Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

ROBERTO A. TORRES, IMMACULADA TORRES-ALANON, AGUSTIN TORRES, and JUSTO TORRES, JR., *Petitioners,*	**G.R. No. 201271** Present: SERENO,* *C.J.,* LEONARDO-DE CASTRO,** DEL CASTILLO, JARDELEZA, *and* TIJAM, *JJ.*
- versus -	
ANTONIA F. ARUEGO, *Respondent.*	Promulgated: SEP 20 2017

x----------x

DECISION

DEL CASTILLO, *J.*:

This Petition for Review on *Certiorari*[1] under Rules 45 of the Rules of Court seeks to annul and set aside the September 12, 2011 Resolution[2] and March 26, 2012 Resolution[3] of the Court of Appeals (CA) in CA-G.R. SP No. 113405 which dismissed petitioners' Roberto A. Torres, Immaculada Torres-Alanon, Agustin Torres and Justo Torres, Jr. (petitioners) Petition for *Certiorari* for lack of merit and denied their Motion for Reconsideration, respectively.

The Factual Antecedents

On March 7, 1983, Antonia F. Aruego (Antonia) and Evelyn F. Aruego (Evelyn), represented by their mother and guardian *ad litem* Luz M. Fabian, filed a Complaint[4] with the Regional Trial Court (RTC) of Manila for "Compulsory Recognition and Enforcement of Successional Rights" against Jose E. Aruego, Jr. and the five minor children of Gloria A. Torres, represented

---

* On official leave.
** Acting Chairperson per Special Order No. 2484 dated September 14, 2017.
1 *Rollo*, pp. 18-77.
2 Id. 78-82; penned by Associate Justice Normandie B. Pizarro and concurred in by Associate Justices Amelita G. Tolentino and Rodil V. Zalameda.
3 Id. 83-84.
4 Id. at 91-97.

by their father and guardian *ad litem* Justo M. Torres, Jr. (collectively defendants). The Complaint was docketed as Civil Case No. 83-16093.

In their Complaint, Antonia and Evelyn alleged that they are the illegitimate children of the deceased Jose M. Aruego (Aruego) who had and maintained an amorous relationship with Luz Fabian, their mother, up to the demise of Aruego on March 30, 1982.

Alleging further that they are in continuous possession of the status of children of the deceased Aruego and not being aware of any intestate proceeding having been filed in court for the settlement of the estate of Aruego, they have thus filed this complex action for compulsory acknowledgment and participation in said inheritance. In paragraph 10 of their Complaint, they enumerated the following properties left by the deceased Aruego, so far as known to them:

> 10. The deceased Jose M. Aruego left, among other things, so far as known to the plaintiffs, the following properties:
>
> (a) Undivided one-third (⅓) share to a parcel of land covered by T.C.T. No. 30770 of the Registry of Deeds of Quezon City, Metro Manila, with an area of 797 square meters, more or less.
>
> (b) Undivided one-half (½) share to the parcels of land covered by:
>
> T.C.T. No. 48618 of the Registry of Deeds for the Province of Pangasinan, with an area of 68,365 square meters, more or less.
>
> T.C.T. No. 18683 of the Registry of Deeds for the Province of Pangasinan, with an area of 23,131 square meters, more or less.
>
> T.C.T. No. 21319 of the Registry of Deeds for the Province of Pangasinan, with an area of 12,956 square meters, more or less.
>
> T.C.T. No. 21317 of the Registry of Deeds for the Province of Pangasinan, with an area of 7,776 square meters, more or less.
>
> T.C.T. No. 21315 of the Registry of Deeds for the Province of Pangasinan, with an area of 34,889 square meters, more or less.
>
> T.C.T. No. 21316 of the Registry of Deeds for the Province of Pangasinan, with an area of 6,083 square meters, more or less.

