

VICENTE VER REPRESENTED BY EDUARDO VER, TIMOTEA VER DE LA CUESTA REPRESENTED BY AMPARO DE LA CUESTA, TERESA DIMAYA SUBSTITUTED BY LEON BITANGA, NATIVIDAD V. RUIZ SUBSTITUTED BY ...

G.R. No. 77526. June 29, 1988

Ponente: GUTIERREZ, JR., J.

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GUTIERREZ, JR., J.:

This is a petition for certiorari to set aside the orders of the Regional Trial Court of Ilocos Norte dated January 21, 1987 and February 12, 1987 directing the execution of an allegedly void decision of the then Intermediate Appellate Court.

The antecedent facts of the case are as follows:

Private respondent Primo Quetulio filed a complaint to quiet title to sixteen (16) parcels of land located in the municipalities of Sarrat, Solsona, Banna and Dingras, Ilocos Norte against Vicente Ver and Timotea Ver de la Cuesta before the then Court of First Instance of Ilocos Norte (Case No. 42). Quetulio alleged that he had purchased the subject parcels together with other parcels, from Mercedes Ver pursuant to a Deed of Sale (Exhibit K) executed by the latter in 1929 and that Mercedes Ver acquired the said properties partly through inheritance and partly through donation from her brother Ramon Ver, a priest.

The defendants contested the validity of Quetulio's title over the subject parcels alleging that the same were part of the undivided estate of their ancestor, the deceased D. Leon Ver; that the properties passed upon his death to his fourteen (14) children with his first and second wives, Paulina Ver and Josefa Foronda, both deceased; that Fr. Ramon Ver, and after him, Quetulio's vendor, Mercedes Ver had administered these properties for their co-heirs and given them their corresponding shares of the crops and that Fr. Ver and Mercedes Ver could not dispose of the common properties without the consent of their co-heirs.

The other co-heirs of the defendants were allowed to intervene in the proceedings. They, too, alleged that the properties claimed by Quetulio including 78 other parcels for a total of 94 parcels were common property of the heirs of Leon Ver; that Mercedes Ver had possessed and administered the properties for and in behalf of all the heirs of Leon Ver until her death; and that the properties allegedly donated by Fr. Ramon Ver to Mercedes were part of the common property of the heirs of Leon Ver.

It was not disputed that all the 94 parcels of land were originally owned by Leon Ver. Leon Ver contracted two marriages. By his first marriage, Leon Ver de la Cuesta had the following children:

"(1) Castora, who died in 1894, leaving two children, Teresa Dimaya and Germana Ver, intervenors;

"(2) Juan, who died in 1885, leaving two children, namely Florentin and Maria Ver (one of the intervenors);
Florentin Ver died on December 19, 1936, leaving four children, namely:

(a) Vicente, one of the defendants:

(b) Carmen, who died on August 8, 1944, leaving four (4) children, namely: Teresa, Petrona, Thelma, and Pablo, all surnamed Tesoro (co-intervenors, second set).

(c) Rafael, who died on July 25, 1938, leaving a child named Geronimo Florentin Ver, who died single and without any issue on November 25, 1939 and

(d) Natividad (co-intervenors, second set).

"(3) Roman, who became a priest of the Catholic Church, and who died single and without any issue in 1925;

"(4) Fulgencio, who died single and with no issue in 1910;

"(5) Ignacio, who died in 1913, leaving a daughter Enriqueta Ver, one of the intervenors;

"(6) Mercedes, who died single and with no issue on October 31, 1944; and

"(7) Juliana, who died single and with no issue in 1881 or thereabouts, (pp. 38-37, Rollo)

Leon Ver's children by his second marriage were:

"(1) Geronimo, who died in 1945 without leaving any issue;

"(2) Juanita, one of the intervenors;

"(3) Hilario, one of the intervenors;

"(4) Timotea, one of the defendants, who died in 1950, leaving five children, Amparo, Victoria, Estela, Marina, and Rosa, all surnamed dela Cuesta, who substituted their deceased mother;

"(5) Evansto, one of the intervenors;

"(6) Esperanza, one of the intervenors; and

"(7) Leon, who died in 1945, single and with no issue (Appellees Brief, pp. 1-3)" (p. 37, Rollo)

The defendants and intervenors were not only direct descendants of Leon Ver, but also collateral relatives within the sixth degree and therefore, heirs intestate of Mercedes and Ramon Ver (Quetulio's alleged predecessors-in-interest) who died without issue.

