

On June 15, 1958, appellants' counsel filed a motion to appeal.

Appellants' counsel likewise filed a motion for the issuance of a writ of possession. Allegedly, there are persons who are in actual, physical and material possession of the land included in the title, and these persons refused and continuously refused to quit same or surrender the possession to petitioners Rodriguez. Hence, the petition for a writ of possession.

The dispositive portion of the decision dated August 11, 1958 which was the basis for the writ of possession issued by the Clerk of Court states thus:

"WHEREFORE, petitioners requested, this Court should render judgment:

1. Declaring that the persons mentioned herein as the heirs of the deceased respondents Rodriguez and Antonio Rodriguez as the direct descendants and who are entitled to succeed to the testamentary estate of respondents and Antonio Rodriguez, in will:

Henry F. Rodriguez, Gertrude F. Rodriguez and Rosalita R. Salas, as the sole heirs and successors-in-interest to the estate of the deceased respondents Rodriguez y Reyes and Antonio Rodriguez y Reyes, after all the expenses of administration (necessary to administer, incurred by Henry F. Rodriguez, as executor administrator appointed by this Court over the estate assets of said deceased, including government taxes that may have been paid by said administrator for said estate.

2. Authorizing and interpreting under the parties' judgment dated May 30, 1958 as to the fact as to declare the petitioners Henry F. Rodriguez, Gertrude F. Rodriguez and Rosalita R. Salas, as heirs of deceased Rodriguez, Manuel Rodriguez, Julia Rodriguez and Gertrude Rodriguez.

Henry F. Rodriguez, Gertrude F. Rodriguez and Rosalita R. Salas as the heirs of deceased respondents Rodriguez y Reyes and Antonio Rodriguez y Reyes and, upon their death, they were succeeded by their only son Manuel Rodriguez, upon whose death, he was succeeded by his wife Maria Rodriguez and survivors by their competent children would there be the heirs declared as the only heirs and successors-in-interest of the entire estate of the deceased respondents Rodriguez y Reyes and Antonio Rodriguez y Reyes, which consists of all properties owned in all the