> T.C.T. No. 127154 of the Registry of Deeds for the Province of Pangasinan, with an area of 757 square meters, more or less.
>
> T.C.T. No. 9598 of the Registry of Deeds for the Province of Pangasinan, with an area of 1,167 square meters, more or less.
>
> T.C.T. No. 1060 of the Registry of Deeds for the Province of Pangasinan, with an area of 44,602 square meters, more or less.
>
> (c) Undivided one-half share of whatever rights, interests and participation the deceased Jose M. Aruego has on the University Stock Supply, Inc., a corporation organized and existing under Philippine laws.[5]

In their Answer,[6] defendants denied the allegations of the Complaint and set forth affirmative defenses to dispute the claim of Antonia and Evelyn that they are the illegitimate children of the deceased Aruego.

After trial on the merits, the court rendered a Decision[7] on June 15, 1992, disposing as follows:

> WHEREFORE, judgment is rendered -
>
> 1. Declaring Antonia Aruego as illegitimate daughter of Jose Aruego and Luz Fabian;
>
> 2. Evelyn Fabian is not an illegitimate daughter of Jose Aruego with Luz Fabian;
>
> 3. Declaring that the estate of deceased Jose Aruego are the following:
>
> 1. Real [Estate] Properties covered by TCT No. 48680, exh "K";
> 2. TCT No. 18683, exh "K-1";
> 3. TCT No. 12150, exh "K-2";
> 4. TCT No. 21316, exh "K-3";
> 5. TCT No. 21317, exh "K-4";
> 6. TCT No. 21318, exh "K-5";
> 7. TCT No. 127154, exh "K-6";
> 8. TCT No. 9598, exh "K-7";
> 9. TCT No. 1060, exh "K-8";
> 10. TCT No. 30730, exh "K-9";
> 11. share in the University Book Store.

---

5 Id. at 93-94.
6 Id. at 98-104.
7 Id. at 112-118; penned by Presiding Judge Modesto C. Juanson.

4. Antonia Aruego is entitled to a share equal to ½ portion of share of the legitimate children of Jose Aruego;

5. Defendants are hereby ordered to recognize Antonia Aruego as the illegitimate daughter of Jose Aruego;

6. Defendants are hereby ordered to deliver to Antonia Aruego's share in the estate of Jose Aruego, Sr.;

7. Defendants to pay plaintiff (Antonia Aruego) counsel the Sum of ₱10,000.00 as Atty's. fee.

8. Cost against the defendants.

SO ORDERED.[8]

Defendants filed a Motion for Partial Reconsideration[9] but it was denied by the lower court in its Order[10] dated January 14, 1983. They filed a Notice of Appeal[11] on February 12, 1993 but it was denied due course by the lower court in its Order[12] dated February 26, 1993 on the ground that it was filed out of time.

Subsequently, defendants (now petitioners) filed with the CA a Petition for Prohibition and *Certiorari* with Prayer for a Writ of Preliminary Injunction.[13] On August 31, 1993, the CA dismissed the Petition for lack of merit,[14] denied petitioners Motion for Reconsideration in a Minute Resolution dated October 13, 1993.[15]

On December 3, 1993, petitioners appealed the CA's Decision dated August 31, 1993 to this Court through a Petition for Review on *Certiorari*.[16] In a Decision[17] dated March 13, 1996, this Court denied the Petition and affirmed the CA's Decision dated August 31, 1993 and Resolution dated October 13, 1993.

On December 4, 1996, the court *a quo* issued a Writ of Execution[18] to execute its Decision dated June 15, 1992.

---

8 Id. at 118.
9 Id. at 119-131.
10 Id. at 132; penned by Judge Senecio O. Ortile.
11 Id. at 133.
12 Records, Vol. I, p. 312.
13 *Rollo*, pp. 134-158.
14 Records, Vol. I, pp. 326-329.
15 See March 13, 1996 Decision in G.R. No. 112193; id. at 330-338 at 333.
16 *Rollo*, pp. 169-206.
17 Records, Vol. I, pp. 330-338.
18 Records, Vol. II, pp. 447-448.

