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problems, the complaints of the workers in particular, and hide under the cloak of its officers being "on leave" to avoid being caught by the 5-day deadline under the CBA. If this should be allowed, the workingmen will suffer great injustice for they will necessarily be at the mercy of their employer. That could not have been the intendment of the pertinent provision of the CBA, much less the benevolent policy underlying our labor laws.

ACCORDINGLY, on the foregoing premises, the instant petition is hereby *DENIED* and the assailed decision of respondent National Labor Relations Commission is *AFFIRMED*. This judgment is immediately executory.

SO ORDERED.

Narvasa, C.J. (Chairman), Feliciano, Nocon, and *Campos, Jr., JJ.,* concur.

SECOND DIVISION

[G.R. No. 99845. February 4, 1993]

THE PEOPLE OF PAOMBONG, BULACAN and CONFRADIA NUESTRA SEÑORA DELA CORREA, represented by ANTONIO CORONEL, BENJAMIN PASCUAL, ADRIANO BONDOC and ARMANDO DE JESUS, *petitioners, vs.* **HON. COURT OF APPEALS and L.K. TRADING, INC.,** *respondents.* **THE ROMAN CATHOLIC BISHOP OF MALOLOS, INC., (RCBM) and BISHOP CIRILO R. ALMARIO, JR.,** *intervenors.*

SYLLABUS

1. REMEDIAL LAW; CIVIL PROCEDURE; JUDGMENTS; REMAND OF JUDGMENT TO THE TRIAL COURT FOR EXECUTION; FUNCTION TO ENFORCE JUDGMENT,

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MINISTERIAL. — When the judgment of a superior court is remanded to the trial court for execution, the function of the trial court is ministerial only; the trial court is merely obliged with becoming modesty to enforce that judgment and has no jurisdiction either to modify in any way or to reverse the same. The Court will not countenance any attempt on the part of petitioners and of Mr. Bagtas to evade the thrust of and frustrate the Court's Resolution of 7 August 1991 which became final and executory a long time ago.

2. ID.; ID.; INTERVENTION; NOT ALLOWED WHERE JUDGMENT HAS BECOME FINAL AND EXECUTORY; CASE AT BAR. — Intervention is no longer permissible after trial and when judgment had become final and executory, as in the instant case. Mr. Bagtas did not bother to intervene at the appropriate time, *i.e.* before or during trial of the case in the court *a quo*. He did so only at the *execution stage* after the case was decided and had gone through the Court of Appeals and the Supreme Court, and the decision had attained finality. The trial court committed a clear and grave abuse of discretion amounting to lack of jurisdiction in allowing intervention in the case at bar during the proceedings on execution, and in rendering its Orders dated 14 February 1992, 11 August 1992, and 30 September 1992 to the extent that these Orders are inconsistent with the Decision of the Court of Appeals dated 11 August 1991 as affirmed by this Court.

APPEARANCES OF COUNSEL

Emilio G. Abrogena for petitioners.
Gancayco Law Offices for private respondent.
Aguilar Bolito Uy Law Offices for intervenor R. Bagtas.
Melvin A. Arquillo for L.K. Trading, Inc.
Cruz Durian Agabin Atienza Alday & Tuason for RCBM, Inc. & Bishop C.R. Almario, Jr.

R E S O L U T I O N

FELICIANO, *J.*:

The Court Resolved to NOTE the following: (1) Comment of Mr. Rodrigo Bagtas dated 1 December 1992 on the Motion

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to Direct Immediate Execution of Judgment; (2) Reply dated 4 December 1992 filed by private respondent L.K. Trading, Inc. to the Comment of Mr. Bagtas; (3) Very Urgent Motion to Lift Temporary Restraining Order dated 2 December 1992 filed by Mr. Bagtas; (4) Very Urgent Opposition dated 4 December 1992 filed by private respondent L.K. Trading, Inc.; and (5) the letter of Atty. Fortunato R. Balasbas, counsel for private respondent L.K. Trading, Inc. dated 15 December 1992.

The facts of the case are set out in the Resolution of this Court dated 7 August 1991.

"The Roman Catholic Bishop of Malolos, Inc., a corporation sole, is the registered owner of a 118-hectare fishpond covered by OCT No. 589 and located in Barrio Masukol, Paombong, Bulacan. The fishpond was leased to private respondent L.K. Trading, Inc. for a period of three (3) years starting 12 October 1987 or up to 11 October 1990. On 10 September 1990, Bishop Cirilo Almario, the incumbent Roman Catholic Bishop of Malolos renewed the lease contract of private respondent for another three (3) years to end on 11 October 1993.

