

SECOND DIVISION

[G.R. No. 111357, June 17, 1997]

**TRADERS ROYAL BANK, PETITIONER, VS. INTERMEDIATE
APPELLATE COURT AND HEIRS OF THE LATE JOSE C. TAYENGCO,
RESPONDENTS.**

RESOLUTION

ROMERO, J.:

The factual aspects of this case have already been resolved by this Court in G.R. No. 63855,^[1] wherein we ruled the deceased spouses Jose and Salvacion Tayengco to be the lawful owners of the properties under receivership, and G.R. No. 60076,^[2] where we affirmed the validity of the appointment of petitioner Traders Royal Bank (TRB) as receiver pendente lite.

In view of these rulings, the receivership proceeding was duly terminated. Thus, TRB rendered its final accounting of the funds under receivership wherein it retained the amount of P219,016.24 as its receiver's fee, instead of turning over the entire fund to the Tayengcos. The Regional Trial Court of Iloilo, Branch 5, in an order dated July 5, 1988, approved the final accounting submitted by TRB, including the deduction of its fee from the fund under receivership.

The Tayengcos assailed said order before the Court of Appeals,^[3] contending that TRB's compensation should have been charged against the losing party and not from the funds under receivership.

In resolving this issue the Court of Appeals,^[4] in its decision dated February 12, 1993, ruled that TRB cannot deduct its fee from the funds under its receivership since this must be shouldered by the losing party or equally apportioned among the parties-litigants. Consequently, TRB was ordered to return the P219,016.24 to the Tayengcos, and the losing parties, Cu Bie, et al., were held solely liable for TRB's compensation.^[5] TRB filed a motion for reconsideration, but this was denied by the appellate court in its resolution dated August 17, 1993.^[6]

In this appeal, TRB raises the following errors allegedly committed by the Court of Appeals:

1. The Hon. IAC (should be CA) erred when it rendered the judgment and Resolution ordering the return by TRB of Receiver's Fee of P219,016.24 to the heirs of Jose Tayengco, as it reversed the Decision of the Supreme Court in the case of Jose Tayengco vs. Hon. Ilarde, TRB, et al., GR. No. 60076, which ordered the Trial Court to "settle the account of the receiver, TRB" to thereafter discharge the receiver and charged as cost