Under this factual backdrop, the inquiry was centered on the validity and effects of the alleged sale of the 94 parcels by Mercedes Ver to Quetulio, since without it, the defendants and intervenors would be entitled to the subject parcels, barring adverse possession by Quetulio.

After due trial, the Court of First Instance rendered a decision declaring the sale of the subject parcels by Mercedes Ver to plaintiff Primo Quetulio (Exhibit "K") void for lack of cause or consideration and that the subject properties except for parcel No. 18 which was acquired in good faith by intervenor Tagavi were the common and undivided property of the intervenors and defendants. The dispositive portion of the decision dated June 4, 1952 reads:

"FOR ALL THE FOREGOING CONSIDERATIONS, the Court renders judgment dismissing the complaint of plaintiff and absolving the defendants therefrom. The preliminary injunction issued in favor of the plaintiff is hereby dissolved.

"As to the counterclaim of the defendants and intervenors against the plaintiff, the Court declares the deed of sale, Exhibit "K" dated December 28, 1929, null and void and without effect; the ninety-four (94) parcels of

land covered by the deed of sale Exhibit "K", with the exception of Parcel No. 18 bought by Leopoldo Tagavi in good faith, are accordingly declared the common and undivided property of the defendants and intervenors; Intervenor Leopoldo Tagavi is declared the owner of the parcel of land, No. 18, with the right to possess it; the plaintiff is ordered to restore to the defendants and intervenors the possession of the said lands with the exception of Parcel No. 18, and to pay them damages in the amount of ELEVEN THOUSAND FIVE HUNDRED (P11,500.00) PESOS per year since 1945 until the possession of the parcels in question shall have been actually delivered to said defendants and intervenors, with costs against the plaintiff." (pp. 68-69, Rollo)

Quetulio appealed the decision to this Court, the amount involved being more than P50,000.00 at that time. The case was docketed as G. R. No. L-6831. On June 29, 1956, this Court rendered a decision the pertinent portions of which read as follows:

"Having reached the conclusion that the Court below has correctly held that the deed of sale of Exhibit K was fictitious and void, and therefore, conveyed no rights to the appellant, it becomes unnecessary, for the purpose of this appeal, to pass upon the question whether the properties in dispute were held by Mercedes Ver as her own or trustee for the defendants and intervenors. In whatever capacity they never succeeded her in them.

"An exceptional situation, however, exists in connection with the eastern half of the two parcels of land situated in San Juan and San Leon of the municipality of Banna (formerly Caladdugan and Salangbang of the municipality of Dingras) in Ilocos Norte being parcels 67 and 68 of the contested deed of sale (Exhibit K). It is not disputed that the title to the entirety of these lots was originally obtained by the late Juan Ver, and they were granted to him by the Spanish colonial government. It has been proved by appellees that on 8 October 1880, said Juan Ver executed a public document (Exhibit 150, Pieza 7 of Exhibits) notarized by Notary Public Joaquin de Vildches wherein Juan expressly acknowledged that the cost and expenses of acquisition of said lands had been jointly contributed by him and his father, D. Leon Ver, (the common ancestor of herein appellees) on the understanding that the lands would be divided between both; and in the same document, Juan Ver pursuant to such understanding, conveyed to his father, Leon Ver, one half of the lands aforesaid, while retaining one half for himself. Consequently, one half of these lands are held by Juan Ver's heirs in their own right; but the other half of D. Leon Ver passed upon his death to his heirs and successors (appellees herein) who hold it in common in the proportions established by the laws in succession, x x x But as appellant Primo Quetulio in Civil Case No. 4141 of the Court of First Instance of Ilocos Norte) Exhibit x-89, Pieza 3), affirmed in 1940 by the then Court of Appeals in CA-G.R. No. 5167 (Exhibit X-91, Pieza 3) obtained judgment against the said children and descendants of Juan Ver declaring him the owner of these lands in San Juan and San Leon as successor to Mercedes Ver, and that judgment has become final, it follows that the share and interest of Juan Ver's heirs in that half (which is stipulated to be the eastern half thereof, Cenvenio de Hechos, p. 8, Record on Appeal, p. 243) must be regarded now as property of appellant Quetulio.

