SUPREME COURT
SECOND DIVISION

PERFECTO FABULAR,
***Petitioner*,**

-versus-

G.R. No. L-52118
December 15, 1982

HONORABLE COURT OF APPEALS and VICENTE FLANDEZ,
***Respondents*.**
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D E C I S I O N

DE CASTRO, *J.*:

AQUINO, J., concurring:

Petitioner filed an application for registration of title under Act No. 496 before the Court of First Instance of Leyte, Branch VII, over one parcel of land which measures an area of 1,016 square meters, located at Hilongos, Leyte. The application which was docketed as L.R. Case No. N-15 was opposed by private respondent Vicente Flandez. After trial and hearing, the court a quo rendered a decision dated March 17, 1971 in favor of petitioner, confirming his ownership of the property and ordering him to compensate private respondent the amount of P10.00 corresponding to the two (2) non-fruit bearing coconut trees

which were found to have been planted by private respondent's father or the said property.

The decision having become final, the court a quo, upon motion of petitioner, ordered on July 9, 1975 the issuance of a writ of execution. On July 17, 1975 the writ of execution was issued and petitioner paid private respondent the amount of P10.00 as ordained in the decision.

Two (2) months after the issuance of the writ of execution and more than four (4) years from the promulgation of the decision, private respondent filed a motion dated September 3, 1975 for reconsideration of the aforesaid decision. In an order dated October 10, 1975 the lower court modified the writ of execution stating that private respondent owns eight (8) coconut trees and ordered petitioner to pay the former the sum of P20.00 per coconut tree.

A motion for reconsideration dated November 18, 1975 was filed by petitioner alleging that the decision of March 17, 1971 could no longer be modified because the same has long become final and had in fact been executed. The motion having been denied in an order dated April 20, 1976, petitioner filed a petition for certiorari and prohibition before the Court of Appeals. On September 12, 1979 the said petition was dismissed for lack of merit.

The Court of Appeals said that a review of the decision of the court a quo discloses that private respondent had planted the eight coconut trees. Hence, the challenged order therefore conforms with the substance of the decision and is not an amendment thereof and is in conformity with Article 448 of the New Civil Code which provides:

> "Article 448. The owner of the land on which anything has been built, sown or planted in good faith, shall have the right to appropriate as his own the works, sowing on planting after payment of the indemnity provided for in articles 546 and 548."

The main issue raised by petitioner is whether the Court of Appeals committed an error in sustaining the trial court in the issuance of the order dated October 10, 1975.

The issue should be resolved in the affirmative. We find for the petitioner.

The judgment in this case had long become final and had in fact been executed. It is now beyond the power of the lower court, or of his Court for that matter, to modify the same. Settled is the rule that after a judgment has become final, no additions can be made thereto, and nothing can be done therewith except its execution; otherwise, there would be no end to litigations, thus setting at naught the main role of courts of justice, which is to assist in the enforcement of the rule of law and the maintenance of peace and order, by setting justiceable controversies with finality.[1]

We do not agree with the ruling of the respondent Court of Appeals that the questioned order dated October 10, 1975 of the lower court conforms with the substance of the decision of March 17, 1971 and therefore is not an amendment thereof. It is settled that the only portion of a decision that becomes the subject of execution is that ordained or decreed in the dispositive part. Whatever may be found in the body of the decision can only be considered as part of the reasons conclusions of the court and while they may serve as guide or enlightenment to determine the ratio decidendi, what is controlling is what appears in the dispositive part of the decision.[2]

In the present case, the dispositive portion of the trial court's decision of March 17, 1971 ordered petitioner to compensate private respondent only the amount of P10.00 corresponding to the two (2) non-fruit bearing coconut trees. Since the decision is already final and has been executed, the trial court acted without jurisdiction in modifying the writ of execution by ordering petitioner to pay private respondent for eight (8) coconut trees at P20.00 per tree.

WHEREFORE, the judgment of the Court of Appeals is hereby reversed and another one entered declaring that lower court's orders dated October 10, 1975 and April 20, 1976 null and void. No costs.

SO ORDERED.

Concepcion, Jr., Guerrero, Abad Santos and Escolin, *JJ.*, concur.

Makasiar, *(Chairman), J.*, concurs in the result.

SEPARATE OPINION

AQUINO, J., concurring:

I concur. Perfecto Fabular and his lawyer could have avoided wasting the time of the courts in this trivial incident by simply paying P160 to Vicente Flandez.

The trial judge by using his good offices should have endeavored to convince Fabular and his lawyer accommodate Flandez by paying him P160.

Surely, the expenses, time and energy used in settling this petty dispute exceeded P160.

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[1] Fariscal Vda. de Emnas vs. Emnas, 95 SCRA 474.
[2] Robles vs. Timario, 107 Phil. 809.
