

HEIRS OF EMILIANO NAVARRO, PETITIONERS, VS. INTERMEDIATE APPELLATE COURT AND HEIRS OF SINFOROSO PASCUAL, RESPONDENTS.

G.R. No. 68166. October 13, 1997

Ponente: HERMOSISIMA, JR., J.

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HERMOSISIMA, JR., J.:

On March 21, 1997, private respondent Heirs of Sinforoso Pascual, by counsel, filed a pleading denominated as "Omnibus Motion (Re: Motion for Clarification/Reconsideration/ to Remand case)" with the following presentation:

"I

Re: Motion for Clarification

1.1 Without meaning to be fastidious, the Pascual Heirs find the Decision promulgated by the Honorable court on 12 February 1997 ('Decision') confusing.

1.1.1 The dispositive portion of the decision 'DENIED and DISMISSED' the petition for review filed by petitioners Heirs of Emiliano Navarro ('Navarro Heirs'). This ordinarily means that the appealed decision of the then Intermediate Appellate Court was affirmed. Consequently, Pascual heirs are apparently entitled to the issuance of a decree of registration over the subject land.

1.1.2. In the body of the Decision, however, this Honorable Court declared the subject land part of the public domain, not capable of appropriation by any private person, including the Pascual Heirs, 'except through express authorization granted in due form by a competent authority'.

xxx xxx xxx

1.4. It is in this light that the Pascual Heirs now move that this Honorable Court clarify x x x the dispositive portion of the Decision x x x.

IIRe: Motion for Reconsideration

2.1. Should this Honorable Court clarify that the Decision actually reversed, not affirmed, the appealed decision of the then Intermediate Appellate Court, the Pascual Heirs respectfully submit that the Decision should be reconsidered.

xxx xxx xxx

2.3. Since the Decision was mainly, if not entirely, based on the x x x seriously flawed findings of the Trial Court and Justice Serrano's dissenting opinion in the appealed decision of the Intermediate Appellate Court, the infirmity of the Trial Court's and Justice Serrano's purported findings equally plague the Decision.

xxx xxx xxx

III

Re: Motion to Remand for further Proceedings

xxx xxx xxx

3.3. Should this Honorable Court, however, find the need for more scientific or empirical data, the Pascual Heirs submit that it becomes appropriate to remand the case to the Trial Court for further reception of the appropriate evidence.

x x x" (Rollo, pp. 408-411)

We find no merit in the Omnibus Motion insofar as it prays for the reconsideration of our Decision dated February 12, 1997 and/or for the remand of the instant case to the Regional Trial Court for further proceedings. The issues raised by private respondents as grounds for reconsideration have already been passed upon in our Decision and need no longer be belabored. Neither is there a need to remand the instant case to the lower court for further proceedings, our findings and conclusions regarding the public nature of the parcel of land in question having been reached only after an exhaustive and scrupulous study and analysis of all the facts, the evidence, the parties' respective arguments, and the prevailing law and jurisprudence.

It is imperative, however, that certain typographical and/or clerical errors in the said Decision be rectified in order that the body thereof and dispositive portion therein be harmonized.

WHEREFORE, the following specific portions of our the Decision dated February 12, 1997 in the above-entitled case are ordered rectified as follows:

1. The sentence, "We find no merit in the petition" on page 11 of the Decision shall henceforth read, thus "We find merit in the petition".
2. The term, "petitioners" used from pages 11 to 16 and on page 18 of the Decision shall henceforth read as "private respondents".
3. The dispositive portion on page 18 of the Decision which reads as follows:

"WHEREFORE, the instant Petition for Review is hereby DENIED and DISMISSED.

Costs against petitioners

SO ORDERED,"

shall henceforth read, thus:

"WHEREFORE, the instant Petition for Review is hereby GRANTED.

The decision of the Intermediate Appellate Court (now Court of Appeals) in CA G.R. No. 59044-R dated November 29, 1978 is hereby REVERSED and SET ASIDE. The resolutions dated November 21, 1980 and March 28, 1982, respectively, promulgated by the Intermediate Appellate Court are likewise REVERSED and SET ASIDE.

The decision of the Court of First Instance (now the Regional Trial Court), Branch 1, Balanga, Bataan, is hereby ORDERED REINSTATED.

Costs against private respondents.

SO ORDERED."

The Clerk of Court is hereby ordered to make the foregoing corrections in the text of our Decision dated February 12, 1997 in the above-entitled case.

SO ORDERED.

Davide, Jr., (Chairman), Bellosillo, Vitug, and Kapunan, JJ., concur.

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