

THIRD DIVISION

[G.R. NO. 164914, October 05, 2005]

NATALIA REALTY, INC., PETITIONER, VS. HON. MAURICIO M. RIVERA, PRESIDING JUDGE, BR. 73, REGIONAL TRIAL COURT, ANTIPOLO CITY, BRANCH CLERK OF COURT GLORIA M. DE GUZMAN, DEPUTY SHERIFF ROLANDO P. PALMARES, ANTONIO MARTINEZ, FELIPE PADUA, MARIO PERFECTO AND HERMITO SALUDEGA, RESPONDENTS.

DECISION

CORONA, J.:

This case has dragged on for more than two decades because of the dilatory tactics employed by petitioner to thwart the final and executory orders of the courts. The endless motions and opposition filed by petitioner to block the implementation of said orders have not only delayed but also mocked our justice system. This is reprehensible.

The facts follow.

On January 24, 1984, petitioner Natalia Realty Inc. filed an action for recovery of possession of two parcels of land covered by Transfer Certificate of Title Nos. 31527 and 31528 located at Sitio Banabas, Antipolo, Rizal against private respondents Antonio Martinez, Felipe Padua, Mario Perfecto and Hermito Salodega^[1]. Petitioner alleged that private respondents were illegally occupying certain portions of the subject property. Private respondents, on the other hand, contended that they had been in possession of their respective houses and lots even before the outbreak of World War II.^[2]

After the issues were joined, trial ensued.

Seven years later, on August 26, 1991, the court *a quo* issued an order^[3] dismissing the case for petitioner's lack of interest to prosecute. Private respondents filed a motion to have the possession of the property restored to them. In an order dated April 20, 1992, the trial court granted the private respondents' motion:

Accordingly, this Court, after a judicious scrutiny of the position taken by the defendants finds defendants' motion to be impressed with merit. Plaintiff Natalia Realty is hereby ordered to surrender or restore the possession of the subject property to herein defendants.

Let copies of this Order be furnished each of the parties and their respective counsel.

SO ORDERED.^[4]

On May 20, 1992, petitioner filed an urgent manifestation and motion to set aside the orders dated August 26, 1991 and April 20, 1992. In denying the motion, the trial court held that:

xxx xxx xxx

The questioned order dated August 26, 1991 dismissing the case for failure to prosecute has the effect of an adjudication upon the merits and is understood to be with prejudice (Sec. 3, Rule 17, Rules of Court). Moreover, the order has already become final and executory as plaintiff failed to file a motion for reconsideration or to appeal the same within the 15-day reglementary period from its receipt of said Order on September 21, 1991. For this reason alone, this Court has already lost jurisdiction to modify or alter the August 26, 1991 order. The rule is that once a judgment or order has become final and executory, said judgment or order can no longer be amended, much less revoked, by the Court, and the only authority left is to order its execution.

WHEREFORE, in view of the foregoing premises, plaintiff's urgent manifestation and motion is hereby denied for lack of merit.

SO ORDERED.^[5]

On April 23, 1993, petitioner filed with the Court of Appeals a petition for certiorari assailing the dismissal of its motion. In its decision^[6] dated June 18, 1993, the CA dismissed the petition reasoning as follows:

Moreover, the petition seeks to reopen the trial of a case which has already been dismissed by the court for failure to prosecute, and from which order of dismissal no motion for reconsideration nor appeal was admittedly taken despite receipt of the order on September 21, 1991. The trial court is correct when it ruled that for this reason alone, the court had already lost jurisdiction to modify or alter the August 26, 1991 order, following the settled rule that once a judgment or order has become final and executory said judgment or order can no longer be amended, much less revoked by the court, and the only *authority left is to order its execution.*^[7]

On December 21, 1993, judgment was entered on the case.

On March 15, 1995, private respondents filed with the trial court a motion for execution to enforce the final and executory orders of August 26, 1991 and April 20, 1992. Without acting on the motion, Judge Francisco A. Querubin^[8] wrote the Ninth Division of the Court of Appeals inquiring as to what final orders and decisions he should enforce in Civil Case No. 359-A.

In a resolution dated June 27, 1995, the CA declared that the following orders and decision should be executed in Civil Case No. 359-A:

(1) the decision of the trial court dated August 26, 1991 dismissing the complaint for recovery of possession filed by herein petitioner;

(2) the order of the trial court dated April 20, 1992 ordering petitioner to surrender possession of the property to private respondents, and

(3) the decision of the fifth division of the Court of Appeals in CA-G.R. SP No. 30787 dated June 18, 1993 dismissing the petition for certiorari filed by petitioner.^[9]

On August 3, 1995, Judge Querubin issued an order granting private respondents' motion for execution pursuant to the above resolution of the CA:

Let the corresponding Writ of Execution be issued directing the Deputy Sheriff of this Court to cause the plaintiff to surrender or restore the possession of portions of the parcels of land covered by TCT No. 31527 and 31528 (now No. N-67845) to the defendants which were in possession of the latter prior to the implementation of the temporary restraining order dated January 30, 1994.^[10]

Judge Querubin, however, inhibited himself from further acting on the case and the case was re-raffled to Branch 71 of the Regional Trial Court of Antipolo, Rizal with Judge Felix Z. Caballes as presiding judge. On November 6, 1995, Judge Caballes granted petitioner's MR and reversed the resolution of the CA citing the ruling of the Supreme Court in *Natalia Realty v. Department of Agrarian Reform* as a supervening event.

On December 6, 1995, private respondents filed with the CA an urgent manifestation with prayer for the issuance of a writ of execution claiming that the November 6, 1995 order of Judge Caballes was a complete reversal of the orders and decisions of the CA. On June 19, 1996, the CA issued a resolution, the pertinent portion of which reads:

x x x the Court RESOLVED, a) that in view of the resolution dated June 27, 1995 which is hereby REITERATED, the plaintiff-appellee's motion dated July 10, 1995 is NOTED, b) to REQUIRE Hon. Felix Caballes of RTC-Br. 71, Antipolo, Rizal to COMMENT why he should not be held in contempt of court for disobeying the lawful orders, decisions of this Court within 10 days from notice hereof.^[11]

Petitioner moved for a reconsideration of the above resolution but it was denied. And so it filed a petition for certiorari with this Court seeking to annul the June 27, 1995 resolution of the former Ninth Division of the CA. Also assailed in the petition was the CA resolution dated June 19, 1996 reiterating the June 27, 1995 resolution.

On November 12, 2002, the then First Division of this Court rendered a decision^[12] in G.R. No. 126462^[13], the dispositive portion of which read:

WHEREFORE, the petition is DISMISSED. The Regional Trial Court of Antipolo, Rizal, Branch 74, shall forthwith issue and cause to be immediately enforced an ALIAS WRIT OF EXECUTION of the Order of August 3, 1995 granting possession to private respondents of portions of the parcels of land covered by TCT Nos. 31527 and 31528 (now No. N-67845). This decision is immediately executory. The Clerk of Court is directed to remand the records of the case to the court of origin.