In view of all the foregoing, the decision appealed from is modified in the sense that any share in the eastern half of parcels Nos. 67 and 68 of Exhibit K (in San Juan and San Leon of Banna, Ilocos Norte), that would correspond to the heirs of the late Juan Ver, that is to say, to Maria Ver and Florentino Ver, and their successors-in-interest (Vicente Ver, Natividad Ver, Geronimo Florentino Ver and intervenors-appellees surnamed Tesoro, children of Carmen Ver), is hereby declared to be the property of appellant herein Primo Quetulio, and the value of the fruits corresponding to such undivided interest shall be determined and deducted from the damages awarded against said appellant.

"Let the records be remanded to the Court below for further proceedings in conformity with this instance." (pp. 7-72, Rollo)

Quetulio filed a motion for reconsideration of the decision asking among others, that he be declared the owner not only of the eastern part of Lots 67 and 68, but also of the whole portion thereof. This Court, then issued a resolution dated November 6, 1956 modifying the June 29, 1956 decision. The pertinent portions of the resolution read as follows:

"With regard to the second point raised by movant appellant, it will be recalled that our main decision in effect holds that the conveyance of 94 parcels of land (Exh. K) made by Mercedes Ver in favor of Primo Quetulio, was null and void ab initio, with the sole exception of the part that conveys to said Quetulio, one half interest in the lands of San Juan and San Leon, Banna, Ilocos Norte. That part we declared valid and operative but only as against the heirs of Juan Ver, and solely because Quetulio had obtained against said heirs a final judgment in 1940 (G.R. CA 5067, Exh. X-91) based on Exh. K and declaring him entitled to an undivided one-half of the lands there in question.

"Now, parcels 67 and 68 are the only ones in the locality conveyed to Primo Quetulio by Mercedes Ver in the deed of sale Exhibit K; and the same two parcels 67 and 68, by stipulation between the parties, constitute one-half of the original lots in San Juan and San Leon. The stipulation reads:

"Que, las parcelas descritas en los Titulos de Propiedad, Exhs. X-92 y X-93 a nombredo Juan Ver, son las mismas descritas en la Causa Civil No. 4141 del Juzgado de Primera Instancia de Ilocos Norte, sobre particion, entre Primo Quetulio como demandante, por una parte, y Vicente Ver, Carmen Ver, Rafael Ver y Maria Ver, como demandados, por otra, y tambien Timotea Ver como terceristas, por otra (Exhs. X-89, X-90 y X-91), la mitad este de ambas parcelas son las sus estan descritas como parcelas 67y 68 en el Anexo Iy en la Escritura Exh. E."

"It follows that what passed to Primo Quetulio, by operation of the 1940 decision of the Court of Appeals against the heirs of Juan Ver (GR. Ca. 5067 [Exh. X-91]), is the undivided participation of said heirs of Juan Ver in parcels 67 and 68 of Exh. K. Appellant Quetulio could not acquire the whole of said parcels 67 and 68, but only the participation therein of the descendants and heirs of Juan Ver, because the 1940 decision of the Court of Appeals (Exh. X-91) is only conclusive on the heirs of Juan Ver, since they were the only parties defendant in that litigation.

"Otherwise stated, by the final decision Exh. X-91, the heirs of Juan Ver can no longer deny that Quetulio acquired from Mercedes Ver one-half undivided interest in the lands of San Juan and San Leon; parcels 67 and 68 of Exh. K constitute one-half of said lands; and Quetulio acquired from Mercedes Ver parcels 67 and 68. Hence, any interest of the heirs of Juan Ver in lots 67 and 68 are, by virtue of the judgment, vested in appellant Quetulio, since the conveyance by Mercedes Ver in favor of Quetulio has become (incontestable by the heirs (descendants of Leon Ver) in lots 67 and 68 remains unaffected.

