

FIRST DIVISION

[G.R. No. 68166, October 13, 1997]

**HEIRS OF EMILIANO NAVARRO, PETITIONERS, VS.
INTERMEDIATE APPELLATE COURT AND HEIRS OF SINFOROSO
PASCUAL, RESPONDENTS.
R E S O L U T I O N**

HERMOSISIMA, JR., J.:

On March 21, 1997, private respondent Heirs of Sinforoso Pascual, by counsel, filed a pleading denominated as "Omnibus Motion (Re: Motion for Clarification/Reconsideration/ to Remand case)" with the following presentation:

"I

Re: Motion for Clarification

1.1 Without meaning to be fastidious, the Pascual Heirs find the Decision promulgated by the Honorable court on 12 February 1997 ('Decision') confusing.

1.1.1 The dispositive portion of the decision 'DENIED and DISMISSED' the petition for review filed by petitioners Heirs of Emiliano Navarro ('Navarro Heirs'). This ordinarily means that the appealed decision of the then Intermediate Appellate Court was affirmed. Consequently, Pascual heirs are apparently entitled to the issuance of a decree of registration over the subject land.

1.1.2. In the body of the Decision, however, this Honorable Court declared the subject land part of the public domain, not capable of appropriation by any private person, including the Pascual Heirs, 'except through express authorization granted in due form by a competent authority'.

xxx xxx xxx

1.4. It is in this light that the Pascual Heirs now move that this Honorable Court clarify x x x the dispositive portion of the Decision x x x.

II

Re: Motion for Reconsideration

2.1. Should this Honorable Court clarify that the Decision actually reversed, not affirmed, the appealed decision of the then Intermediate Appellate Court, the Pascual Heirs respectfully submit that the Decision should be reconsidered.