

JOSE RAMIREZ, FE RAMIREZ, JOSEFINA RAMIREZ, ERLINDA RAMIREZ AND DIOSDADO RAMIREZ, PETITIONERS, VS. THE COURT OF APPEALS, THE MINISTER (NOW SECRETARY) OF AGRICULTURE AND FOODS, A...

G.R. No. 85469. March 18, 1992

Ponente: NOCON, J.

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NOCON, J.:

This appeal by certiorari seeks the reversal of the decision of respondent court in C.A.-G.R. No. 14435 promulgated on August 29, 1988, dismissing petitioners' original action for certiorari which sought the nullification of the order of the Secretary of Agriculture and Foods dated August 26, 1986 holding in abeyance the execution of judgment and implementation of the order of the Director of the Bureau of Fisheries and Aquatic Resources dated October 11, 1973.

The facts adduced by the respondent court show that on October 11, 1973, Irene Vda. de Ramirez, now substituted by her heirs, herein petitioners, was granted a lease over a fishing area under Fp. A. No. 31471 covering 9.5040 hectares, situated at Masinloc, Zambales by the Acting Director, Bureau of Fisheries. The pertinent portion of said order^[1] is quoted, thus:

"WHEREFORE, premises considered, FLA. No. 540 of Vicente Tecson, should be as hereby it is declared TERMINATED, it being issued on December 8, 1953 and had already expired on December 31, 1964; that Valentina Vda. de Montero, be ordered to vacate the portion of the area she is occupying and should remove whatever existing improvements she has introduced therein, inasmuch as her occupation of a public land is without proper authority of the authorities concerned; Fp. A. No. 31471 of Mrs. Irene VDA. de Ramirez, should be as hereby it is, GIVEN DUE COURSE, to cover the whole area of 9.5040 hectares formerly under Ord. Fp. Permit No. F-564-C (Cancelled) of the late Catalino Ramirez."

On February 29, 1974 private respondent Valentina vda. de Montero filed a protest against the application of Irene vda. de Ramirez, alleging that the failure of the latter to disclose to the authorities concerned the transfer to said Valentina of a 4-hectare portion of the area under the permit, constituted fraud, and that the director's order of October 11, 1973 would unjustly enrich the said Irene vda. de Ramirez. The said protest of the private respondent was dismissed by the Director of Fisheries on August 12, 1975 and was again dismissed by the Minister of Natural Resources on November 21, 1978 upon appeal. It met the same fate on August 11, 1981 when the same protest was appealed to the Office of the President. On September 27, 1984, private respondent then filed a complaint before the Court of First Instance of Zambales to annul the aforesaid decision of the Office of the President. This was, however dismissed on September 27, 1984, and upon appeal therefrom, the Court of Appeals dismissed the appeal in its resolution of August 12, 1985.

When the dismissal resolution of the Court of Appeals became final and executory, herein petitioners, on July 21, 1986, filed with the Bureau of Fisheries and Aquatic Resources (BFAR) a motion for the execution of its order of

October 11, 1973. The OIC, BFAR issued a memorandum order dated August 5, 1986 to the Regional Director, MAF, San Fernando, Pampanga, for the immediate implementation of the said October 11, 1973 order. In compliance therewith, the provincial Fisheries Officer, served notices to private respondents, et al. and Candido delos Santos, et al. directing them to vacate the fishpond area they are occupying. Instead of complying with the order, private respondent on August 13, 1986, filed with the respondent Secretary (then Minister of Agriculture and Foods, MAF for short) an opposition to the motion for execution and acting on the said opposition, the respondent Secretary issued an order dated August 26, 1986, holding in abeyance action on the motion for execution "[i]n order that this office may act on the OPPOSITION TO THE MOTION FOR EXECUTION OF JUDGMENT..."[2]

On October 2, 1986, petitioners filed a motion for reconsideration of the August 26, 1986 order. Instead of acting on the motion, the respondent Secretary ordered that an investigation and ocular inspection of the area in dispute be conducted as it stated, to wit:

"The order dated October 11, 1973 of the Director of Fisheries, subject of implementation, refers to the adjudication of past facts, namely:

"1. That the area in question consists of two (2) lots, separated by a creek; Lot 1 (northern portion) consisting of 5.9412 hectares, and Lot 2 (southern portion) consisting of 3.6528 hectares. (Relocation Plan, records page 51)

"2. That Valentina Montero was ordered to vacate the portion of the area she was occupying and to remove the residential house in the north eastern portion of Lot 1. (Order dated October 11, 1973 and Report dated September 20, 1973 of Moises L. Matriano)

"3. That Valentina Montero has no fishpond improvements in 1973, since the improvements existing on the area per report of Moises L. Matriano, were those introduced in 1947.

