REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **December 7, 2022** *which reads as follows*:

"G.R. No. 203660 (GREGORIO TAMPICAN, *Petitioner* **v. BAROY EDWIN [deceased], substituted by his heirs TERESITA EDWIN, FEBSON EDWIN, BERLINDA E. LUNA, et al.,** *Respondent***).** — "A supervening event consists of facts that transpire after the judgment became final and executory, or of new circumstances that develop after the judgment attained finality, including matters that the parties were not aware of prior to or during the trial because such matters were not yet in existence at that time."[1]

This Court resolves a Petition for Review[2] filed by Gregorio Tampican (Tampican) assailing the February 29, 2012 Decision[3] and August 22, 2012 Resolution[4] of the Court of Appeals, which denied his appeal against the Decision of the Regional Trial Court of Baguio City. The trial court dismissed Tampican's Petition for *Certiorari* which assailed the issuance by the Municipal Trial Court in Cities of Baguio City of a Writ of Execution and Writ of Demolition for Civil Case No. 9182.

Baroy Edwin (Baroy) filed on January 10, 1994 a complaint for forcible entry, damages, and injunction and/or temporary restraining order against Tampican's late wife Ludivina Tampican (Ludivina) before the Municipal Trial Court in Cities of Baguio City. The complaint, docketed as Civil Case No. 9182,[5] covered a 23,420-square meter lot which Baroy inherited from his mother, Kangi.[6]

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1 *Abrigo v. Flores*, 711 Phil. 251, 262 (2013) [Per J. Bersamin, First Division].
2 *Rollo*, pp. 13–31.
3 Id. at 33–41. The February 29, 2012 Decision was penned by Associate Justice Jose C. Reyes, Jr. and concurred in by Associate Justices Priscilla J. Baltazar-Padilla and Agnes Reyes-Carpio of the Tenth Division, Court of Appeals, Manila.
4 Id. at 56. The August 22, 2012 Resolution was penned by Associate Justice Jose C. Reyes, Jr. and concurred in by Associate Justices Priscilla J. Baltazar-Padilla and Agnes Reyes-Carpio of the Former Tenth Division, Court of Appeals, Manila.
5 Id. at 33–34.
6 Id. at 34 & 38.

On July 10, 1995, the Municipal Trial Court in Cities of Baguio City decided in favor of Baroy, and ordered Ludivina and the other defendants to remove the structures they had erected on the property and to vacate the premises:

> WHEREFORE, in view of all the foregoing, insofar as the TWENTY THREE THOUSAND FOUR HUNDRED TWENTY (23,420) SQUARE METERS – LOT inherited by Baroy Edwin from Kangi (Exhibits "A", "A-1" & "A-2") is concerned, Ludivina Tampican and her co-defendants are intruders and guilty of forcible entry. They are therefore, ordered to remove at their own expense whatever structure or structures they have erected thereon, vacate the premises and return/surrender possession thereof to the plaintiff, Baroy Edwin.[7]

Ludivina appealed to the Regional Trial Court, which rendered a Decision on September 20, 2000 denying the appeal.[8] This Decision became final and executory.

Thus, on July 3, 2001, the Municipal Trial Court in Cities of Baguio City implemented its July 10, 1995 Decision and issued the Writ of Execution and Writ of Demolition.[9]

Ludivina questioned the implementation of the Decision by filing a Petition for *Certiorari* before the Regional Trial Court. She said that she opposed the issuance of the Writs of Execution and Demolition on the ground that the Department of Environment and Natural Resources had granted her Townsite Sales Application. To her, this constituted a supervening event which justified the stay of the execution. Despite her opposition, the Municipal Trial Court in Cities of Baguio City gravely abused its discretion when it issued the writs.[10] Ludivina died during the pendency of the Petition for *Certiorari* before the Regional Trial Court, and she was substituted by her husband Tampican.[11]

The Regional Trial Court found no grave abuse of discretion. It found that the approval of the Townsite Sales Application on September 9, 1997 only came two years after the July 10, 1995 Decision on the forcible entry case became final and executory.[12]

Tampican appealed this Decision to the Court of Appeals, now raising an earlier ejectment case (Civil Case No. 7694) filed in 1983 by Ricardo Bernal (Bernal), who was Ludivina's predecessor-in-interest, against

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[7] Id. at 34.
[8] Id.
[9] Id.
[10] Id.
[11] Id. at 19.
[12] Id. at 35.