On August 15, 1997, plaintiff Antonia (now respondent) filed a Motion for Partition[19] with the court *a quo* alleging that its June 15, 1992 Decision became final and executory in view of the denial of the notice of appeal filed by petitioners and the dismissal of their Petition for Prohibition and *Certiorari* by the CA and the subsequent denial of their appeal to the Supreme Court on March 13, 1996.

On November 6, 1997, respondent filed a Motion to Implement Decision[20] dated June 15, 1992 which was granted by the court *a quo* in its Order[21] dated December 5, 1997.

On December 12, 1998, petitioners filed a Verified Complaint[22] with the RTC of Quezon City docketed as Civil Case No. Q-98-36300, seeking to nullify the Deed of Absolute Sale[23] dated May 14, 1998 and the corresponding titles (TCT No. 188200[24] and TCT. No. 191257[25]) issued in relation thereto, which was executed by respondent in favor of Sharon Cuneta, Inc. covering the ½ portion of the lot covered by TCT No. 30730, one of the enumerated properties comprising the estate of the deceased Aruego as declared in the June 15, 1992 Decision of the lower court.

On July 1, 1999, respondent filed anew a Motion for Partition[26] dated June 28, 1999 praying for the implementation of the June 15, 1992 Decision of the court *a quo*.

In view of the pendency of Civil Case No. Q-98-36300, the court *a quo* in its Order[27] dated November 8, 1999 resolved to defer the resolution of respondent's Motion for Partition dated June 28, 1999 on the ground that the controversy involved in the Quezon City RTC case would constitute a prejudicial question to the issue involved in the Motion for Partition. Respondent's motion for reconsideration having been denied by the court *a quo* in its Order[28] dated March 21, 2000, she filed a Petition for *Certiorari*[29] in the CA. It was docketed as CA-G.R. SP No. 58587.

---

19 *Rollo*, pp. 217-220.
20 Id. at 220-223.
21 Id. at 224-227.
22 Id. at 234-245.
23 Id. at 231-232.
24 Id. at 230.
25 Id. at 233.
26 Records, Vol. II, pp. 518-522.
27 *Rollo*, pp. 254-256.
28 Id. at 256
29 Id. at 257-273.

Finding that no prejudicial question existed between the two cases involved, the CA granted the Petition for *Certiorari* on March 23, 2004.[30] The CAs' Decision became final and executory for failure of petitioners to appeal therefrom. Thereupon, respondent moved that her Motion for Partition be given due course.

Petitioners opposed the motion arguing in the main that the partition of the estate of Aruego could not take place by virtue of respondent's mere motion considering that there was no conclusive adjudication of the ownership of the properties declared as constituting the estate of Jose M. Aruego and that all the identities of his heirs had yet to be determined.[31]

Unconvinced, the lower court rejected the arguments of petitioner and granted respondent's motion in its Order[32] dated July 23, 2009 disposing as follows:

> WHEREFORE, the motion is hereby GRANTED. The court orders:
>
> 1. The Defendants to submit, within 30 days from notice of this order, an accounting of all the fruits, rents, profits, and income from the properties belonging to the estate of Jose M. Aruego from the time of his death until the actual division thereof among his heirs;
>
> 2. Each [party] to nominate three (3) competent and disinterested persons and submit, within 15 days from notice of this Order, the names of said persons from which this court shall choose three (3) commissioners who will be tasked to perform the following:
>
> a) To make an updated project of partition specifying the metes and bounds of the particular portion of the property assigned to plaintiff; and,
>
> b) Upon approval by the court of the project of partition, to effect the same and deliver to plaintiff her share thereon.
>
> SO ORDERED.[33]

Petitioners filed a Motion for Reconsideration[34] but it was denied by the court *a quo*.[35]

---

30 Id. at 274-284.
31 Id. at 285-293.
32 Records, Vol. III, pp. 1030-1033.
33 Id. at 1032-1033.
34 *Rollo*, pp. 296-301.
35 Records, Vol. III, pp. 1067-1068.

Unsatisfied, petitioners filed a Petition for *Certiorari*[36] with the CA. It was docketed as CA-G.R. SP No. 113405. In a Resolution[37] promulgated on September 12, 2011, the CA dismissed the petition for lack of merit[38] and later denied petitioners' Motion for Reconsideration in its Resolution[39] dated March 26, 2012.