"4. That the two (2) deeds of sale dated March 10, 1966 and April 19, 1966 executed by spouses Catalino Ramirez and Irene Bermudez Ramirez in favor of Valentina Montero were null and void for not having been approved by authorities concerned, pursuant to Fisheries Administrative Order No. 60-2 dated February 15, 1968. (Resolution, Aug. 11, 1981, Office of the President).

"5. That Fp. A. No. 31471 of Irene Vda. de Ramirez was given due course covering an area of 9.5040 hectares, formerly under OFP No. F-564-C (Cancelled) of the late Catalino Ramirez.

"During the pendency of the case for a period of twelve (12) years from October 11, 1973 to October 25, 1985, there were supervening events, the happenings of which necessarily affect the implementation of the Order dated October 11, 1973:

"1. That Irene Vda. de Ramirez and children, Jose B. Ramirez, Diosdado Ramirez, Bienvenido Ramirez, Josefina R. Cines, Erlinda R. Almandres, executed a Deed of Quitclaim (Records, p. 720-721) on February 18, 1982 in favor of Col. Florentino Cuaresma (Ret.) over a portion of the area in dispute, bounded on the North by Juan Arbizo, on the East by a Provincial Road, on the South by Irene Vda. de Ramirez (visible by dike), and on the West by the China Sea, containing an area of 3.0 hectares.

"2. That on March 17, 1982, Florentino Cuaresma filed with BFAR his Fp. A. No. 38736 covering 3.0 hectares.

"3. That Irene Vda. de Ramirez died on February 22, 1983 as evidenced by a certificate issued by the Office of the Local Civil Registrar, Masinloc, Zambales.

"4. That on August 15, 1984, the Heirs of Catalino Ramirez filed an application covering an area of 6.5940 hectares, stating that the area applied for is the same area covered by OFP No. F-564-C and FP. A. No. 31471 of

the late Catalino Ramirez and Irene Vda. de Ramirez.

"5. That there are extensive improvements on the area subsequently introduced by Jose T. Reyes and Montero, worth about P200,000.00, as alleged in the protest dated August 25, 1986 of Jose T. Reyes,;"[3]

Petitioners' motion for reconsideration was denied by the respondent Secretary in his order dated December 17, 1986.

In sustaining the view of the respondent Secretary, the Court of Appeals' stressed that the said Secretary has not refused to implement the October 11, 1973 order, "rather, he had merely held in abeyance implementation of the said order and directed that an investigation be conducted in view of 'supervening events, the happening of which necessarily affect the implementation of the order dated October 11, 1973' "[4]

The Court of Appeals opined that in as much as the subject area is still part of the public domain -- petitioners' claim was still in the application stage and no fishpond lease agreement having been as yet issued by the BFAR -- an investigation was necessary in order to determine "(1) the effect of the death of Irene Vda. de Ramirez on her Fp. A. No. 31471; (2) the effect of the Deed of Quitclaim dated February 18, 1982 executed by Irene Vda. de Ramirez and children in favor of Florentino Cuaresma over a portion of 3.0 hectares of area in dispute; and (3) the claim of Jose T. Reyes and Montero on the subsequent introduction of improvements on the area in dispute which are not considered in the Order sought to be implemented." [5] The appellate court further agreed with the respondent Secretary that holding in abeyance the implementation of the October 11, 1973 order would prevent complications that may arise had said order been immediately executed without determining the effects and ramifications of the aforesaid supervening events.

The only issue raised by the petitioners is whether a judgment that had long become final and executory can still be reconsidered and set aside.

It is the oft-repeated rule that once a judgment has become final, the issues therein should be laid to rest.[6] It is likewise equally settled that once a judgment becomes final, the prevailing party is entitled as a matter of right, to a writ of execution and the issuance thereof is the court's ministerial duty. In fact it has been fittingly said that "an execution is the fruit and end of the suit and is aptly called the life of the law." [7]

The rule nevertheless admits of exceptions. Specifically, when facts and events transpired after a judgment had become final and executory, which on equitable grounds render its execution impossible or unjust. In which case a stay or preclusion of execution may properly be sought.[8]

A suspension or refusal of execution of judgment or order on equitable grounds can only be justified upon facts and events transpiring after the judgment or order had become executory, materially affecting the judgment obligation.

