by Tax Dec. NO. 2069 (Exh. R)

containing an area of -----

.4579 ha.

5. On a portion of land covered

by Tax Dec. No. 2012 (Exh. S),

containing an area of -----

.3750 ha.

6. On a portion of residential

lot now identified as Lot No.

916-GSS-09-01-000002 (See

Exh. V) containing an area of - - -

.0034 ha.

Total share - - - - -

3.4246 has.

"As the residential lot, now identified as Lot No. 916-09-01-000002, has only an area of 300 sq. m. and it is now a subject of an application for free patent (See Exh. V), filed by Maxima Duenas (also known as Maxima D. Bacus), the latter may buy off the rights of her other co-heir on the basis of its appraised value in the Inventory submitted by the Administrator of the estate, which was approved by the court.

"IN VIEW OF THE FOREGOING, and except as above modified, the judgment appealed from is hereby AFFIRMED in all other respects, and insofar as consistent with the above modifications.

"Without pronouncement as to costs.

"SO ORDERED." [3] (Rollo, pp. 17-21)

After the rendition of the aforementioned judgment, administratrix Petra Duenas and her group filed with the court a quo on February 14, 1983 a Constancia with a Motion for Renovation of Judgment, attaching thereto copies of the proposed Renovation of Judgment. Parties failed to reach an agreement. Subsequently Emerito Duenas and his group filed a Motion for the issuance of a Writ of Execution on the ground that the decision rendered by the Court of Appeals had already become final and executory. Petitioner Petra Duenas interposed no objection to said motion. Respondent Judge issued an order for the issuance of the Writ of Execution addressed to the Provincial Sheriff. Petra Duenas filed her Motion for Reconsideration and supplemental pleadings to contest the issuance of the Writ of Execution. Said motion for reconsideration was denied, hence the present petition for certiorari.

Petitioner contends that the issuance of the Writ of Execution, ordering the Provincial sheriff to execute the decision rendered by the appellate court is contrary to law and the rules:

"(1) That the intestate estate is still under the administration of petitioner, who has still to submit her Final Report of accounts in order to show that all taxes and obligations of the intestate estate have been paid pursuant to Section I, Rule 19, of the Rules of Court, specifically, the second paragraph thereof;

"(2) That the partition of the estate has still to be executed by the administratrix as one of her duties, prior to the closure of the intestacy, not by the Sheriff;

"(3) That while the decision of the Honorable Court of Appeals divided the intestate estate, strictly as to the area of the same among the heirs thereof, the physical partition of the estate should first be executed in accordance with the provisions of Rule 69, of the Rules of Court, particularly taking into the consideration of last portion of Section 4, of the said Rule;

"(4) That the physical partition of the estate is prerequisite to the delivery of the same to the heirs thereof;

"(5) That finally, the approval of the Respondent Court is necessary for the closure of the estate; and

"(6) That being a Special Proceeding, Rule 39, of the Rules of Court on Execution, has no application to it." (Rollo, p. 7)

Petitioner's contentions do not merit our consideration.

Undoubtedly, the project of partition of the intestate estate of the late spouses Adriano and Flaviana Duenas was issued by the court a quo in its decision in SP. No. R-6(231) and affirmed by the appellate court with slight modification. As already said earlier, petitioner herein and company did not appeal the decision of the court a quo and as to them, said decision has long been final. The appellate court, upon the appeal made by private respondents herein, modified the decision of the court a quo in that the area of the parcel of coconut land covered by Tax Declaration No. 6901, now titled in the name of Petra Duenas, was reduced by one (1) hectare so that, the total area of the 8 parcels of land comprising the estate of the deceased spouses was also reduced from 31.8211 hectares to 30.8211 hectares. Its decision is now final, there being no appeal taken by private respondents from said decision.

The rules cited by petitioner, namely: Sec. 1, Rule 90 and Sec. 4, Rule 69 of the Revised Rules of Court, presupposes a situation where no partition is as yet made, necessitating a project of partition for the approval of the court, after the payment of the debts and other obligations of the estate and not to situations similar to the case at bar, where the project of partition is provided for by the courts in their judgments on the merits.

In view of the judgments of the trial court and the appellate court which are both final judgments of partition of the estate of the late spouses Adriano and Flaviana Duenas, public respondent Judge is empowered to order the issuance of a writ of execution to enforce the final decisions of the above-named courts as provided for in Sec. 8, Rule 39 of the Rules of Court thus making it mandatory for the Sheriff or other officers to whom the writ is directed to execute that which was ordered in the decision of the court. Certainly, the administratrix is not the person referred to in said rule. While this rule refers to civil actions, it may likewise be applied to special proceedings (Sec. 2, Rule 72, Rules of Court).