Hence, this Petition for Review on *Certiorari* under Rule 45[40] filed by petitioners anchored on the following grounds:

I

THE ASSAILED RESOLUTIONS ERRED IN DENYING PETITIONERS-APPELLANTS' PETITION FOR CERTIORARI CONSIDERING THAT:

A. THE ASSAILED RESOLUTION ERRONEOUSLY APPLIED THE DOCTRINE OF IMMUTABILITY OF FINAL JUDGMENTS AND THE EXCEPTIONS THERETO.

B. IN LIGHT OF *HEIRS OF JUAN D. FRANCISCO v. MUNOZ-PALMA*, THE ASSAILED RESOLUTIONS ERRED IN FAILING TO FIND NO COMPELLING CIRCUMSTANCE THAT WARRANTS A REVIEW AND/OR MODIFICATION OF THE [15] JUNE 1992 DECISION OF THE REGIONAL TRIAL COURT CONSIDERING THAT:

a. THE [15] JUNE [1992] DECISION (OF THE COURT *A QUO*) IS NOT CONCLUSIVE WITH RESPECT TO THE PROPERTIES COMPRISING THE ESTATE OF MR. JOSE M. ARGUEGO, SR. AS THE SAME IS NOT AN ISSUE IN RESPONDENT-APPELLEE'S COMPLAINT FOR COMPULSORY RECOGNITION AND ENFORCEMENT OF SUCCESSIONAL RIGHTS.

b. THE DOCTRINE OF *RES JUDICATA* DOES NOT APPLY IN THE CASE AT BAR DUE TO THE ABSENCE OF SOME OF ITS ELEMENTS.

c. EVEN ASSUMING ARGUENDO THAT THE ISSUE REGARDING THE PROPERTIES COMPRISING THE ESTATE OF MR. JOSE M. ARUEGO, SR. HAS ATTAINED FINALITY, THE SAME MAY STILL BE MODIFIED AS THE TERMS THEREOF ARE PATENTLY UNCLEAR AT LEAST WITH RESPECT TO THE SHARE OF MS. SIMEONA SAN JUAN ARGUEGO, AS WELL AS THE SHARES OF THE PETITIONERS-APPELLANTS AND/OR THIRD

---

36 *Rollo*, pp. 314-370.
37 Id. at 78-82.
38 Id. at 82.
39 Id. at 83-84.
40 Id. at 18-77.

PARTIES THAT EXIST PRIOR TO THE DEATH OF MR. JOSE M. ARUEGO, SR.[41]

Petitioners' Arguments

Petitioners assail the September 12, 2011 and March 26, 2012 Resolutions of the CA on the principal ground that the Court erred in applying the doctrine of immutability of final judgments and the exceptions thereto. Citing the case of *Heirs of Francisco v. Hon. Muñoz-Palma,*[42] petitioners contend "that the doctrine of immutability of judgments admits of exceptions, x x x [as] when the terms of the judgment are not clear enough that there remains room for interpretation thereof, [in which case,] the judgment may still be appealed even when the same has already attained finality."[43] Petitioners cited and quoted the following portion from the Decision in the aforementioned case of *Heirs of Francisco v. Hon. Muñoz-Palma*[44] to prove their point:

> It may be well to remember, that the fact that the decision in the case has long become final and executory, and that the order in dispute was issued merely in execution thereof, does not necessarily imply the non-existence of an appeal therefrom. For while it is true that, as a general rule, an order of execution of a final judgment is not appealable, it also recognized that the rule is subject to two exceptions, viz., (1) when the order of execution varies or tends to vary the tenor of the judgment, and (2) when the terms of the judgment are not clear enough that there remains room for interpretation thereof by the trial court.[45]

Petitioners assert that the terms of the June 15, 1992 Decision of the court *a quo* "are obviously unclear as it admits of different interpretations"[46] which, in fact, account for the remaining conflict between the parties herein. Respondent believes that the "½ portion" should be taken from the "whole estate," contrary to their interpretation that the "½ portion" refers to "½ of the share of each legitimate descendant of Aruego."[47] Acting on her erroneous belief, she had, in fact, caused the subdivision of the property covered by TCT No. 30730, now the subject of the pending annulment case before the RTC of Quezon City docketed as Civil Case No. Q-98-36300.