"Appellant Quetulio is, therefore, correct in claiming that he should be substituted in the undivided interest of the heirs of Juan Ver in the entirety of lots 67 and 68 of Exh. K, and not merely to the eastern half of said lots, as stated in our original decision. What this interest amounts to, physically will be determined later in the proper partition proceedings. But Quetulio's claim that the former judgment in his favor(Exh. X-91) operates to make him the sole and exclusive owner of the whole of Lots 67 and 68 is untenable, precisely because the other co-heirs of Juan Ver (heirs of Leon Ver) and their successors-in-interest, are not barred by said judgment (Exh. X-91), they not being parties to the suit where it was rendered; and no participation as yet has been had that could physically determine the share of each co-owner.

"Wherefore, the dispositive part of the original decision is amended to read as follows:

"In view of all the foregoing, the decision appealed from is modified in the sense that any share in Parcels 67 and 68 of Exh. K (in San Juan and San Leon, Banna, Ilocos None) that would correspond to the heirs of the late Juan Ver that is to say, Maria Ver and to Florentin Ver, and their successor-in-interest, (Vicente Ver, Natividad Ver, Geronimo Florentin Ver, and intervenors-appellees, surnamed Tesoro, children of Carmen Ver) as heirs of the late D. Leon Ver, is hereby declared to be the property of appellant herein, Primo Quetulio, and the value of the fruits corresponding to such undivided interest shall be determined and deducted from the damages awarded against said appellant. In all other respects, the decision appealed from is affirmed.

"Let the records be remanded to the Court below for further proceedings in conformity with this opinion. No costs in this instance. It is so ordered, (pp. 47-49, Rollo)

After the remand of the records of the case, the lower court, acting on a motion of intervenor Evaristo Ver issued a writ of execution against all the properties of Quetulio. The writ was later cancelled.

However, upon another motion of the defendants and intervenors, the lower court issued another order continuing the writ of execution previously issued and including the levy against the properties of petitioner, his undivided interest in Lots 67 and 68. After the hearing of Quetulio's motion for reconsideration of the order, the lower court ordered the issuance of the alias writ of execution. The ex-parte motion for reconsideration of the last order having been denied, Quetulio filed a petition for certiorari to annul the order of the lower court before this Court. The case was docketed as G.R. No. L-16406.

In resolving G. R. No. L-16406, this Court in the November 29, 1960 decision stated:

"The sole issue is whether or not the decision of the Supreme Court in G. R. No. L-6831 is final and executory. The issue should be decided in the negative because: (1) The decision of the Supreme Court itself orders further proceedings by the lower court: (2) A partition proceedings in the court below is still necessary to determine Quetulio's interest in Lots Nos. 67 and 68; (3) The value of the fruits of said lots should be determined, as the same will be deducted from the damages awarded against Quetulio. (According to petitioner herein, respondents have been in possession of said lots for nine years already in September 1959). The lower court cannot assume that the fruits of said lots will not completely pay for or reduce the damages awarded; (4) Execution is being issued also against properties of Quetulio, other than said Lots No. 67 and 68. How will the lower court know how much of said properties should be sold to satisfy the damages, if the actual amount of said damages is not first determined?

"The above-enumerated circumstances indicate that there are still matters in the case left to be determined and settled before the judgment can be executed. The decision of the Supreme Court in G. R. No. L-6831 did not yet acquire finality and is, therefore, not yet executory xxx. (Quetulio v. Hon. Flores and Segundo, 110 Phil. 284)

The lower court's order issuing the alias writ of execution was set aside.

The defendants and intervenors then filed with the lower court a motion to order the parties to partition parcels Nos. 67 and 68 of Exhibit "K".

On December 28, 1966, the lower court issued an order appointing commissioners "to effectuate the said segregation and partition of parcels nos. 67 and 68 with the view of determining Quetulio's interest" Accordingly, each of the parties recommended their commissioners who submitted their reports to the lower court.