Baroy's brother, Andrew Edwin (Andrew).[13] The Municipal Trial Court in Cities initially dismissed the case, but this was overturned by the Regional Trial Court, which ordered Andrew to vacate the premises and restore Bernal's possession.[14]

However, Tampican explained that they only learned about this case when Civil Case No. 9182 was being executed; thus, the opposition to the motion for the issuance of the writs "on the ground of prior judgment and supervening event."[15] He claims that Baroy only filed the ejectment case in Civil Case No. 9182 "to avoid the legal effects of Civil Case No. 7694," which allowed Bernal to recover possession over the property.[16]

Moreover, Tampican also noted that the Decision in Civil Case No. 7694 was enforced in 1991, which was prior to the institution of Baroy's complaint in Civil Case No. 9182 in 1994. Thus, the prior case should have already resolved the question on possession.[17]

Additionally, Tampican alleged that the heirs of Bugnay, two of whom are Baroy and Andrew, had initiated in 1984 a complaint for administration, partition, recovery of possession and ownership against Bernal, docketed as Civil Case No. 372-R, before the Regional Trial Court. This case, however, was dismissed for failure to prosecute. Bernal then transferred a portion of the property to Ludivina, who then filed a Townsite Sales Application.[18]

Baroy, however, denied any involvement in the earlier Civil Case No. 7694 which involved the parcels of land from Bugnay. The land subject of the case is different from the land in Civil Case No. 9182.[19]

The Court of Appeals denied Tampican's appeal, ruling that Civil Case No. 7694 was not a supervening event that can stay the execution of a final and executory judgment.[20] Moreover, it stated that the only issue in a forcible entry case is possession *de facto*, and "even the pendency of an action for reconveyance of title over the property does not divest the city or municipal trial court of its jurisdiction to try the forcible entry or unlawful detainer case."[21]

The dispositive portion of the Court of Appeals Decision[22] reads:

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[13] Id. at 36.
[14] Id.
[15] Id. at 37.
[16] Id.
[17] Id.
[18] Id. at 36–37.
[19] Id. at 38.
[20] Id. at 38–40.
[21] Id. at 40.
[22] Id. at 41.

> **WHEREFORE**, the appeal is **DENIED** for lack of merit. The Decision dated May 4, 2010 of the Regional Trial Court, Branch 3 of Baguio City in Civil Case No. 5035-R is hereby **AFFIRMED**.
>
> **SO ORDERED**.

After a failed Motion for Reconsideration,[23] Tampican now files this Petition for Review.

Petitioner Tampican argues that the issue on possession has already been settled in Civil Case No. 7694, which was decided in favor of Bernal, his predecessor-in-interest. The Decision directed Baroy's brother, Andrew, to vacate the premises.[24] Petitioner argues that Baroy and Andrew sought to avoid the effect of this Decision, so Baroy filed a case against Ludivina without impleading Bernal whose right was already sustained in the earlier case.[25] Petitioner claims that this was done to hide the existence of the first case from Ludivina, who only came to know about it during the execution stage of the latter case.[26]

Petitioner also insists that, if Bernal was in peaceful possession of the bigger lot, then his successors-in-interest, which includes Ludivina and petitioner, should also be in peaceful possession of the smaller part which was transferred to her.[27] Further, he says that even if it was Andrew who lost to Bernal in the previous case, he was representing a similar interest with his brother Baroy as heirs of Bugnay, as evidenced by their complaint in Civil Case No. 372-R for recovery of possession, which Baroy signed.[28] Tampican claims that the issuance of the writs of possession and demolition would be an "indirect abrogation or nullification of the earlier final Court ruling recognizing the right of Ricardo G. Bernal to the premises."[29]

Petitioner further claims that Baroy's admission in his verified complaint in Civil Case No. 372-R that Bernal is in possession of the property should be binding on him.[30] Bernal's possession should thus extend to Ludivina as transferee of the portion of the property.[31]

Moreover, petitioner argues that the land in question is public land, being part of the Baguio City Townsite Reservation. Thus, it can only be converted to private land for private ownership through a Townsite Sales

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[23] Id. at 56.
[24] Id. at 20–21.
[25] Id. at 21.
[26] Id.
[27] Id.
[28] Id. at 22 & 16
[29] Id. at 22.
[30] Id. at 23–24.
[31] Id. at 24.