Likewise relying on the case of *Heirs of Francisco v. Hon. Muñoz-Palma,*[48] petitioners fault the CA in failing to find no compelling circumstance that warrants a review and/or modification of the June 15, 1992 Decision of the

---

41 Id. at 48-49.
42 147 Phil. 721 (1971).
43 *Rollo*, p. 50.
44 Supra note 42 at 727-728.
45 *Rollo*, p. 50.
46 Id. at 51.
47 Id.
48 Supra note 42.

court *a quo*. According to them, the June 15, 1992 Decision is not conclusive with respect to the properties comprising the estate of Aruego as the same is not an issue in respondent's complaint for compulsory recognition and enforcement of successional rights.

Petitioners also dispute the ruling of the court *a quo* in its February 26, 2010 Order[49] (one of the assailed Orders in their petition for *certiorari* before the CA) that it was forced to grant respondent's motion because the June 15, 1992 Decision had already attained finality and the necessity of giving finality to judgments that are not void is self-evident. According to petitioners, the court *a quo* in effect is saying that they are now barred by the doctrine of *res judicata*. They do not agree, as the elements of *res judicata* are absent in this case. They insist, *first*, that the June 15, 1992 Decision is not a judgment on the merits regarding the extent of the estate of Aruego. It "was rendered without any presentation of evidence during trial, much less argued by the respective parties;"[50] *second*, that it is not a final judgment, but a mere interlocutory order, as it leaves something more to be done which is the partition of Aruego's estate; and *third*, there is no identity of subject matters, parties and causes of action between the case adjudicated in the June 15, 1992 Decision and the present controversy.

Even assuming that the June 15, 1992 Decision has attained finality, petitioners still maintain that it may still be modified because its terms are patently unclear. There is ambiguity in the manner the estate of Aruego should be divided as it admits of various interpretations.

All said, petitioners pray that the instant Petition be given due course —

> a) by declaring that the June 15, 1992 Decision is erroneous at least with respect to the properties comprising the estate of Aruego;
>
> b) by declaring that the terms thereof, with respect to the estate of x x x Aruego, are unclear and ambiguous;
>
> c) by allowing the parties to present evidence to determine the properties and/or property interests of Aruego which are to be properly included in his estate; and
>
> d) to issue an Order annulling and setting aside the assailed Resolutions of the CA.[51]

---

49 Records, Vol. III, pp. 1067-1068.

50 *Rollo*, p. 58.

51 Id. at 66.

Respondent's Arguments

Respondent's arguments are anchored principally on the finality of the June 12, 1992 Decision of the court *a quo*. She points out that the said Decision has attained finality more than 20 years ago for failure of petitioners to timely appeal therefrom. Their subsequent actions before the CA and the Supreme Court questioning the validity of the said Decision all proved futile as the appellate courts sustained its validity and denied their petitions.

Respondent contends that there is no ambiguity in the terms of the June 15, 1992 Decision. Its dispositive portion clearly identified the properties of the estate and the share of respondent therein. Moreover, petitioners could have raised their objections on these matters in their Motion for Partial Reconsideration or on appeal, or *certiorari* in said case, but did not.

According to respondent, the Order[52] dated July 23, 2009 of the court *a quo* giving due course to the Motion for Partition[53] dated July 28, 1999 merely implements the final and executory Decision dated June 15, 1992 giving respondent "1/2 share of the share of legitimate child in the estate of Jose Aruego, Sr. enumerated therein."[54] The CA in CA-G.R. SP No. 113405 did not err in dismissing the petition to set aside the said Order.[55]

The Principal Issue

The principal issue to be resolved in this Petition is whether or not the June 15, 1992 Decision of the court *a quo*, which attained finality more than 20 years ago, may still be subject to review and modification by the Court.

