



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames

*Please take notice that the Court, Third Division, issued a Resolution dated **January 25, 2023**, which reads as follows:*

“G.R. No. 258639 (Zacarias Alcansis, Lorimer Pabelonio,¹ Ponciano Gulang, Lourdes Balisco, Carmen Quimno, Fe Tactacon, Josefina Rabon, Alipio Quirante, Maximiana Sayre, Francisco Mercado, Rogelio Padagas, Sergia Sales, Simplicio Orhen, Porferio Daraman,² *Petitioners* v. Teresita S. Madarieta, *Respondent*). – Considering the allegations, issues, and arguments adduced in the Petition for Review on *Certiorari*,³ the Court resolves to **DENY** it for failure to show that the Court of Appeals (CA) committed any reversible error in its assailed Decision⁴ dated August 2, 2021 and Resolution⁵ dated January 11, 2022 in CA-G.R. SP No. 10110-MIN. The CA properly dismissed petitioners’ Petition for *Certiorari*⁶ (under Rule 65 of the Rules of Court) assailing the Special Order dated November 19, 2020, the Writ of Demolition dated November 26, 2020, and the Order dated December 17, 2020 of Hon. Ali Ombra R. Bacamaran, Presiding Judge of Branch 4, Regional Trial Court (RTC), Iligan City.⁷”

Petitioners are hinging the present petition on the following arguments: (i) Perfecto Punongbayan, Jr. (Perfecto) is the legal owner of the subject property;⁸ (ii) the execution of the lease contract between petitioners and Perfecto renders the right of possession adjudicated by the

¹ Referred to as “Larimer Pabelonio” (see *rollo*, p. 101), “Loremer Pebelino” (see *id.* at 35), and “Lorime Pabelonio” (see *id.* at 110, 115) in some parts of the *rollo*.

² Petitioners Alipio Quirante, Maximiana Sayre, and Porferio Daraman are all deceased. Their respective heirs cannot be located per Compliance/Manifestation dated August 9, 2022. See *id.* at 104-107.

³ *Id.* at 3-17.

⁴ *Id.* at 38-51. Penned by Associate Justice Loida S. Posadas-Kahulugan and concurred in by Associate Justices Edgardo T. Lloren and Anisah B. Amanodin-Umpa.

⁵ *Id.* at 59-61. Penned by Associate Justice Loida S. Posadas-Kahulugan and concurred in by Associate Justices Oscar V. Badelles (as new member vice J. Lloren, per raffle dated October 26, 2021) and Anisah B. Amanodin-Umpa.

⁶ *Id.* at 62-69.

⁷ Copies of the assailed Orders were not attached to the *rollo*. See *id.* at 42-43.

⁸ *Id.* at 8-10.

RTC in favor of respondent moot and academic;⁹ and (iii) by virtue of the execution of the lease contract, petitioners already acquired their right of possession over the subject property from Perfecto.¹⁰

To emphasize, the issue of right of possession in favor of respondent has already been settled with finality in the Resolution dated February 11, 2018 that was issued by the Court in G.R. No. 214235, entitled *Ponciano Gulang, Maximiana Sayre, Sergia Sales, Simplicio Orhen, Josefina Rabon, et al. v. Teresita Madarieta*. The Court ruled in the Resolution, among others, that petitioners therein failed to sufficiently show that the CA committed any reversible error in the challenged Decision dated August 13, 2014.¹¹ Moreover, this Resolution has become final and executory and is recorded in the Book of Entries of Judgments on July 5, 2018.¹²

By reason of the entry of judgment, the RTC Resolution dated August 26, 2011¹³ properly becomes the subject of execution. In fact, the RTC already issued a writ of demolition in its Special Order dated November 19, 2020.¹⁴

As aptly ruled by the CA, a judgment that has attained finality “can never be altered, amended, or modified, even if the alteration, amendment, or modification is to correct an erroneous judgment.”¹⁵ This 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.”¹⁶ In *Social Security System v. Isip*,¹⁷ the Court explained the rationale behind the rule, thus:

The doctrine of immutability and inalterability of a final judgment has a two-fold purpose: (1) to avoid delay in the administration of justice and thus, procedurally, to make orderly the discharge of judicial business and (2) to put an end to judicial controversies, at the risk of occasional errors, which is precisely why courts exist. Controversies cannot drag on indefinitely. The rights and obligations of every litigant must not hang in suspense for an indefinite period of time.¹⁸

However, the doctrine admits of certain exceptions, to wit: (1) the correction of clerical errors; (2) the so-called *nunc pro tunc* entries which cause no prejudice to any party; (3) void judgments; and (4) whenever

⁹ Id. at 5.

¹⁰ Id. at 10-11.

¹¹ Id. At 41.

¹² Id. at 42.

¹³ Id. At 41-42.

¹⁴ Id.

¹⁵ Id. at 45.

¹⁶ *Gerobiese v. People*, G.R. No. 221006, July 7, 2021, citing *Mercury Drug v. Spouses Huang*, 817 Phil. 434, 445-446.

¹⁷ 549 Phil. 112 (2007).

¹⁸ Id. at 116.

circumstances transpire after the finality of the decision rendering the execution unjust and inequitable.¹⁹

In the present case, petitioners are relying on the fourth exception as they allege that the lease contract between them and Perfecto is a supervening event that would call for the non-enforcement of the RTC Resolution dated August 26, 2011.²⁰ Furthermore, petitioners insist that by reason of the lease contract they entered with Perfecto, who is the alleged owner of the subject property, their continued occupation thereof becomes legitimate.²¹

The Court disagrees.

To recall, the RTC in its Resolution dated August 26, 2011, orders petitioners, their heirs and assigns, and those acting on their behalf to vacate the subject property, to remove all their structures and improvements constructed thereon, and to turn over the possession to respondent.²²

As established in recent jurisprudence, for the supervening event to successfully stay or stop the execution of a final judgment: (i) it must have altered or modified the parties' situation as to render execution inequitable, impossible, or unfair; and (ii) it must be established by competent evidence, lest it would become all too easy to frustrate the conclusive effects of a final and immutable judgment.²³ This is not the case herein.

The Court affirms the CA when it ruled that nothing in the lease contract works to modify or alter the situation between petitioners and respondent. To stress, between petitioners and Perfecto on one hand and respondent on the other, the latter is entitled to possession of the subject property as already settled with finality in the RTC Resolution dated August 26, 2011.²⁴ The execution of the lease contract could not have been a supervening event contemplated by jurisprudence.²⁵ Thus, the Resolution dated August 26, 2011 stands.

At the risk of being repetitive, there is already a clear and final determination that between petitioners, who are claiming their right of possession over the subject property based on Perfecto's title, and respondent, who is one of the registered owners of the subject property, the latter is entitled to the physical possession thereof.²⁶

¹⁹ *HH & Co. Agricultural Corporation v. Perlas*, G.R. No. 217095, February 12, 2020.

²⁰ *Rollo*, pp. 4-5, 7.

²¹ *Id.* at 10-11.

²² A copy of the RTC Resolution dated August 26, 2011 was not attached to the *rollo*. See *id.* at 40-41.

²³ *Go v. Echavez*, 765 Phil. 410, 425 (2015).

²⁴ See *rollo*, p. 49.

²⁵ See *id.*

²⁶ *Id.* at 47.

On a final note, the other arguments relied upon by petitioners are clearly factual in nature. The Court not being a trier of facts may entertain only questions of law. The Petition for Review on *Certiorari* is “a remedy under the law confined to settle only questions of law and not questions of facts.”²⁷

WHEREFORE, the petition is **DENIED**.

SO ORDERED.” (SINGH, *J.*, recused herself from the case due to her prior action in the CA; ROSARIO, *J.*, designated as an additional Member per Raffle dated January 10, 2023.)

By authority of the Court:

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²⁷ *Viloria v. Heirs of Gaetos*, G.R. No. 206240, May 12, 2021.