Application, which Ludivina already applied for on September 9, 1997.[32] She says that the structures she introduced in the property, including their family home, were in compliance with the Townsite Sales Application she filed, where she was given a fixed period of one year to introduce such improvements.[33] Petitioner Tampican says that Ludivina's Townsite Sales Application had already reached the last stage of the process, and what was left was the bidding process where respondent Baroy can participate.[34]

Tampican also disagrees with the Court of Appeals' statement that the ground he relies upon for the stay of execution could have been foreseen at the time of the trial of the case, since what is being sought is to correct an injustice to a party litigant.[35] He prays that the writ of demolition be deferred until the completion of the proceeding for the Townsite Sales Application.[36]

For his part, respondent Baroy argues in his Comment[37] that petitioner is mistaken in equating his interest with that of his brother, Andrew. He notes that the Petition originated from the forcible entry case docketed as Civil Case No. 9182, which covered the 23,420-square meter lot he inherited from his mother Kangi.[38] On the other hand, the case between Bernal and Andrew in Civil Case No. 7694, which petitioner cites, involves a separate lot. Respondent asserts that he had nothing to do with that case.[39]

Civil Case No. 9182 or the forcible entry case he filed against petitioner refers to the illegal structures which were constructed on his land subject. Respondent reiterates that the property he inherited from his mother Kangi "is entirely different from the lot taken by Ricardo Bernal from Wagney Bugnay."[40]

As to why Bernal was not joined as a respondent in Civil Case No. 9182, respondent maintains that it was because Bernal never introduced any structures on his inherited land. It was petitioner's late wife, Ludivina, who introduced the improvements, and therefore only she was the proper party in the forcible entry case. Petitioner's insinuation that not including Bernal was intentionally done to evade the decision in Civil Case No. 7694 is erroneous.[41] The two cases refer to different lots.[42]

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32 Id. at 25.
33 Id. at 25–27.
34 Id. at 26.
35 Id. at 28–29.
36 Id. at 29.
37 Id. at 97–103.
38 Id. at 98–99.
39 Id. at 99.
40 Id.
41 Id.
42 Id. at 100.

Moreover, respondent quotes the Court of Appeals' finding that the Townsite Sales Application filed by Ludivina on September 9, 1997 could not be considered a supervening event because the application was only made after the Decision in Civil Case No. 9182.[43] He also characterizes petitioner's statement that he can participate in the public bidding of the property as part of the Townsite Sales Application process, because petitioner knows very well that respondent and his heirs do not have the financial capacity to participate in such bidding process.[44]

Finally, respondent says that it is only a ministerial duty on the part of the trial court to order the execution of a final and executory judgment.[45]

In his Reply,[46] petitioner reiterates his earlier arguments that the issue of possession had already been decided. He faults respondent for claiming that the lot in question in this case is not within the land which was the subject of the earlier case where peaceful possession was restored to Bernal.[47] He restates the argument that Baroy, and not Andrew, filed the forcible entry case, and excluded Bernal as a defendant to evade the legal effects of Civil Case No. 7694.[48] Petitioner maintains that, even if it appears that there is no identity of parties in the two cases and that they involve different properties, there was actually just one property which Bernal obtained from the Bugnays. Moreover, prior to the filing of the forcible entry case, Baroy already instituted a recovery of possession case docketed as Civil Case No. 372-R against Bernal, where he recognized Bernal's possession.[49]

Petitioner insists that Baroy's admission in his verified complaint in Civil Case No. 372-R that Bernal is in possession of the property should be binding on him.[50] Finally, he argues that the Department of Environment and Natural Resources' decision on Ludivina's Townsite Sales Application is a supervening event.[51]

During the pendency of the petition, respondent Baroy died and was substituted by his surviving spouse and children.[52]

On October 15, 2018, this Court required the parties to move in the premises.[53]

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[43] Id.
[44] Id.
[45] Id. at 101.
[46] Id. at 118--130.
[47] Id. at 119.
[48] Id. at 121.
[49] Id. at 121–122.
[50] Id. at 126.
[51] Id. at 126–128.
[52] Id. at 140 & 175–176.
[53] Id. at 135.