Our Ruling

The Petition is not meritorious.

The first assailed Resolution dated September 12, 2011 of the CA in CA-G.R. SP No. 113405 dismissed petitioners' Petition for *Certiorari* for lack of merit. The CA ruled that it cannot issue a writ of certiorari to allow parties to present evidence in a case that has long attained finality. It held:

---

52 Records, Vol. III, pp. 1030-1033.
53 Records, Vol. II, pp. 518-522.
54 *Rollo*, p. 380.
55 Id. at 381.

> Asking this Court to issue a writ of certiorari to enable a party, in this instance the Petitioners, to present evidence after a decision has long-attained finality is no different from praying that an already executory decision be reviewed. More certainly, such strat[e]gem cannot be allowed as it will contravene the doctrine of finality of judgments. Instructive on this point is the Supreme Court's pronouncement in *PCI Leasing and Finance, Inc. v. Milan*, *viz*[.]:
>
> > A judgment becomes 'final and executory' by operation of law. Finality becomes a fact when the reglementary period to appeal lapses and no appeal is perfected within such period. As a consequence, **no court (not even this Court) can exercise appellate jurisdiction to review a case or modify a decision that has became final.**
> >
> > When a final judgment is executory, it becomes immutable and unalterable. It may no longer be modified in any respect either by the court which rendered it or even by this Court. The doctrine is founded on considerations of public policy and sound practice that, **at the risk of occasional errors, judgments must become final at some definite point in time.** x x x
> >
> > x x x Controversies cannot drag on indefinitely. The rights and obligations of every litigant must not hang in suspense for an indefinite period of time. x x x
>
> True, the doctrine on immutability of final judgments admits of exceptions such as the correction of clerical errors or the making of so-called *nunc pro tunc* entries in which case there is no prejudice to any party, and where the judgment is void. These exceptions, however, are not obtaining at bench. Hence, there is no ground to justify the modification of the Respondent RTC's June 15, 1992 Decision.
>
> To stress, the Court finds, after a thorough review of the records, no compelling circumstance extant in this case that would warrant a departure from the doctrine of immutability of judgments. Most certainly, We cannot issue a writ so as to allow the Petitioners to present evidence as the same should have been raised by them during trial. x x x[56] (Emphasis in the original)

Denying petitioners' Motion for Reconsideration, the CA ruled in its second assailed Resolution dated March 26, 2012, *viz.*:

> At the risk of being repetitious, it bears reiterating, therefore, that this Court cannot and will not issue a writ of certiorari to enable the Petitioners to present evidence in a case where a decision has been

[56] Id. at 79-81.

> rendered as far back as June 15, 1992, for doing so will contravene the doctrine of finality of judgments.[57]

We affirm the assailed Resolutions of the CA.

> Nothing is more settled in the law than that a decision that has acquired finality becomes immutable and unalterable and may no longer be modified in any respect even if the modification is meant to correct erroneous conclusions of fact or law and whether it was made by the court that rendered it or by the highest court of the land.[58] The only recognized exceptions to the general rule are the correction of clerical errors, the so-called *nunc pro tunc* entries which cause no prejudice to any party, void judgments, and whenever circumstances transpire after the finality of the decision rendering its execution unjust and inequitable.[59]

In arguing that the assailed Resolutions erroneously applied the doctrine of immutability of final judgments and the exceptions thereto, petitioners relied heavily on the case of *Heirs of Francisco v. Hon. Muñoz-Palma*.[60] Petitioners insist that the terms of the June 15, 1992 Decision of the court *a quo* are not clear enough, as there remains room for interpretation thereof, hence, the judgment may still be appealed even when the same has already attained finality.

