



Republic of the Philippines
Supreme Court
Baguio City

FIRST DIVISION

**HOLY TRINITY REALTY
DEVELOPMENT CORPORATION,**
represented by **JENNIFER R.
MARQUEZ,**

Petitioner,

- versus -

**SPOUSES CARLOS AND
ELIZABETH ABACAN,**
Respondents.

G. R. No. 183858

Present:

SERENO, *CJ*, Chairperson,
LEONARDO-DE CASTRO,
BERSAMIN,
VILLARAMA, JR., and
REYES, *JJ*.

Promulgated:

APR 17 2013

X ----- X

DECISION

SERENO, *CJ*:

This is a Petition for Review under Rule 45 assailing the Decision¹ and Resolution² of the Court of Appeals (CA) in CA-G.R. SP No. 97862. The CA recalled and set aside the Order³ of the Municipal Trial Court in Cities (MTCC), Branch 2, Malolos City, and granted respondents' Motion to Quash Alias Writ of Possession and Demolition⁴ in Civil Case Nos. 03-140 to 03-143.

The facts of the case are as follows:

A parcel of land located in Sumapang, Malolos City is registered in the name of Freddie Santiago (Santiago) under Transfer Certificate of Title (TCT) No. 103697.⁵ On 23 August 1999, petitioner Holy Trinity Realty

¹ *Rollo*, pp. 34-48; CA Decision dated 27 March 2008, penned by Presiding Justice Conrado M. Vasquez, Jr. and concurred in by Associate Justices Amelita G. Tolentino and Lucenito N. Tagle.

² *Id.* at 50-51; CA Resolution dated 14 July 2008, penned by Presiding Justice Conrado M. Vasquez, Jr. and concurred in by Associate Justices Amelita G. Tolentino and Marlene Gonzales-Sison.

³ *Id.* at 193-195; MTCC Order dated 17 January 2007, penned by Presiding Judge Nemesio V. Manlangit.

⁴ *Id.* at 184-186.

⁵ *Id.* at 57-58.

Development Corporation (HTRDC) acquired the property from Santiago, but later found that the lot was already occupied by some individuals, among them respondent-spouses Carlos and Elizabeth Abacan.⁶

HTRDC then filed a complaint for forcible entry against respondent-spouses and the other occupants. It withdrew the complaint, however, because it needed to verify the exact location of the property, which the occupants claimed was covered by emancipation patents issued by the Department of Agrarian Reform Adjudication Board (DARAB).

HTRDC commenced a complaint with the DARAB for cancellation of emancipation patents against some of the occupants of the land. During the pendency of the DARAB case, the occupants' possession was tolerated.⁷ On 30 April 2002, the provincial adjudicator ordered the cancellation of the emancipation patents of the occupants of the land.⁸ The DARAB later affirmed the decision of the provincial adjudicator.⁹

On 4 November 2003, HTRDC filed a complaint for unlawful detainer and damages with the MTCC of Malolos against the occupants of the subject land, again including respondent spouses.¹⁰ Petitioner alleged that from the time it purchased the property in 1999 until the pendency of the DARAB case, it had no immediate need for the subject parcel of land. When the need arose, it made both verbal and written demands on the occupants to vacate the property. Despite its final demand on 17 June 2003, the occupants failed to vacate the property. Thus, HTRDC had to resort to the filing of an ejectment case against them.

Proceedings in the MTCC ensued, culminating in a Decision in favor of HTRDC. The trial court ordered the occupants to vacate the premises and to pay reasonable rent, attorney's fees and costs of suit.¹¹ Respondents moved to reconsider the decision, but their motion for reconsideration was denied for being a prohibited pleading in summary proceedings. The MTCC then ordered the issuance of a writ of execution.¹² Respondents appealed on 15 August 2005, but their appeal was denied due course for being filed out of time, as the period to appeal had not been stayed by the filing of the motion for reconsideration.¹³ Thus, the Decision became final and executory.

⁶ Id. at 14.

⁷ Id. at 110.

⁸ Id. at 62-74; Decision of the Provincial Adjudicator dated 30 April 2002.

⁹ Id. at 79-87; Decision of the DARAB dated 19 September 2007.

¹⁰ Id. at 88-95; Complaint dated 23 October 2003.

¹¹ Id. at 109-116; Consolidated Decision dated 25 May 2005, penned by Judge Nemesio V. Manlangit.

¹² Id. at 117; Order dated 8 July 2005.

¹³ Id. at 122; Order dated 18 August 2005.

Meanwhile, the provincial agrarian reform officer (PARO) filed an action for annulment of sale against HTRDC.¹⁴ Respondents thereafter moved to stay execution on the ground that a supervening event had transpired.¹⁵ The MTCC denied the motion, ruling that the mere filing of an action by the PARO did not materially change the situation of the parties, and hence, may not be considered as a supervening event.¹⁶

In order to prevent the enforcement of the writ of execution and demolition, respondents filed several actions in the Regional Trial Court (RTC), to wit: (1) Civil Case No. 245-M-2006 for annulment of judgment;¹⁷ (2) Special Civil Action No. 364-M-2006 for *certiorari*;¹⁸ and (3) Civil Case No. 59-M-2007 for quieting of title.¹⁹ Civil Case No. 245-M-2006 and Special Civil Action No. 364-M-2006 were both dismissed by the RTC on the grounds of forum shopping and immutability of final judgment,²⁰ while Civil Case No. 59-M-2007 was dismissed on the ground of finality of judgment.²¹ Respondents did not appeal any of the adverse rulings.