Delivery of the respective shares of the parties set forth in the judgment of partition is a necessary and indispensable incident to carry into full effect the purpose of partition. It would be ridiculous and senseless to have a judgment of partition if the same could not be carried out. Considering that the court a quo in the case for partition, found among other things that the estate had no more debts to third persons that the estate and inheritance taxes were already paid and that the parties are the only surviving legitimate heirs of the deceased spouses Duenas, and considering further, that said court was authorized by the parties to exercise not only its limited jurisdiction but also its general jurisdiction as reflected in the parties' Joint Motion to Set Case for Hearing on the Merits dated June 16, 1978, it becomes inevitable and mandatory to place each heir in possession of the respective parcel of land assigned to him. Hence the writ of execution is proper. To follow what the petitioner wants would only prolong her administration of the estate all to the prejudice of Emerito Duenas and the brother and sisters who sided with him. It is not contended that the intestate estate consists of 8 parcels of land with a total area of 30.8211 hectares. Three parcels of land, with a total area of 10.2169 hectares were and are still occupied and their fruits enjoyed by Petra Duenas and the three sisters who sided with her. They were never under administration either by Emerito Duenas or by the incumbent administratrix. It follows that these three parcels of land could not have been partitioned by the Sheriff for delivery to private respondents because the sheriff merely delivered to the private respondents the parcels of land assigned to them in the judgment of the appellate court. Only the titled real property with an area of 13.7598 hectares, is under administration, assigned by the appellate court to all the parties in this case except Maxima Duenas. The share of Petra Duenas and two of the sisters who sided with her is only 4.4724 hectares. The remaining area of the only titled real property, consisting of 9.2874 hectares, is assigned to private respondents, who appropriated the fruits of said parcels of land. Petra Duenas and company cannot be said to be prejudiced. On the other hand, the continued administration by petitioner Petra Duenas of the five parcels of land, namely those covered by Tax Declaration Nos. 920, 2069, 2012 and 6911, and

the only titled property, would be most beneficial to her because the bulk of the properties is no longer hers nor the three sisters who had sided with her.

It is an error to say that the Court of Appeals took into consideration only the area of the parcels of land in rendering its decision disregarding the productivity and probable value of the parcels. The court a quo did not fail to consider these things in rendering its judgment which was eventually affirmed by the appellate court with slight modification.

Likewise, it is incorrect to say that Petra Duenas and company were reluctant to receive the unregistered land assigned to them because these might be contested by others if applied for. Petra Duenas was never assigned an unregistered land. Private respondents invited our attention to the fact that the coconut land originally covered by Tax Declaration No. 6901 is now titled in her name under OCT No. P-2939 and a portion of the land covered by OCT. No. 75-(0-1552) assigned to her by the appellate court's judgment of partition. The other sisters who sided with Petra Duenas were given unregistered lands but the record reveals that these sisters had already filed their applications for free patents with the Bureau of Lands which applications have been given due course. If they are not yet titled in their names, the reason is not because written oppositions were filed by others.

By and large the trial court and the appellate court may have committed an error in the assignment or partition of the eight parcels of land to the parties in this case, but considering that their judgments are now final, the error, assuming that one was committed, can no longer be amended or corrected. We have consistently held that one of the purposes for which courts are organized is to put an end to controversy in the determination of the respective rights of the contending parties. With the full knowledge that courts are not infallible, the litigants submit their respective claims for judgment and they have a right at sometime or another to have final judgment on which they can rely as a final disposition of the issue or issues submitted, and to know that there is an end to the litigation. (*Miranda vs. Court of Appeals* 71 SCRA 295). Likewise settled is the rule that after a judgment has become final, no additions can be made thereto, and nothing can be done therewith except its execution, otherwise there would be no end to legal processes (*Fabular vs. Court of Appeals*, 119 SCRA 329).

WHEREFORE, premises considered, petition is hereby DENIED for lack of merit and the assailed decision of the Court of Appeals is hereby AFFIRMED. Let the records of the case be remanded to the court of origin for the enforcement of the writ of execution.

SO ORDERED.

Fernan, (Chairman), Gutierrez, Jr., Padilla, Bidin, and Cortes, JJ., concur.

[1] Annex A for respondent Judge, pp. 87-90, Rollo, penned by Hon. Judge Jainal D. Rasul

[2] Petra, Maxima, Cleotilde, Bernardita all surnamed Duenas

[3] Penned by Hon. Justice Elias B. Asuncion, concurred in by Justice Porfirio V. Sison and Justice Jose A. R. Melo, promulgated September 21, 1981.

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