On 26 July [1990], *i.e.*, prior to the renewal of the lease contract of private respondent, the Cofradia Nuestra Señora Dela Correa informed Bishop Almario that it will take over the management and administration of the fishpond after the lease contract in favor of private respondent shall have expired on 11 October 1990. Bishop Almario anyway renewed the lease contract of private respondent; this led petitioners to file a complaint for declaration of nullity of title, sum of money, accounting, damages with prayer for restraining order and preliminary injunction against the Roman Catholic Bishop of Malolos, Inc. and Bishop Almario.

After defendants in the trial court had filed their answer, the complaint was set for hearing to determine whether the prayer for issuance of a temporary restraining order and/or writ of preliminary injunction should be granted. On 9 October 1990, the trial court issued an order enjoining the defendants from executing a new contract of lease as well as from exercising acts of ownership and administration over the fishpond. On 11 October 1990, after petitioners had posted a bond in the amount of ₱50,000.00, the trial court issued a writ of preliminary injunction. The bond was later increased to ₱200,000.00 on motion made by Bishop Almario.

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During the hearing scheduled on 27 November 1990, private respondent and the legally incorporated Cofradia Nuestra Señora Dela Correa, Inc. were allowed to intervene. The trial court was also presented for resolution the issue of which party had the right to harvest the fishes still remaining in the fishpond.

Finally, on 29 November 1990, the trial court issued an order directing defendants to desist from disturbing petitioners in the latter's operation, management and administration of the fishpond. Petitioners, however, were ordered not to "harvest" fish without first informing the trial court and/or the deputy sheriff of the date thereof.

On the evening of 29 November 1990, individual petitioners, accompanied by the deputy sheriff and some Philippine Constabulary personnel, forcibly entered the fishpond being leased by private respondent and took over its operation, management and administration.

Private respondent as well as Bishop Almario thereafter filed separate motions for reconsideration of the trial court's order dated 29 November 1990. Since the respective motions were not resolved, private respondent went to the Court of Appeals on a petition for *Certiorari* and Prohibition with prayer for the issuance of a temporary restraining order or preliminary injunction. The temporary restraining order prayed for was granted in a resolution of respondent Court of Appeals dated 19 December 1990.

On 11 April 1991, respondent Court of Appeals rendered a decision setting aside the Orders of the trial court dated 11 October and 29 November 1990. Petitioners were ordered to desist from taking possession, management and administration of the fishpond until the question of ownership of the fishpond is finally adjudicated. The case was therefore remanded to the Regional Trial Court of Malolos, Bulacan for re-raffle and trial on the merits. Petitioners filed a motion for reconsideration, without success.

Deliberating on the instant Petition for Review, the Court considers that petitioners have failed to show any reversible error on the part of the Court of Appeals in rendering its Decision and Resolution in CA-G.R. SP No. 23721.

On 21 June 1991, the Roman Catholic Bishop of Malolos, Inc. and Bishop Cirilo Almario filed a Motion to Intervene in this case setting out facts constituting, in the opinion of the Court, clear legal interest in the subject matter of this case and bringing to the attention

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of this Court facts which tend to show that petitioner Cofradia is quite different from the lawfully organized '*Cofradia Nuestra Señora dela Correa, Inc*.' duly registered with the Securities and Exchange Commission and which had filed its own motion for intervention in the proceedings before the trial court. By a Resolution dated 10 July 1991, the Court granted the Motion to Intervene and required the intervenors to comment on the petition for review.

The Orders of the trial court questioned by petitioners before respondent Court of Appeals were: (1) that dated 11 October 1990, and (2) that dated 29 November 1990. The Order dated 11 October 1990 directed the issuance of a writ of preliminary injunction in implementation of the Order dated 9 October 1990 which enjoined defendants from executing a new contract of lease of the fishpond. The trial court casually disregarded the fact that the fishpond was registered in the name of the Roman Catholic Bishop of Malolos, Inc. and until OCT No. 589 is set aside by the court, it remains valid and subsisting. Considering that the fishpond is registered in the name of the corporation sole, it is subject to the administration and management of the incumbent bishop (Section 110, Corporation Code). This act of administration includes the granting of the lease executed in favor of private respondent.

Upon the other hand, the Order dated 29 November 1990 authorized the dispossession of private respondent and the transfer of possession of the fishpond, including the 'harvesting' of the fish, to petitioners. The Court notes that order was issued before any determination of the ownership of the fishpond was had, and even while it remains undisputed that OCT No. 589 stands in the name of the Roman Catholic Bishop of Malolos, Inc. The Court further notes that private respondent, as lessee, was in possession of the fishpond when the Order dated 29 November 1990 was issued. The rule is well-settled that injunction will not lie to take property whose ownership is disputed, out of the control of the party in possession during the litigation (*Ortigas Company Limited partnership v. Ruiz*, 148 SCRA 326 [1987]; *Rivera v. Florendo*, 144 SCRA 643 [1986]). Here, the possession of private respondent is based upon the contract of lease executed in its favor by the registered owner, the Roman Catholic Bishop of Malolos, Inc. and must be respected until that registered title is overthrown.

