

THIRD DIVISION

[G.R. No. 170349, February 12, 2009]

**SPS. IGLECERIO MAHINAY AND FIDELA MAHINAY,
PETITIONERS, VS. THE HON. ENRIQUE C. ASIS, PRESIDING
JUDGE, BRANCH 16, NAVAL, BILIRAN; SHERIFF LUDENILO S.
ADOR, DANILO VELASQUEZ III, VIRGILIO VELASQUEZ, MERLE
VELASQUEZ, ETHEL VELASQUEZ, CIELO VELASQUEZ, DR.
GERTRUDEZ VELASQUEZ AND LINO REDOBLADO, REPRESENTED
BY ATTY. GABINO A. VELASQUEZ, JR., RESPONDENTS.**

**SPS. SIMEON NARRIDO AND GLORIA E. NARRIDO, PERALTA,
PETITIONERS, VS. THE HON. ENRIQUE C. ASIS, PRESIDING
JUDGE, BRANCH 16, NAVAL, BILIRAN; SHERIFF LUDENILO S.
ADOR, DANILO VELASQUEZ III, VIRGILIO VELASQUEZ, LOLITA
VELASQUEZ, MARIA CIELO VELASQUEZ, DR. GERTRUDEZ
VELASQUEZ, GABINO VELASQUEZ IV, AND LINO REDOBLADO,
REPRESENTED BY ATTY. GABINO A. VELASQUEZ, JR.,
RESPONDENTS.**

D E C I S I O N

AUSTRIA-MARTINEZ, J.:

Before this Court is a petition for review on *certiorari* under Rule 45 of the Rules of Court seeking to set aside the June 6, 2005 Decision^[1] and October 20, 2005 Resolution^[2] of the Court of Appeals (CA) in CA-G.R. S.P. No. 84045 which affirmed the January 28, 2004 Order^[3] and April 26, 2004 Order^[4] of the Regional Trial Court (RTC) of Naval, Biliran.

The facts of the case:

On February 24, 1987, Danilo Gabino III; Ethel, Virgilio, Lolito, Gabino IV, Gertudes, Merle, Maria Cielo, Jose, all surnamed Velasquez; Lino Redoblado, Leo Redoblado (Leo), Jose Redoblado, and Marilyn Tansingco (Marilyn), all represented by Gabino A. Velasquez Jr. (Gabino, Jr.), collectively referred to as respondents, filed with the RTC of Naval, Biliran, Branch 16 a complaint for recovery of possession of parcels of lands against spouses Iglecerio and Fidela Mahinay (petitioners). This case was docketed as Civil Case No. B-0647 (Mahinay Case).^[5]

On January 6, 1988, respondents, with the exception of Ethel, Jose, Gertudes, Leo, Marilyn and Jose Redoblado, likewise represented by Gabino, Jr., filed with the same RTC a complaint for recovery of possession of parcels of lands against spouses Simeon and Gloria Narrido (petitioners). This case was docketed as Civil Case No. B-0682 (Narrido Case).^[6]

In both cases, respondents claimed that they were the absolute owners of the subject parcels of lands, as evidenced by the certificates of title issued in their names.

Meanwhile, on May 30, 1989, while the two cases were being tried by the RTC, the Republic of the Philippines (State) filed twelve separate complaints against respondents for the cancellation of their titles and for the reversion of the disputed lands to the mass of the public domain. These complaints were docketed as Civil Cases Nos. B-0735 to B-0746 (Reversion Cases).^[7]

On August 7, 1989, the RTC rendered its Decision^[8] in the Mahinay and Narrido Cases awarding to respondents the properties in dispute. Petitioners appealed the RTC decision to the CA.