Petitioners' reliance on the case of *Heirs of Francisco v. Hon. Muñoz-Palma*[61] is misplaced. It should be stressed that in the *Heirs of Francisco* case, on appeal was an order of execution, which although generally not appealable, was allowed because the Court found that the Project of Partition submitted to implement the decision was not in accordance with the final decision in the case. The Order approving the Project of Partition becomes subject to review and whatever error may have been committed in arriving thereat is correctible by appeal. In the earlier case of *Castro v. Surtida*,[62] it was held that an appeal from an order of execution would be allowed as an exception to the general rule so that the appellate tribunal might pass upon the legality and the correctness of the said order.[63] In contrast, what petitioners in the present case seek is an order from the court to allow them to present evidence with regard to the properties comprising the estate of Aruego and the heirs who are to share in the inheritance. This is, in effect, an appeal from the June 15, 1992 Decision which has long become final and

---

57 Id. at 84.
58 *Spouses Genato v. Viola*, 625 Phil. 514, 528-529 (2010); *Hulst v. PR Builders, Inc.*, 558 Phil. 683, 703 (2007).
59 Id.
60 Supra note 42.
61 Id.
62 87 Phil. 166 (1950).
63 Id. at 169.

executory, and not from an order of execution which is yet to be carried out, thru a Project of Partition still to be submitted to and approved by the court.

As correctly held by the court *a quo* in its Order dated July 23, 2009, "[t]he question as to what properties have been deemed included in the estate of Jose Aruego, Sr. has already been settled when the court finally resolved the main controversy on June 15, 1992 and declared, *inter alia*, that plaintiff, Antonia Aruego, is entitled to one-half of the share of the legitimate children of Jose Aruego, Sr. x x x."[64] The court directed the parties to submit the names of their nominees from among whom the court shall choose three commissioners to submit an updated Project of Partition for the approval of the court.

Worthy to note also is the ruling of the CA in its assailed Resolution dated September 12, 2011 that said court "cannot issue a writ so as to allow the [p]etitioners to present evidence as the same should have been raised by them during trial."[65]

We have perused the records and found that respondent offered in evidence the certificates of title to the properties allegedly comprising the estate of Aruego.[66] There is nothing in the records to show that petitioners opposed the said offer of evidence. They also lost the chance to dispute the evidence presented by respondent when they failed to raise the issue in their Motion for Partial Reconsideration of the June 15, 1992 Decision and more so when they failed to appeal therefrom.

The records also disclose that petitioners actively participated in the trial of the case. They presented and formally offered their own evidence[67] but nothing was presented to rebut respondent's evidence on the properties comprising the estate of Aruego. In short, petitioners had ample opportunity to present their countervailing evidence during trial and it is now much too late in the day to present the evidence that they should have presented way back then. It is settled that the active participation of a party before a court is tantamount to recognition of that court's jurisdiction and willingness to abide by the court's resolution of the case.[68]

Petitioners pass the blame to their counsels of record in the court below for their lost appeal. This is unacceptable. Nothing is more settled than the rule that the negligence and mistakes of counsel are binding on the

---

64 Records, Vol. III, p. 1031.
65 *Rollo*, p. 81.
66 Records, Vol. I, p. 112 and its dorsal page.
67 Id. at 180-185.
68 *Butiong v. Plazo*, G.R. No. 187524, August 5, 2015, 765 SCRA 227, 252-253.

client.[69] We explained in *Bejarasco, Jr. v. People*[70] that "[t]he rationale for the rule is that a counsel, once retained, holds the implied authority to do all acts necessary or, at least, incidental to the prosecution and management of the suit in behalf of his client, such that any act or omission by counsel within the scope of the authority is regarded, in the eyes of the law, as the act or omission of the client himself."

Petitioners next contend that the June 15, 1992 Decision of the court *a quo* is not conclusive with respect to the properties comprising the estate of Aruego, as the same is not an issue in respondent's Complaint[71] for compulsory recognition and enforcement of successional rights.

This contention is specious.