The Court of Appeals was entirely correct in holding that the trial court acted with grave abuse of discretion amounting to lack of jurisdiction and in ordering a re-raffle of this case upon its remand.

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ACCORDINGLY, the Court Resolved to DISPENSE with a Comment-in-Intervention and to DENY the Petition for Review for lack of merit. This Resolution is immediately executory. Costs against petitioners."[1]

The Decision of the Court of Appeals in CA-G.R. SP No. 23721 was thus affirmed by this Court. The Decision of the Court of Appeals had the following dispositive portion:

"ACCORDINGLY, the instant petition is hereby GRANTED and the Orders dated October 11, 1990 and November 29, 1990 are hereby SET ASIDE. The temporary restraining order issued by this Court on December 14, 1990 is made permanent with the addendum that the respondents people of Paombong and Cofradia Nuestra Señora dela Correa, as represented by Antonio Coronel, Benjamin Pascual, Adriano Bondoc and Armando de Jesus, and all persons claiming rights under them are hereby ORDERED to desist from taking possession, management, administration and operation of the subject fishpond until the question of ownership over the same shall have been finally adjudicated. Let this case be remanded to the Executive Judge of the Regional Trial Court of Malolos, Bulacan, for re-raffle.

SO ORDERED."[2]

On 27 September 1991, petitioners filed a Motion for Reconsideration of the Resolution of the Supreme Court dated 7 August 1991. That motion was denied with finality considering that earlier, on 30 August 1991, that Resolution had become final and executory, and no substantial arguments were raised in the motion to warrant reconsideration thereof. Petitioners nonetheless filed a Second Motion for Reconsideration which the Court only noted without action.

On 28 October 1992, private respondent L.K. Trading, represented by new counsel, filed a Motion to Direct Immediate Execution of Judgment. Private respondent L.K. Trading alleged that when the case was remanded to the Regional Trial Court, Branch 8, Malolos, Bulacan where the case was re-raffled for

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[1] *Rollo,* pp. 88-93.

[2] *Id.,* pp. 28-29.

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the purpose of execution, Mr. Bagtas who claimed to be a lessee of petitioners filed with the trial court a Motion for intervention with the request that he be allowed to retain possession of the fishpond until after he shall have harvested all the fishes pertaining to him. The trial court issued an Order dated 14 February 1992 with the following dispositive portion:

"WHEREFORE, execution is hereby granted in accordance with the dispositive portion of the Court of Appeals' decision of April 11, 1991 as against plaintiffs and all persons claiming rights under them, immediately upon receipt of this Order, *except as against intervenor Rodrigo Bagtas, who is hereby allowed retention until he shall have harvested all the fishes from the subject fishpond to enable him to recover his investments pursuant to Article 546 of the Civil Code in the concept of a sower or planter in good faith.* Intervenor Bagtas is directed to refrain from planting fingerlings into the fishpond anymore other than those presently contained therein, and to immediately vacate the premises upon the harvest of all the fishes contained therein presently. Immediately after intervenor Bagtas shall have vacated the said premises, intervenor L.K. Trading, Inc. is hereby placed in possession thereof to manage, administer, and operate said fishpond in accordance with its lease contract with the defendant.

SO ORDERED."[3] (Italics supplied)

From the Order dated 14 February 1992, private respondent L.K. Trading promptly filed a motion for reconsideration, it also filed a motion for "partial takeover" as soon as it had found out that portions of the fishpond were already unoccupied. The trial court denied the motion for reconsideration of private respondent L.K. Trading but granted the motion for "partial take-over."

On 13 April 1992, private respondent L.K. Trading notified the trial court that Mr. Bagtas, in violation of the Order dated 14 February 1992, continued to plant and sow fish fingerlings for which reason he should be held in contempt of court. The trial court later issued an Order dated 11 August 1992 holding Mr. Bagtas in contempt of court and directing him to deliver the fishpond to private respondent L.K. Trading on 1 October 1992.

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[3] *Id.,* pp. 199-200.

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Mr. Bagtas filed with the trial court a motion to reconsider the Order dated 11 August 1992. On 30 September 1992, a day before the fishpond was supposed to have been delivered to private respondent L.K. Trading, the trial court granted the motion for reconsideration of Mr. Bagtas and allowed him to retain possession of the fishpond until the end of March 1993.

In the instant Motion to Direct Immediate Execution of Judgment filed with the Supreme Court, private respondent L.K. Trading assails specifically the Orders of the trial court dated 14 February 1992, 11 August 1992, and 30 September 1992. Private respondent L.K. Trading contends that those Orders in effect determined anew the question of possession which the Court had decided with finality in its Resolution dated 7 August 1991.