Respondent filed a Compliance, stating that as of December 14, 2018, the lot in question was already occupied by informal settlers despite the verbal opposition of respondent Baroy's heirs.[54]

Petitioner has not filed his Compliance despite the grant of a Motion for Extension.[55]

The issue in this case is whether the Court of Appeals erred in affirming the Regional Trial Court's Decision, finding no grave abuse of discretion on the part of the Municipal Trial Court in Cities of Baguio City when it issued the writs of possession and demolition to implement its final and executory decision in Civil Case No. 9182.

The Petition is denied.

The present Petition originated from an action for forcible entry filed by respondent Baroy against Ludivina, the late spouse of petitioner Gregorio Tampican, because of the improvements introduced by Ludivina on the lot owned by Baroy.

The Municipal Trial Court in Cities of Baguio City ruled in favor of Baroy, and its Decision was affirmed by the Regional Trial Court. The Decision became final and executory. Thereafter, it ordered the issuance of the Writs of Possession and Demolition.

It is at this stage of the proceedings in the trial court that petitioner wants to stay the execution of the final Decision relying mainly on the ground that supervening events have since transpired.

In *Mercury Drug Corporation v. Spouses Huang*:[56]

> A final and executory judgment produces certain effects. Winning litigants are entitled to the satisfaction of the judgment through a writ of execution. On the other hand, courts are barred from modifying the rights and obligations of the parties, which had been adjudicated upon. They have the ministerial duty to issue a writ of execution to enforce the judgment.
>
> It is a fundamental principle that a judgment that lapses into finality becomes immutable and unalterable. The primary consequence of this principle is that the judgment may no longer be modified or amended by any court in any manner even if the purpose of the modification or

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[54] Id. at 147.

[55] Id. at 175–176.

[56] 817 Phil. 434 (2017) [Per J. Leonen, Third Division].

> amendment is to correct perceived errors of law or fact. This principle known as the doctrine of immutability of judgment is a matter of sound public policy, which rests upon the practical consideration that every litigation must come to an end.[57] (Citations omitted)

Thus, this doctrine of immutability of judgments serves to preclude further delays in the administration of justice and to put a certain order in the discharge of this duty. It also seeks to put an end to controversies and to avoid the relitigation of the same issue.[58]

However, this rule admits of several exceptions. These are:

> (1) [T]he correction of clerical errors;
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> (2) [T]he so-called *nunc pro tunc* entries which cause no prejudice to any party;
>
> (3) [V]oid judgments; and
>
> (4) [W]henever circumstances transpire after the finality of the decision rendering its execution unjust and inequitable.[59] (Citation omitted)

Petitioner claims the fourth exception. Supervening events pertain to "facts *after* judgment has become final and executory or to new circumstances which developed *after* the judgment has acquired finality, including matters which the parties were not aware of prior to or during the trial as they were not yet in existence at that time."[60]

To claim this exception, two things must concur: "[F]irst, the fact or circumstance must occur after the judgment became final and executory; and second, the fact or circumstance must be shown to affect or change the judgment's substance, making its execution inequitable."[61]

To recall, petitioner raises two matters as supervening events that should stay the execution of a final and executory judgment: (1) a prior forcible entry case docketed as Civil Case No. 7694 between Bernal and Andrew had already settled the question of possession over the property, and (2) a Townsite Sales Application filed by Ludivina which is at the final stage of the application process requiring a public bidding of the lot.

As to the Decision in Civil Case No. 7694, this Court finds that this

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57 Id. at 445.

58 *See Ginete v. Court of Appeals*, 357 Phil. 36, 55 (1998) [Per J. Romero, Third Division].

59 *FGU Insurance Corporation v. Regional Trial Court of Makati City, Branch 66*, 659 Phil. 117, 123 (2011) [Per J. Mendoza, Second Division].