In the meantime, on June 11, 1990, the RTC rendered its Decision^[9] in the Reversion Cases, dismissing all twelve cases, declaring the certificates of title issued to respondents as valid, and upholding respondents as lawful owners of the parcels of lands covered by the said titles. The State appealed the RTC decision to the CA.^[10]

While the appeal^[11] of the State in the Reversion Cases was pending, petitioners filed with the CA a "Motion to Suspend Proceedings" in the appeal of their case until after the appeal of the Reversion Cases shall have been resolved. The CA granted said motion.^[12]

On July 30, 1993, the CA in the Reversion Cases reversed^[13] the ruling of the RTC. The CA ruled that the lands in dispute were within public forest and thus declared that the certificates of title of respondents were null and void. The CA considered the lands to have reverted to the public domain.^[14] Respondents filed a Motion for Reconsideration,^[15] but the same was denied^[16] by the CA. Respondents appealed to this Court on a petition for review on *certiorari* ^[17] but the same was denied since it was not seasonably filed. Thereafter, on December 5, 2001, the CA, taking notice of the result of the Reversion Cases, promulgated its Decision^[18] in the Mahinay and Narrido Cases. The pertinent portions of the decision reads:

x x x x

While indisputably, the state owns the property, still the only entity that can question plaintiffs-appellees' [herein respondents] colorable title to it is the State. While the issuance of a certificate of title does not give the owner any better title than what he actually has, it is a rule long standing that 'in case where the State had granted free composition title to a parcel of land in favor of certain individuals, and there were other persons who tried to show that such land was cultivated by them for many years prior to the registration thereof in the name of grantees, the Supreme Court held that such persons who have not obtained title from the State cannot question the titles legally issued by the State.'

However, since it is the State that has dominion over the property, and it is not impleaded herein as a party, We believe it

not within Our province to order defendants-appellants [herein petitioners] to return the property to plaintiffs-appellees, as the same property should be given back to the State. Yet, considering the damage inflicted upon plaintiffs- appellees by reason of their dispossession of the subject lands, it is but fair that damages should be awarded to them for their inability to utilize the property for their own gain.

WHEREFORE, the Decision of the lower court is hereby MODIFIED, in that plaintiffs-appellees [herein respondents] are declared not the owner of the subject lands but the State. Plaintiffs-appellees, however, are declared to be better entitled to possession thereof, and as such entitled to actual damages owing to their inability to use them. Considering the paucity of evidence before Us on the value of damage sustained by plaintiffs- appellees, We resolve to hereby remand this case to the trial court for determination and computation of correct amount of damages due plaintiffs-appellees.

SO ORDERED. ^[19] (Emphasis and underscoring supplied)

On January 30, 2002, respondents filed with the CA a motion for the delivery of possession of the lands in dispute pending determination of ownership. In a Resolution^[20] dated April 11, 2002, the CA denied the motion. Thus, pursuant to the December 5, 2001 Decision of the CA, the case was remanded to the RTC for determination of the amount of damages due the respondents.

On October 7, 2002, respondents filed with the RTC a "Motion for the Issuance of a Writ of Execution Upon Determination and Computation of the Correct Amount of Award of Damages by the Honorable Court, in Favor of Plaintiff's."^[21]

On January 28, 2004, the RTC issued the herein assailed Order ^[22] awarding the possession of the disputed lands to the respondents, to wit:

x x x x

Finding the motion for execution to be with merit, the same is hereby GRANTED.

WHEREFORE, issue a writ of execution in favor of plaintiffs and against the defendants in accordance with the above computation **and further directing the Sheriff to place the plaintiffs [herein respondents] in possession of the land immediately being the registered owner (sic) thereof.**

SO ORDERED. ^[23] (Emphasis supplied)

Petitioners filed a Motion for Reconsideration^[24] of the RTC Order. Petitioners argued that the Order varied the decision of the CA it sought to execute when it ordered the sheriff to place the respondents in possession of the lands. The RTC denied the motion for reconsideration.^[25]

Petitioners then appealed^[26] the RTC Order to the CA.

On June 6, 2005, the CA issued a Decision^[27] denying petitioner's appeal, the dispositive portion of which reads:

IN LIGHT OF THE FOREGOING, we hold that public respondent Judge was correct when he issued the questioned orders dated January 28, 2004 and April 26, 2004, wherein he ordered for the issuance of a writ of execution to deliver the possession of the above-mentioned properties to the private respondents.