Although the Complaint of respondent is captioned "For: Compulsory Recognition and Enforcement of Successional Rights", a close reading of the averments therein would indubitably show that the determination of the estate of Aruego and the participation of respondent in the inheritance are among the issues raised in her Complaint. Paragraph 9 of her complaint stated:

> 9. To the best knowledge of the plaintiffs, no intestate proceeding has been filed in court for the settlement of the estate of the deceased Jose M. Aruego, thus this complex action for compulsory acknowledgement and participation in said inheritance.[72]

On the other hand, in paragraph 10 of the Complaint, respondent enumerated the properties left by Aruego, so far as known to her.[73]

Consistent with her averments in paragraphs 9 and 10, respondent prayed that:

> 4. The share and participation of the plaintiffs in the estate of their deceased father be determined, and the defendants ordered to deliver such share unto the plaintiffs.[74]

It has been consistently held that it is not the caption of the pleading but the allegations therein that are controlling.[75] In *Leonardo v. Court of*

---

69 *Sapad v. Court of Appeals*, 401 Phil. 478, 483 (2000).
70 656 Phil. 337, 340 (2011).
71 Rollo, pp. 91-97.
72 Id. at 93.
73 Id. at 93-94; see par. 10 quoted, supra note 5.
74 Id. at 96.
75 *Vlason Enterprises Corporation v. Court of Appeals*, 369 Phil. 269, 304 (1999).

Appeals,[76] the Court said: "it is not the caption of the pleading but the allegations that determine the nature of the action. The court should grant the relief warranted by the allegations and the proof even if no such relief is prayed for."

Petitioners assail the dispositive portion of the June 15, 1992 Decision insofar as it declares the properties enumerated therein as comprising the estate of Aruego. They point out that such declaration in the dispositive portion is bereft of any discussion in the body of the decision.

They are mistaken. "To understand the dispositive portion of a decision, one has only to ascertain the issues of the action."[77] As shown above, the determination of the estate of Aruego is one of the issues raised in the Complaint of respondent. In support thereof, respondent submitted in evidence the certificates of title covering the properties claimed to be part of the state of Aruego, as well as the By-Laws of the University Bookstore.[78] No countervailing evidence having been presented by petitioners, the court *a quo* declared these properties as comprising the estate of Aruego in the dispositive portion of this Decision.

Jurisprudence holds that it is the dispositive portion of the decision that controls for purposes of execution.[79] If petitioners believed that the dispositive portion of the June 15, 1992 Decision is questionable, they should have filed a motion for reconsideration or appeal before the said Decision became final and executory. But as pointed out earlier, while petitioners filed a Motion for Partial Reconsideration, they did not raise therein the supposed error of the court in declaring the properties enumerated in the dispositive portion of the Decision as comprising the estate of Aruego. They also failed to appeal the Decision and thereby lost the chance to question the Decision and seek a modification or amendment thereof. The inevitable result of their failure to timely question the Decision is for them to be bound by the pronouncements therein. To reiterate, once a decision has attained finality, "not even this Court could have changed the trial court's disposition absent any showing that the case fell under one of the recognized exceptions."[80] As amply discussed above, this case does not fall under any of the recognized exceptions.

WHEREFORE, the Petition for Review on *Certiorari* is **DENIED** and the assailed September 12, 2011 and March 26, 2012 Resolutions of the Court of Appeals in CA-G.R. SP No. 113405 are **AFFIRMED**.

---

76 481 Phil. 520, 539 (2004).
77 *Espiritu v. Court of First Instance of Cavite*, 248 Phil. 623, 629 (1988).
78 Records, Vol. I, p. 94 – dorsal page
79 *Budget Investment & Financing, Inc. v. Mangoma*, 237 Phil. 613, 621 (1987).
80 *Teh v. Teh Tan*, 650 Phil. 130, 142 (2010).

SO ORDERED.

MARIANO C. DEL CASTILLO
Associate Justice

WE CONCUR:

(On official leave)
MARIA LOURDES P. A. SERENO
Chief Justice

TERESITA J. LEONARDO-DE CASTRO
Associate Justice

FRANCIS H. JARDELEZA
Associate Justice

NOEL GIMENEZ TIJAM
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Acting Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

ANTONIO T. CARPIO
Acting Chief Justice[81]

[81] Per Special Order No. 2483 dated September 14, 2017.