On October 12, 1972, the lower court issued a resolution approving the report of Commissioner Apolinar Quetulio, which among others, recommended that the whole of Lots 67 and 68 be adjudicated to Primo Quetulio. Apolinar was the representative of Primo Quetulio and also the latter's son. The resolution stated:

"Consequently, the Court hereby approves the report of the commissioner Apolinar B. Quetulio, dated January 14, 1957, with its Annexes A and B and finds that the total accountability of plaintiff Quetulio to the defendants and intervenors to plaintiff Quetulio is P90,358.80; and orders the defendants and intervenors to pay the plaintiff Quetulio the amount of P55,038.20." (p. 78, Rollo)

The defendants and intervenors interposed an appeal from the trial court's aforesaid resolution with the Court of Appeals. The case was docketed as CA-G.R. No. 52744-R.

The main issue in the case revolved on the extent of the interest of Primo Quetulio in parcels 67 and 68, as shown

in Exhibit "K". Interpreting this Court's decision dated June 29, 1956 as modified by the resolution dated November 6, 1956 in G. R. No. L-6831 the appellate court held in its decision dated January 24, 1978 that Quetulio's interest over Lots 67 and 68 is limited only to the undivided shares of the heirs of Juan Ver over said properties. Hence, the appellate court set aside the October 12, 1972 resolution of the lower court and remanded the case to the lower court for further proceedings in accordance with the decision of this Court dated June 29, 1956 as modified by the resolution of November 6, 1956 in G. R. No. L-6831.

Not satisfied with the appellate court's decision Primo Quetulio filed a petition for review on certiorari of the said decision before this Court; The case was docketed as G. R. No. L-48623.

In a resolution of this Court en banc dated December 14, 1978, Quetulio's petition was denied, to wit:

"Considering the allegations contained, the issues raised and the arguments adduced in the petition for review on certiorari of the decision of the Court of Appeals, the comment of the private respondents on the said petition and the rejoinder dated September 15, 1978, of the petitioner to the aforesaid comment, the Court Resolved to DENY the petition." (p. 83, Rollo)

Acting on a motion for clarification filed by defendants and intervenors as regards the decision in G. R. No. 6831, this Court issued a resolution stating that what is controlling is the resolution of November 6, 1956 modifying the dispositive portion in *Quetulio v. Ver*, (99 Phil. 1048).

The defendants and intervenors then moved the lower court to act in order to terminate the case in accordance with the above-mentioned resolution. This resulted in the lower court's issuance of two orders dated August 31, 1982 and September 20, 1982.

In substance, the two orders stated "that what passed to Primo Quetulio by operation of the 1940 decision of the Court of Appeals (CA-G.R. No. 5067) is the undivided participation of the heirs of Juan Ver in parcels 67 and 68 of Exhibit "K" and that Quetulio could not acquire the whole of said parcel, but only the participation therein of the descendants and heirs of Juan Ver because the 1940 decision is only conclusive on the heirs of Juan Ver since they were the only parties defendants in this litigation."

These two orders were appealed by Dominica Hernando who substituted Primo Quetulio after his death before the then Intermediate Appellate Court. The case was docketed as AC-G.R. CV No. 00206. Again, as in the previous cases, the main issue hinged on the interest of Primo Quetulio in Lots 67 and 68 of Exhibit "K" as defined in this Court's resolution dated November 26, 1956 in G.R. No. 6831.

In its decision dated December 11, 1984, the then Intermediate Appellate Court rendered a decision setting aside the orders appealed from and declaring that what belongs to Primo Quetulio "is one-half (1/2) of parcels 67 and 68." (*Italics supplied*) The case was also ordered to be remanded to the Regional Trial Court which took the place of Branch III of the former Court of First Instance of Ilocos Norte at Laoag City for further proceedings.

Upon motions for reconsideration filed by all parties, the appellate court modified its decision in a Resolution dated September 16, 1985, to wit:

"WHEREFORE, premises considered Our Decision promulgated on December 11, 1984 is hereby modified as follows:

"1. Par (c) on page 25 of the decision which reads:

"c) By the final judgment of the Court of Appeals (CA-G.R. No. 5067 promulgated in 1940) 1/2 portion of Parcels Nos. 67 and 68 belonging to Mercedes Ver and by her transferred to plaintiff-appellant Primo Quetulio, was confirmed as the ownership of the latter as against the claim of the heirs of Juan Ver.

is hereby modified to read as follows:

"By the final judgment of the former Court of Appeals (CA-G.R. No. 5067, promulgated in 1940) the one-half portion retained by Juan Ver and transferred to Mercedes Ver and sold by the latter to appellant Primo Quetulio consists of Lots 67 and 68 in Exh. K.