60 *Natalia Realty, Inc. v. Court of Appeals*, 440 Phil. 1, 23–24 (2002) [Per J. Carpio, First Division]. (Emphasis in original)

61 *Gocolay v. Gocolay*, G.R. No. 220606, January 11, 2021 [Per J. Leonen, Third Division].

cannot be considered a supervening event. The case was filed on May 25, 1983 and decided on appeal by the Regional Trial Court on February 13, 1986. Thus, when respondent Baroy filed the forcible entry case in 1994 and decided on July 10, 1995, even when it was decided on appeal which became final and executory on September 20, 2000, Civil Case No. 7694 already existed.

The first requisite for a supervening event is therefore not met. The fact alleged by petitioner occurred before the judgment became final and executory. Even if petitioner had no knowledge of this development, for whatever reason, this does not change the fact that the event is not a supervening one. In *Abrigo v. Flores*,[62] it was explained that:

> [A] supervening event consists of facts that transpire after the judgment became final and executory, or of new circumstances that develop after the judgment attained finality, including matters that the parties were not aware of prior to or during the trial because such matters were not yet in existence at that time.[63]

Moreover, petitioner's supposed predecessor-in-interest was a party to that case; it would not have been unforeseeable or impossible for petitioner to learn about the existence of such case. Nevertheless, despite the petitioner's lack of knowledge about this case, the rule only considers it as a supervening event if it was not yet in existence at the time of the decision's finality. This is not the case here.

As to the Townsite Sales Application by Ludivina, she filed the application on February 1, 1994, a month after the filing of the complaint for forcible entry in Civil Case No. 9182 on January 10, 1994. The Department of Environment and Natural Resources acted favorably on the application on May 11, 1995, and granted her authority on November 5, 1997 to enter and introduce improvements pursuant to the application process.[64] The Regional Trial Court rejected petitioner's theory that the Townsite Sales Application was a supervening event because it was filed after the decision in the forcible entry case in Civil Case No. 9182.[65]

However, at that time, the Municipal Trial Court in Cities' Decision was not yet final and executory as it was appealed by petitioner before the Regional Trial Court. The application was approved and authority to introduce amendments was given before the Regional Trial Court acted on petitioner's appeal from the adverse decision in Civil Case No. 9182. To recall, the appeal was denied only on September 20, 2000. The Order implementing the affirmed Decision in Civil Case No. 9182 was issued on

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[62] 711 Phil. 251 (2013) [Per J. Bersamin, First Division].
[63] Id. at 262.
[64] *Rollo*, p. 18.
[65] Id. at 35.

July 3, 2001. At this point, after exhaustion of the parties' arguments in the original trial and the proceedings on appeal, it was only a ministerial duty on the part of the Municipal Trial Court in Cities to implement its Decision.

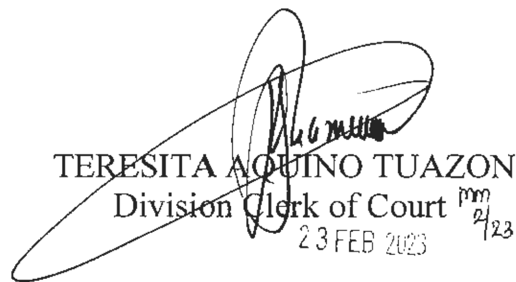
Petitioner therefore cannot insist that the Townsite Sales Application that Ludivina applied and was approved for is a supervening event because these occurred before the finality of the Decision which enforcement she seeks to prevent. In any case, Civil Case No. 9182 is a forcible entry case, the issue in which only involves physical possession.

On a final note, petitioner mentions a prior case, Civil Case No. 372-R, where respondent Baroy was a party in a recovery of possession case against Bernal. Here, respondent Baroy supposedly made admissions about Bernal's prior possession. This argument goes to the very question raised in ejectment cases. To entertain this would be to relitigate a case that had already attained finality and is already in the execution stage. It cannot be allowed.

FOR THESE REASONS, the Petition is **DENIED**. The February 29, 2012 Decision and August 22, 2012 Resolution of the Court of Appeals in CA-G.R. SP No. 114951 are **AFFIRMED**.

SO ORDERED."

By authority of the Court:



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(Civil Case No. 5035-R)

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