Conversely, any attempt to frustrate enforcement of an executory judgment on the basis of facts or event happening prior to the finality of judgment cannot be sanctioned or allowed.

Justice Narvasa, now Chief Justice, could not have put it more aptly when he said:

"x x x Facts or events bearing on the substance of the obligation subject of the action should ordinarily be alleged during the issue-formulation stage or otherwise by proper amendment, and proved at the trial; if discovered after the case has been submitted but before decision is rendered, proved after obtaining a reopening of the case; and if discovered after judgment has been rendered but before it become final, substantiated at a new trial which the court in its discretion may grant on the ground of newly discovered evidence pursuant to Rule 37, Rules of Court. Once the judgment becomes executory, the only remedy left to attempt a material alteration thereof is that provided in Rule 38 of the Rules of Court (governing petitions for

relief from judgment), or an action to set aside the judgment on account of extrinsic, collateral fraud. There is no other permissible mode of preventing or delaying execution on equitable grounds predicated on facts occurring before finality of judgment." [9]

All the alleged supervening events transpired prior to 1986 when the judgment of the Court of Appeals became final and executory. Relying on the cited jurisprudence, said supervening events should have been raised before the judgment became final and executory, otherwise, their only remedy is to ask for relief from judgment or to have the judgment set aside based on extrinsic and collateral fraud. The latter was not pursued by private respondent obviously because she clearly has no basis to have the judgment set aside.

The fact is that the questioned order dated August 26, 1986 [10] of the Secretary of Agriculture and Foods was premised on the protest filed on August 13, 1986 by Jose T. Reyes (not by Valentina Vda. de Montero herself) against the issuance of the notice to vacate to private respondents and Candido delos Santos, alleging [11]:

"1. That the original case involving the fishpond x x x was between Catalino Ramirez and on Vicente Tecson x x x

"2. The investigation failed to disclose that Valentina Montero had previously bought the Ramirez fishpond on April 19, 1966 x x x Mrs. Montero filed her own application for fishpond permit on June 10, 1968 x x x

"3. Of the land bought by Mrs. Montero from the Ramirezes, a two-hectare portion thereof was sold to me sometime in December 1973

"4. That the Ramirezes have never been on the fishponds in question since their execution of the deed of sale of 1966, as shown by the extensive improvements introduced thereon worth about P200,000.00 more or less by Mrs. Montero and myself.

"5. Mrs. Irene Ramirez filed her application for the same fishponds on June 25, 1973, at a time when she had nothing more to apply x x x and the prior application of Mrs. Montero had been rejected on the flimsy ground that the transfer was not with the previous approval of the Commissioner.

"6. That to give currency to this x x x would sanction undue enrichment of the Ramirezes at the expense of Mrs. Montero and myself, because then the former would just pre-empt the vast improvements we have so far introduced on the fishponds in question x x x"

Items 1, 2, 4 and 5 have long been resolved since the Order dated August 12, 1975 [12], of the then Director of BFAR was handed down. Said Order reads:

"The allegations of protestant Montero that her entry over the area was based on the 'Deed of Sale' executed by the late Catalino Ramirez, for which she filed a proposed application on August 1, 1968 covering the area, was however denied by Protestee Irene Vda. de Ramirez, during the ex-parte investigation. It appears that the only documentary evidences submitted by counsel for protestant during the investigation were the following, namely: the alleged Deed of Sale: a tax declaration and the receipts of payments to the municipality.

x x x

"The alleged 'Deed of Sale' cannot be the basis of the protestant to occupy the area for it is not duly approved pursuant to existing rules and regulations governing the lease of fishponds; hence the same is without force and effect, as far as this office is concerned. Neither the tax declaration or the receipt of payments to the municipality, constitute a valid ground for the occupation of the area in controversy, for the law is explicit, that no person shall occupy public land for fishpond purposes unless a permit or lease agreement is duly issued in his favor."