"2. The first par. on page 25 which reads:

"In resume, therefore, 1/2 of Parcels 67 and 68 now belongs to plaintiff-appellant and the other 1/2 belongs to the Heirs of Leon Ver.

is modified to read:

"In resume, therefore, Lots 67 and 68 of Exh. K which is the eastern portion of the property of Juan Ver in San Jose and San Leon, Banna, Ilocos Norte now belongs to plaintiff-appellant and the Vz western portion of the San Jose and San Leon, Banna, Ilocos Norte, property of Juan Ver now belongs to the heirs of Leon Ver.

"3. The dispositive portion of which reads:

"WHEREFORE, the Orders appealed from are hereby set aside and We hereby affirm and declare that what belongs to plaintiff-appellant is one-half (1/2) of parcels 67 and 68, without pronouncement as to costs.

"Let this case be remanded to the Regional Trial Court which took the place of Branch III of the former Court of First Instance of Ilocos Norte at Laoag City for further proceedings.

is modified to read;

"WHEREFORE, the Orders appealed from are hereby set aside and:

"1) We hereby affirm and declare that what belongs to plaintiff-appellant is the whole of lots 67 and 68, which is the eastern half of the whole property of Juan Ver in San Leon and San Jose, Banna, Ilocos Norte.

"2) We hereby order defendants to pay plaintiff-appellant the amount of P55,037.40 with legal interest from the date of this judgment until payment.

"3) No pronouncement as to costs." (pp. 120-121, Rollo)

The defendants-intervenors filed a petition for review on certiorari of the modified decision of the appellate court (G. R. No. 72958). In a minute resolution, this Court dismissed the petition.

The records of the case were then remanded to the Regional Trial Court.

Thereafter, the lower court issued a writ of execution of the decision of the then Intermediate Appellate Court in A.C.-G.R. CV No. 00206. Efforts of the defendants-intervenors to set aside the writ of execution failed.

Hence, this petition.

In a resolution dated August 12, 1987, this Court, after considering the allegations contained, the issues raised and the arguments adduced in the petition as well as the comment and opposition of the private respondent gave due course to the petition.

The petitioners (defendants-intervenors in the cases below) raise the following issues:

"I. WHETHER OR NOT THE HONORABLE INTERMEDIATE APPELLATE COURT WAS CORRECT IN RENDERING ITS MODIFIED DECISION CONTRARY TO AND AGAINST THE FINAL DECISION OF THE SUPREME COURT ON THE MAIN CASE G. R. NO. L-6831 DECLARING PRIMO QUETULIO AS A PART OWNER OF LOTS 67 AND 68. (p. 21, Rollo)

"II. WHETHER OR NOT THE INTERMEDIATE APPELLATE COURT WAS CORRECT IN AWARDING IN FAVOR OF PRIMO QUETULIO IN THE AMOUNT OF P55,037.88 TO BE PAID BY THE DEFENDANTS, (p. 24, Rollo)

"III. WHETHER OR NOT THE HEIRS OF THE DECEASED DEFENDANTS ARE LIABLE TO PAY SAID DAMAGES, (p. 26, Rollo)

"IV. WHETHER OR NOT THE WRIT OF EXECUTION AND SUBSEQUENT ORDER OF THE REGIONAL TRIAL COURT OF ILOCOS NORTE WERE ISSUED LEGALLY, (p. 27, Rollo)

We grant the petition.

We have quoted in fair detail the antecedent facts of the case which clearly show that the parties, disputes in all the previous cases center on the extent of the interest of private respondent Primo Quetulio over Lots 67 and 68 of Exhibit "K".