The MTCC issued an Alias Writ of Execution on 25 October 2006,²² and an Alias Special Order of Demolition on 28 October 2006.²³ Respondents moved to quash both writs on the ground that Emancipation Patent Nos. 00780489 and 00780490 had been issued in their favor during the pendency of the case. As such, they argued that they had now acquired ownership of relevant portions of the subject property.²⁴ The MTCC denied their motion on the ground that respondents' acquisition of ownership is not a supervening event that will bar the execution of the judgment in the unlawful detainer case.²⁵

From the Order of the MTCC denying their motion to quash, respondents filed directly with the CA a Special Civil Action for *Certiorari* with Prayer for a Temporary Restraining Order and Writ of Preliminary Injunction.²⁶

The appellate court issued a Writ of Preliminary Injunction²⁷ and ultimately granted the petition for *certiorari* in a Decision dated 27 March

¹⁴ Id. at 123-124; Motion to Stay Execution Including the Special Demolition Order dated 30 May 2006.

¹⁵ Id. at 123-126.

¹⁶ Id. at 127-129; Order dated 5 June 2006.

¹⁷ Id. at 130-139; Petition dated 21 April 2006.

¹⁸ Id. at 140-151; Petition dated 14 June 2006.

¹⁹ Id. at 152-160; Petition dated 29 January 2007.

²⁰ Id. at 164-170; Order dated 31 July 2006.

²¹ Id. at 171-177; Order dated 31 January 2007.

²² Id. at 178-181.

²³ Id. at 182-183.

²⁴ Id. at 184-186; Motion to Quash Alias Writ of Possession & Demolition dated 30 November 2006 (should be "Motion to Quash Alias Writ of Execution & Demolition").

²⁵ Id. at 193-195; Order dated 17 January 2007.

²⁶ Id. at 196-221; Petition dated 8 February 2007.

²⁷ Id. at 225-226; Writ of Preliminary Injunction dated 16 August 2007.

2008. The CA held that the MTCC had no jurisdiction over the unlawful detainer case, and disposed of the case as follows:

IN VIEW OF ALL THE FOREGOING, the instant petition is hereby **GRANTED** and the Order dated January 17, 2007 of the Municipal Trial Court in Cities (MTCC), Branch 2 of Malolos City, Bulacan, issued in Civil Case No. 03-140, is **RECALLED and SET ASIDE** and, in lieu thereof, the Motion to Quash Alias Writ of Possession [sic] and Demolition of the petitioners in said case is **GRANTED**. The writ of preliminary injunction earlier issued is thus made permanent. No pronouncement as to costs.

SO ORDERED.²⁸

Aggrieved by the decision of the CA, petitioner HTRDC filed the instant petition for review before this Court.

The Court's Ruling

We find merit in the instant petition.

Before proceeding to the merits of the case, we first deal with a procedural issue.

HTRDC correctly argued that respondents erred in filing the special civil action for *certiorari* directly with the CA instead of the RTC. In doing so, they violated the time-honored principle of respect for the hierarchy of courts. While this Court, the CA, and the RTC have concurrent jurisdiction to issue writs of *certiorari*, the parties to a suit are not given unbridled freedom to choose between court forums.²⁹ Judicial hierarchy indicates that “petitions for the issuance of extraordinary writs against first level (“inferior”) courts should be filed with the [RTC], and those against the latter, with the [CA].”³⁰ Therefore, respondents’ petition for *certiorari* was dismissible outright on procedural grounds.

Turning now to the merits of the petition, we find that the CA committed reversible error in ruling that the MTCC had no jurisdiction over the unlawful detainer case. What was before it was a petition for *certiorari* against the MTCC’s denial of respondents’ motion to quash. The petition was not directed at the MTCC’s Consolidated Decision of 25 May 2005, nor could it be, because a Rule 65 petition for *certiorari* must be filed not later than 60 days from notice of the judgment.³¹ Since respondents failed to

²⁸ Id. at 47; CA Decision dated 27 March 2008.

²⁹ *Rayos v. City of Manila*, G.R. No. 196063, 14 December 2011, 662 SCRA 684, 689.

³⁰ *People v. Cuaresma*, 254 Phil. 418, 427 (1989).

³¹ RULES OF COURT, Rule 65, Section 4.

timely appeal the Consolidated Decision, it has long attained finality and has become immutable and unalterable pursuant to the doctrine on finality of judgment.³² Thus, as respondents' sole argument in their motion to quash was the existence of a material supervening event, and as the MTCC's denial of their motion was premised on the conclusion that their subsequent acquisition of ownership was not a supervening event, the resolution of the present case should be limited to that issue.

Did the MTCC commit grave abuse of discretion in denying respondents' motion to quash? We rule in the negative.