However, the trial court is ordered to conduct further proceedings to determine the amount of expenses, duly supported by evidence that the petitioners allegedly spent for the preservation and cultivation of the land. These expenses should be deducted from the total amount of damages petitioners are liable to pay the private respondents.

The amount of Php1,800.00, representing the excess payment for the docket and other legal fees is again ordered returned to the petitioners, as contained in Our Resolution dated June 3, 2004.

Costs against the petitioners.

SO ORDERED. ^[28]

The CA likewise denied petitioner's motion for reconsideration through a Resolution^[29] dated October 20, 2005.

Petitioner filed with this Court the present petition.

On February 13, 2006, this Court issued a Temporary Restraining Order^[30] enjoining the public respondents from implementing the June 6, 2005 Decision and October 20, 2005 Resolution of the CA.

The Petition assigns a single assignment of error of the CA, to wit:

THE HONORABLE COURT OF APPEALS ERRED IN HOLDING THAT THE RESPONDENT JUDGE ENRIQUE C. ASIS WAS CORRECT WHEN, IN EXECUTING THE DECISION (ANNEX "C") AND RESOLUTION (ANNEX "D") OF THE COURT OF APPEALS, HE ISSUED THE QUESTIONED ORDERS (ANNEXES "F" AND "H") WHEREIN HE DIRECTED THE RESPONDENT SHERIFF TO PLACE THE PRIVATE RESPONDENTS IN POSSESSION OF THE LANDS SUBJECT MATTER OF THE CASES THEY "BEING THE REGISTERED OWNER [SIC] THEREOF"^[31]

The petition is meritorious.

The RTC, in executing the December 5, 2001 CA decision, may not grant a relief not ordered by the said appellate court.

To stress, the December 5, 2001 Decision of the CA only ordered the remand of the case to the RTC for the determination and computation of the amount of damages due private respondents.^[32] More importantly, possession over the lands in dispute was not awarded by the CA to private respondents. Thus, on remand, the RTC was only expected to compute the amount of damages and award the same to respondents. However, in its January 8, 2004 Order, the RTC ordered the sheriff to place respondents in possession of the lands declaring them to be the registered owners thereof.^[33]

The RTC justified its Order of awarding possession of the lands in dispute to respondents by relying on the April 11, 2002 Resolution^[34] of the CA. The RTC ratiocinated in its Order that the CA had modified its stand on the issue of possession, thus:

x x x x

Most importantly, on April 11, 2002, the Court of Appeals, that rendered the decision of December 5, 2001, modified its stand, thus:

"At the time the Titles of Plaintiffs subsisted, there was color of title in favor of Appellees [herein respondents], and the same was an operative fact which granted them a better right to possess the property, as against Appellants [herein petitioners] who, being are practically squatters, do not have any possessory rights."

This Order of the Court of Appeals, clearly supports the Order of execution of this Court, to include delivery of possession. Since the Rules of Procedure, are the same in all Courts, the rule in *Malolos vs. Dy*, 325 SCRA 827, finds appropriate applicability "that the Court, who ordered the execution exercises general supervisory control over its processes of execution and this power carries with it the right to determine every question of fact and law involved in the execution." x x x x

"The finality of the decision with respect to possession de facto cannot be affected by the pendency on appeal of a case where ownership of the property is being contested. *Carreon vs. Court of Appeals*, 291 SCRA 78; Moreover, it is now a musty principle of justice that a right cannot arise from a wrong. (*San Miguel vs. Sandiganbayan* 340 SCRA 289)

WHEREFORE, premises considered, the Motion for Reconsideration and the Supplemental Motion of Defendants praying for a Modification of the award for damages cannot be granted, for Defendants admitted the areas they have occupied in their Comment to the Commissioner's Report and that the computation of this Court of the palay harvest was based on Government records from the Bureau of Agriculture and from the National Food Authority. **The order of the Court of Appeals, of December 5, 2001, was modified by the same Court on April 11, 2002, as follows:**