On 23 November 1992, the Court issued a Temporary Restraining Order commanding the trial court to cease and desist from enforcing the Orders dated 14 February 1992, 11 August 1992, and 30 September 1992. Mr. Bagtas at the same time was restrained from taking or continuing in his possession of the fishponds involved and from harvesting fish therefrom.[4] In another Resolution of even date, this Court required the trial Judge and Mr. Bagtas to file their comments on the Motion to Direct Immediate Execution of Judgment.

The Comment filed by Mr. Bagtas discloses that he filed on 18 November 1992 with the Court of Appeals a petition for *mandamus*, with damages (docketed as C.A.-G.R. SP No. 29464) in respect of the Orders of the trial court dated 11 August 1992 and 30 September 1992 (but not the Order of 14 February 1992). Mr. Bagtas claims that he had pursued the correct remedy and that the instant Motion to Direct Immediate Execution of Judgment must be denied for being inappropriate.

The Court notes that the Orders of the trial court which private respondent L.K. Trading seeks to nullify all recognize explicitly the possession of the fishpond by Mr. Bagtas, in his capacity as lessee of petitioners. It is evident that these Orders directly

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[4] *Id*., pp. 220-222.

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contravened the Decision of the Court of Appeals dated 11 April 1991 in C.A.-G.R. SP No. 23721 already affirmed by this Court. To reiterate, the Court of Appeals had ordered petitioners, *including all persons claiming rights under them,* not to take possession, management, administration and operation of the fishpond until the question of ownership shall have been finally adjudicated. It is firmly settled rule that when the judgment of a superior court is remanded to the trial court for execution, the function of the trial court is ministerial only, the trial court is merely obliged with becoming modesty to enforce that judgment and has no jurisdiction either to modify in any way or to reverse the same.[5] The Court will not countenance any attempt on the part of petitioners and of Mr. Bagtas to evade the thrust of and frustrate the Court's Resolution of 7 August 1991 which became final and executory a long time ago.

It is also firmly settled that intervention is no longer permissible after trial and when judgment had become final and executory, as in the instant case.[6] Rule 12 of the Revised Rules of Court provides in part:

"Section 2. Intervention. — A person may, *before or during a trial,* be permitted by the court, in its discretion, to intervene in an action, if he has legal interest in the matter in litigation, or in the success of either of the parties or an interest therein against both, or when he is so situated as to be adversely affected by a distribution or other disposition of property in the custody of the court or of an officer thereof." (Italics supplied.)

Mr. Bagtas did not bother to intervene at the appropriate time, *i.e*. before or during trial of the case in the court *a quo.* He did so only at the *execution stage* after the case was decided and had gone through the Court of Appeals and the Supreme Court, and the decision had attained finality. The trial court committed a clear and grave abuse of discretion amounting to

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[5] *Tan v. Court of Appeals,* 199 SCRA 212 (1991); *Ver v. Quetulio,* 163 SCRA 80 (1988); 154 SCRA 77 (1987).

[6] *Oliva v. Court of Appeals,* 166 SCRA 632 (1988); *Ong v. Tating,* 149 SCRA 265 (1987); *Borja v. Jugo,* 64 Phil. 464 (1937).

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lack of jurisdiction in allowing intervention in the case at bar during the proceedings on execution, and in rendering its Orders' dated 14 February 1992, 11 August 1992, and 30 September 1992 to the extent that these Orders are inconsistent with the Decision of the Court of Appeals dated 11 August 1991 as affirmed by this Court.

WHEREFORE, the Court Resolved to *SET ASIDE* the Orders of the trial court dated 14 February 1992, 11 August 1992, and 30 September 1992, to the extent that these Orders are inconsistent with the Decision of the Court of Appeals dated 11 August 1991; as affirmed by this Court. The Very Urgent Motion to Lift Temporary Restraining Order is *DENIED*. The Temporary Restraining Order dated 23 November 1992 issued by this Court is hereby made *PERMANENT*. The Regional Trial Court, Branch 8, Malolos, Bulacan, is hereby *DIRECTED* to issue immediately a writ of execution which shall be consistent with and precisely implement the Decision of the Court of Appeals in C.A.-G.R. SP No. 23721, and is, further, *REMINDED* of its fundamental duty to render at all times faithful and effective obedience to orders and decisions of the Court of Appeals and the Supreme Court. The Regional Trial Court shall *CONFIRM* its compliance with this Resolution by a written report to this Court within five (5) days from notice hereof. The Philippine National Police of Paombong, Bulacan is hereby *DIRECTED* to assist in the enforcement of the writ of execution to be issued by the trial court.

A copy of this Resolution shall be furnished the Court of Appeals for its information and guidance.

This Resolution is immediately executory.

Narvasa, C.J., Regalado, Nocon, and *Campos, Jr., JJ.,* concur.