The term "grave abuse of discretion" has a specific meaning in jurisprudence. In *Litton Mills v. Galleon Traders*,³³ we explained:

An act of a court or tribunal may only be considered as committed in grave abuse of discretion when the same was performed in a capricious or whimsical exercise of judgment which is equivalent to lack of jurisdiction. The abuse of discretion must be so patent and gross as to amount to an evasion of positive duty or to a virtual refusal to perform a duty enjoined by law, or to act at all in contemplation of law, as where the power is exercised in an arbitrary and despotic manner by reason of passion and personal hostility. x x x. (Citation omitted)

In this case, the motion to quash was grounded on the sole argument that the judgment should no longer be enforced because of the occurrence of a material supervening event. Respondents alleged that before the alias writs were issued, but after the MTCC rendered judgment in the unlawful detainer case, they had acquired ownership over the subject property as evidenced by Emancipation Patent Nos. 00780489 and 00780490.³⁴

The MTCC correctly denied their motion, citing our ruling in *Oblea v. Court of Appeals*³⁵ and *Chua v. Court of Appeals*³⁶ to the effect that the subsequent acquisition of ownership is not a supervening event that will bar the execution of the judgment in the unlawful detainer case. According to the MTCC:

This court gives due weight to the ruling of the Supreme Court in the cases of *Oblea vs. Court of Appeals* (244 SCRA 101) and *Chua vs. Court of Appeals* (271 SCRA 564), wherein it made a categorical pronouncement that the subsequent acquisition of ownership by any person is not a supervening event that will bar the execution of the judgment in the unlawful detainer case. True it is that the sole issue in an action for

³² *Gallardo-Corro v. Gallardo*, 403 Phil. 498 (2001).

³³ 246 Phil. 503, 509 (1988).

³⁴ *Id.* at 184-186; Motion to Quash Alias Writ of Possession & Demolition dated 30 November 2006.

³⁵ 313 Phil. 840 (1995).

³⁶ 338 Phil. 262 (1997).

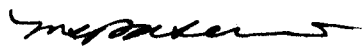
unlawful detainer x x x is physical or material possession. Such issue of physical or material possession was already pass[ed] upon by this court during trial. As held in the case of *Dizon vs. Concina* (30 SCRA 897), the judgment rendered in an action for forcible entry or detainer shall be effective with respect to the possession only and in no wise bind the title or affect the ownership of the land or building. Such judgment shall not bar an action between the parties respecting title to the land or building. (Sec. 18, Rule 70, 1997 Rules of Civil Procedure)³⁷

It is well-settled that the sole issue in ejectment cases is physical or material possession of the subject property, independent of any claim of ownership by the parties.³⁸ The argument of respondent-spouses that they subsequently acquired ownership of the subject property cannot be considered as a supervening event that will bar the execution of the questioned judgment, as unlawful detainer does not deal with the issue of ownership.

As the case now stands, both parties are claiming ownership of the subject property: petitioner, by virtue of a Deed of Sale executed in its favor by the registered land owner; and respondents, by subsequently issued emancipation patents in their names. This issue would more appropriately be ventilated in a full-blown proceeding, rather than in a motion to stay the execution of the judgment rendered in the instant summary ejectment proceeding. To reiterate, the sole issue in the present case is *de facto* possession of the subject property, and this was conclusively settled by the MTCC in HTRDC's favor in its final and executory Consolidated Decision of 25 May 2005. We therefore rule that the CA committed reversible error in ruling that the MTCC committed grave abuse of discretion in denying respondents' motion to quash the alias writs of execution and demolition.

WHEREFORE, the instant Petition for Review is **GRANTED**. The assailed Decision and Resolution of the Court of Appeals in CA-G.R. SP No. 97862 dated 27 March 2008 and 14 July 2008, respectively, are hereby **SET ASIDE** and **REVERSED**. The Order dated 17 January 2007 of the Municipal Trial Court in Cities, Branch 2, Malolos City, in Civil Case Nos. 03-140 to 03-143 is hereby **REINSTATED**.


SO ORDERED.

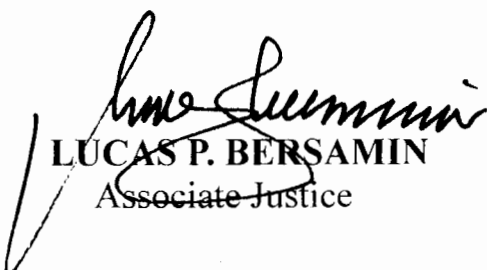

MARIA LOURDES P. A. SERENO
Chief Justice, Chairperson

³⁷ *Rollo*, p. 194; Order dated 17 January 2007.

³⁸ *Carbonilla v. Abiera*, G.R. No. 177637, 26 July 2010, 625 SCRA 461, 469.

WE CONCUR:


TERESITA J. LEONARDO-DE CASTRO
Associate Justice



LUCAS P. BERSAMIN
Associate Justice


MARTIN S. VILLARAMA, JR.
Associate Justice


BIENVENIDO L. REYES
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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.


MARIA LOURDES P. A. SERENO
Chief Justice