The dispositive portion of this Court's resolution dated November 6, 1956 in G.R. No. 6831 which resolved the main case between the parties (complaint to quiet title over parcels of land filed by private respondent Primo Quetulio against the petitioners herein) categorically states:

"Wherefore, the dispositive part of the original decision is amended to read as follows:

"In view of all the foregoing, the decision appealed from is modified in the sense that any share in Parcels 67 and 68 of Exh. K (in San Juan and San Leon, Banna, Ilocos None) that would correspond to the heirs of the late Juan Ver, that is to say, Maria Ver and Florentin Ver, and their successor-in-interest, (Vicente Ver, Natividad Ver, Geronimo Florentin Ver, and intervenors-appellees, surnamed Tesoro, children of Carmen Ver) as heirs of the late D. Leon Ver, is hereby declared to be the property of appellant herein, Primo Quetuiio, and the value of the fruits corresponding to such undivided interest shall be determined and deducted from the damages awarded against said appellant. In all other respects, the decision appealed from is affirmed.

"Let the records be remanded to the Court below for further proceedings in conformity with this opinion. No costs in this instance." (pp. 48-49, Rollo)

In effect, this Court as early as 1956 had declared that the interest of private respondent Quetulio in Lots 67 and 68 of Exhibit "K" is limited only to the undivided share of the heirs of Juan Ver over said lots. This is so, because as explained in the November 6, 1956 resolution in G.R. No. 6831, granted earlier, the other heirs of Leon Ver are also entitled to their shares in those lots. This is the law between the parties vis-a-vis Lots 67 and 68 of Exhibit "K". A cursory reading of the questioned decision of the then Intermediate Appellate Court shows that it recognized this Court's resolution in G.R. No. 6831 as such. However, the appellate court, for reasons stated in its decision held that "what belongs to the plaintiff-appellant (Primo Quetulio) is the whole of Lots 67 and 68, which is the eastern half of the whole property of Juan Ver in San Leon and San Jose, Banna, Ilocos Norte."

The question now is whether or not the appellate court had jurisdiction to interpret this Court's final judgment.

The answer must be in the negative. Relevant to this issue is the case of Ang Ping and Carmen Pimentel v. Regional Trial Court of Manila, Branch 40, et al., G.R. No. 75860, September 17, 1987, where we stated:

"As early as 1922, this Court declared in *Shioji v. Harvey* (43 Phil. 333) that 'the only function of a lower court, when the judgment of a higher court is returned to it, is the ministerial one of issuing the order of execution. A lower court is without supervisory jurisdiction to interpret or to" reverse the judgment of the higher court.'

"This is especially true where it is a Supreme Court decision or resolution which states with finality how the particular case before it has been resolved. We ruled in *Tugade v. Court of Appeals* (85 SCRA 226):

"Respondent Court of Appeals really was devoid of any choice at all. It could not have ruled in any other way on the legal question raised. This Tribunal having spoken, its duty was to obey. It is as simple as that. There is relevance to this excerpt from *Barrera v. Barrera*. (L-31589, July 31, 1970, 34 SCRA 98). 'The delicate task of ascertaining the significance that attaches to a constitutional or statutory provision, an executive order, a procedural norm or a municipal ordinance is committed to the judiciary. It thus discharges a role no less crucial than that appertaining to the other two departments in the maintenance of the rule of law. To assure stability in legal relations and avoid confusion, it has to speak with one voice. It does so with finality, logically and rightly, through the highest judicial organ, this Court. What it says then should be definitive and authoritative, binding on those occupying the lower ranks in the judicial hierarchy. They have to defer and to submit.' (Ibid., 107). The opinion in *Barrera* further emphasizes the point: 'Such a thought was reiterated in an opinion of Justice J.B.L. Reyes and further emphasized in these words: 'Judge Gaudencio Cloribel need not be reminded that the Supreme Court, by tradition and in our system of judicial administration, has the last word on what the law is; it is the final arbiter of any justiciable controversy. There is only one Supreme Court from whose decisions all other courts should take their bearings. (Justice J.B.L. Reyes spoke thus in *Albert v. Court of First Instance of Manila* [Branch VI, L-26364, May 29, 1968, 23 SCRA 948, 961].'"