This was affirmed in the decision [13] of the then Minister of Natural Resources, the dispositive portion of which

states:

"All told, appellant's entry into and occupation of the area is without legal basis. And the fact that she described the area for taxation purposes and paid the taxes thereon does not warrant said entry and occupation because the area is a forest land, the occupancy of which, without permit or authority, is prohibited under section 2 of the Fisheries Administrative Order (FAO) No. 60 dated June 29, 1960, the pertinent portion of which reads as follows:

'Use of Forest Lands - No person shall occupy or use any portion of the public forest land, including tidal, mangrove and other swamps x x x for fishpond purposes, without first securing thereof a permit or lease in accordance with the provisions of the Order.' "

This was again upheld by the Office of the President. It is quite evident from the records that as far as Valentina Vda. de Montero is concerned, she has no right over the fishpond in dispute and her entry/occupation therein was found to be unlawful.[14] Her status has long been determined and it is about time that We write finis to her claim.

Neither can Jose Reyes claim any right over a portion of the said area. Records show that he is a mere assignee of respondent Montero and not, as alleged by the Solicitor General, a new party who has introduced improvements, and who would be summarily ousted without the opportunity to be heard.[15] A purchaser of property cannot close his eyes and claim that he acted in good faith under the belief that there was no defect in the vendor's title.[16] A person buying can acquire no more than what the seller can legally transfer, because the latter can only sell what he owns or is authorized to sell. Reyes was very much aware of the defect in Mrs. Montero's title as he admitted that the prior application of Mrs. Montero for fishpond permit had been rejected as early as 1968. Considering such, he cannot claim to be a builder in good faith.

The general rule is that a builder in bad faith loses what he built without right to indemnity.[17] Moreover, Fisheries Administrative Order No. 60-2 dated 15 February 1968 specifically provides:

"That any transfer or sublease without the previous approval of Commissioner or by the Secretary, as the case may be, shall be considered null and void and deemed sufficient cause for the cancellation of the permit or lease, and the forfeiture of the improvement, and bond in connection therewith, in favor of the Government." [18]

As to the death of Irene Vda. de Ramirez, this is not such a supervening event as to warrant re--investigation of her application. She can simply be substituted by her heirs.

It appears then that the only legitimate supervening event which need to be determined is the effect of the quitclaim executed by Irene Vda. de Ramirez and her heirs in favor of Col. Florentino Cuaresma. Should it be found that the same is in order, the application of Irene Vda. de Ramirez, now substituted by her heirs, under Fp. A. No. 31471 covering 6.5940 (area which was not conveyed to Cuaresma) should finally be given due course.

WHEREFORE, the judgment of the Court of Appeals is set aside. Another judgment is hereby rendered: (1) ordering Valentina Vda. de Montero and/or her assigns to vacate the fishpond area they are occupying; (2) to remand this case to BFAR only for the purpose of determining the effect of the quitclaim executed by Irene Vda. de Ramirez and her heirs in favor of Col. Florentino Cuaresma (Ret.); and (3) to allow the heirs of Irene Vda. de Ramirez to substitute her in her lease application.

SO ORDERED.

Melencio-Herrera, (Chairman), Paras, Padilla, and Regalado, JJ., concur.

[1] Decision, p. 1.

[2] Rollo, p. 22, Annex "C", p. 2.

[3] Rollo, pp. 98-100, Decision, pp. 3-5.

[4] Decision, p. 5.

[5] Rollo, p. 100, Decision, p. 5.

[6] De Borja v. C.A., G.R. 37944, 163 SCRA 175 (1988).

[7] Garcia v. Echiveri, 132 SCRA 631 (1984).

[8] See concurring opinion of the then Justice, now Chief Justice Narvasa in the case of Baclayon v. CA, G.R. 89132, 182 SCRA 761 (1990) at p. 774.

[9] Baclayon, supra, at p. 776.

[10] Rollo, p. 21.

[11] C.A. Rollo, p. 89-90; Annex "3", p. 3; BFAR order dated Oct. 18, 1986, pp. 4-3.

[12] C.A. Rollo, pp. 16-17; Annex "A-1", pp. 2-3.

[13] C.A. Rollo, p. 18; Annex "B", p. 1.

[14] C.A. Rollo, p. 23; Resolution, Office of the President, p. 6.

[15] Rollo, p. 62; Comment by Respondent Secretary, p. 12.

[16] De la Cruz v. IAC, 157 SCRA 660.

[17] Article 449, Civil Code.

[18] CA Rollo, p. 23.

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