

# **ORDER**

- December 12, 2001-

Republic of the Philippines  
**REGIONAL TRIAL COURT**  
NATIONAL CAPITAL JUDICIAL REGION  
Branch CXI (111), Pasay City

WILSON P. ORFINADA  
Plaintiff,

- versus -

LRC/CIVIL CASE NO. 3957-P

MACARIO RODRIGUEZ  
and Heirs et. al.,  
Defendants,

- versus -

DON ANACLETO MADRIGAL ACOP &  
JULIAN M. TALLANO,  
Intervenors.

X-----X

O R D E R

Perspicuously moved by the Manifestation and Reply filed by the office of the Register of Deeds of Rizal to the counter-manifestation of the intervenors, as regards the continuing resistance by the said Office to comply with the decretal pronouncements of the final and executory Order of July 11, 2001, this court, is compelled to re-stress, once more, that:

1. The Order of July 11, 2001 has attained finality of conclusiveness as to the matter competently litigated therein;
2. The judicial pronouncement made therein became immutable (Gabaya vs. Mendoza, 113 SCRA 400),
3. This court cannot decide the case anew (Antonio vs. CA. 163 SCRA 592);
4. The presentation of evidence cannot even alter the findings on the issues resolved with finality (Catholic Vicar Apostolic of the Mountain Province vs. CA, 155 SCRA 515);
5. When a right or fact has been judicially tried and determined by a court of competent jurisdiction so long as it remains unreserved, it should be conclusive upon the parties and those in priority with them in law or estate (Miranda vs. CA, 141 SCRA 302; Villa vs. Jacob SCRA 303).

Hence, it would be improper for now to tackle the merits of the contentions of the parties in their respective Manifestation considering that the order has already attained finality. However, under prevailing jurisprudence, this court may inquire whether its judgment has been executed and can exercise control as may be necessary over its enforcement. This in conformity with the ruling in the case of Cabrias vs. Adil (135 SCRA 355) where the Supreme Court ruled that:

“x x x every court having jurisdiction to render a particular judgment has inherent power to enforce it, and to exercise equitable control over such enforcement. The court has authority to inquire whether its judgment has been executed and will remove obstructions to the enforcement thereof”

(Underscoring ours)

Otherwise, the judicial proceedings that were had could be rendered virtually a farce, he court a stooge, a manionella subject to the manipulation of the other parties.

In view of the foregoing, compliance with the decretal pronouncement of the final Order of July 11, 2001 is hereby enjoined.

SO ORDERED.

Pasay City, 12 December 2001



ERNESTO A. REYES  
Judge

ear/es