The fact that in G. R. No. 72958, we dismissed in a minute resolution the petition to review the modified resolution of the appellate court dated September 16, 1985 does not change the situation. A review of the records shows that the subject matter in that case (G. R. No. 72958), which was the extent of the interest of private respondent Primo Quetulio in Lots 67 and 68 of Exhibit "K", was already decided by this Court in G.R. No. 6831 as early as 1956. In fact, as already discussed, the petitioners even got a writ of execution of the 1956 decision prompting private respondent Primo Quetulio to file a petition for certiorari to annul the same (G. R. No. L-16406). We ruled in this second case that the decision was not yet final and executory, on the ground that there were proceedings yet to be undertaken before the judgment could be executed. This ruling, however, did not change the fact that the interest of private respondent Quetulio in Lots 67 and 68 of Exhibit "K" is limited to the undivided share of the heirs of Juan Ver over said lots as mandated in the 1956 decision.

This controversy has come before this Court at least four times and has unduly occupied too much of the time of the trial court of Ilocos Norte and the Court of Appeals to the prejudice of equally important cases. In the interest of substantial justice and fair play, it is time that the 1956 decision of this Court is implemented.

As regards the award of damages, the decision in G. R. No. 6831 affirmed the lower court's decision ordering private respondent Primo Quetulio to pay the petitioners P1,500.00 as damages per annum since 1945 until the possession of the parcels in question shall have been actually delivered to the latter. The decision, nevertheless added that the value of the fruits corresponding to such undivided interest shall be determined and deducted from the damages awarded against private respondent Quetulio.

The records do now show that this accounting has already been accomplished. The report of Apolinar Quetulio which was the basis for the award of P55,038.20 damages against the petitioners was set aside in another appellate decision (CA-G.R. No. 52744-R). This decision has long become final. Hence, it was error on the part of the appellate court to adopt the accounting of Apolinar Quetulio.

Considering these findings, the lower court erred in issuing a writ of execution of the appellate court's questioned decision.

Another development in this protracted case came about when the provincial sheriff of Ilocos Norte upon orders of the lower court levied and sold at public auction the properties of the intervenors (substituted intervenors) to satisfy the payment of the P55,038.20 damages awarded in favor of the private respondent by the Court of Appeals in AC-G.R. No. CV-00206.

The sale was conducted by the Sheriff on January 14, 1987 with the private respondent Dominica Q. Hernando as the highest bidder. The provincial sheriff acting pursuant to another order of the lower court decided to execute the final deed of sale in favor of private respondent Hernando.

Under these circumstances, the petitioners filed a petition "ex-parte for issuance of writ of preliminary injunction" to enjoin the provincial sheriff of Ilocos Norte from executing any final deed of sale in favor of private respondent.

On February 15, 1988, we issued a temporary restraining order restraining the provincial sheriff or his agents and representatives from executing any final deed of sale in favor of Dominica Q. Hernando by virtue of the auction sale which he conducted on January 14, 1987 in Civil Case No. 42 of the Regional Trial Court of Ilocos Norte, Branch 13 at Laoag City.

Considering our ruling that the questioned decision of the appellate court is null and void thus making the writ of execution improper, we now permanently enjoin the provincial sheriff of Ilocos Norte from executing the final deed of sale in favor of private respondent Hernando pursuant to the auction sale conducted by the provincial sheriff on January 14, 1987 in connection with Civil Case No. 42. The auction sale was conducted to satisfy the judgment of the questioned appellate court which is null and void. Necessarily, the auction is also null and void.

WHEREFORE, the instant petition is GRANTED. The questioned orders dated January 21, 1987 and February 12, 1987 of the Regional Trial Court of Ilocos Norte are SET ASIDE. The case is REMANDED to the proper branch of the lower court for the appropriate proceedings as mandated in this Court's decision dated June 29, 1956 as modified by the resolution dated November 6, 1956 in G. R. No. 6831. In lieu of the February 15, 1988 restraining order, we hereby issue a permanent injunction against the provincial sheriff of Ilocos Norte from executing a final deed of sale in favor of private respondent Dominica Q. Hernando based on the January 14, 1987 auction sale. Costs against the private respondent.

SO ORDERED.

Fernan (Chairman), Feliciano, Bidin, and Cortes, JJ., concur.

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