

**SOLOMON ALCAYDE, NESTOR BRIONES AND CECILIA FLORES,
PETITIONERS, VS. RACQUEL LACERAS, THE CITY SHERIFF OF
QUEZON CITY AND NILO R. LAPID, SHERIFF IV, BRANCH 220, RTC-QC,
RESPONDE...**

Ponente: BARRIOS, J.

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BARRIOS, J.:

The petitioners Solomon Alcayde, Nestor Briones and Cecilia Flores (hereafter the petitioners for brevity), through this petition for mandamus and certiorari, ask that the Orders dated August 13, 2002 and October 3, 2002 issued by the Regional Trial Court of Quezon City (or RTC) in its Civil Case No. Q-95-23168, be reversed and set aside.

This case stemmed from the said civil case, a suit for Recovery of Possession filed by the respondent Racquel Laceras (or Laceras) against the petitioners where she alleged that she is the owner of a 180 square meters parcel of land in Diliman, Quezon City covered by Transfer Certificate of Title No. 98587. The petitioners entered the property without her knowledge and consent and refused to vacate this despite demands. On February 22, 1996, the RTC rendered judgment on the case, the decretal portion of which reads:

WHEREFORE, premises considered, judgment is hereby rendered ordering:

- Defendants and all other persons claiming right under them to vacate the property located at No. 22 Kalayaan Avenue, Diliman, Quezon City;
- Defendants to pay jointly the amount of One Thousand Pesos (P1,000.00) per month from November 26, 1991, the date of first demand, until they finally vacate the (sic) premises, as reasonable compensation for the use and occupation of the property in litis;
- Defendants to pay jointly the amount of Twenty Thousand Pesos (P20,000.00) as and for attorney's fees plus costs of suit.

Other claim for damages and defendants' counterclaim are hereby denied for lack of merit.

SO ORDERED. (pp. 43-44, rollo)

The petitioners appealed, but this was dismissed by this Court in its Decision dated August 31, 2001 disposing that:

WHEREFORE, the instant appeal is hereby DISMISSED for lack of merit. The assailed Judgment dated February 22, 1996 of the Regional Trial Court of Quezon City, Branch 220, in Civil Case No. Q-95-23168, is hereby AFFIRMED in toto. (vide: Writ of Execution, p. 17, rollo)

This became final and executory on September 22, 2001 per Entry of Judgment issued by this Court. On March 15, 2002, Laceras filed a Motion for Execution of Judgment which was granted by the RTC in its assailed Order

dated April 23, 2002. The subsequent Writ of Execution was issued on June 10, 2002.

On July 9, 2002, the petitioners filed a Motion to Quash the Writ of Execution raising as grounds lack of jurisdiction and denial of due process. The petitioners maintained that the complaint for recovery of possession filed by Laceras is essentially an action for ejectment, and therefore not within the jurisdiction of the RTC. The petitioners also contended that they were denied the right to due process when the RTC rendered a judgment on the pleadings concealing the jurisdictional defects in the complaint. Furthermore, they claimed that the land subject matter of the case is part of the subdivision of the Philippine Homesite and Housing Corporation (PHHC) and any claim involving subdivision lots must be filed with the HLURB.

The motion was denied by the RTC in the assailed Order of August 13, 2002 which reads:

The Court, after considering the arguments raised by the defendants in their Motion to Quash, finds no cogent reason to reverse or modify the Order of this Court dated April 23, 2002.

The issue of jurisdiction of this Court has been thoroughly discussed in the final and executory decision of the Court of Appeals. This Court finds no new matter in the Motion to Quash Execution which was not ruled upon by the Appellate Court and would warrant the quashal of the writ of execution.

WHEREFORE, the instant motion is hereby DENIED for lack of merit.

SO ORDERED. (p. 14, rollo)

The motion for its reconsideration was likewise struck down in the second assailed Order of October 3, 2002.

Hence, the petitioners are now on this recourse, contending that:

THE JUDGMENT OF THE RTC IN CIVIL CASE NO. Q95-23168 AND THE DENIAL OF THE MOTION TO QUASH WRIT OF EXECUTION FOR LACK OF ABSOLUTE JURISDICTION AND DENIAL OF DUE PROCESS, STRIKES DOWN STANDING RULES ON JURISDICTION AND CONSTITUTIONAL DUE PROCESS AND, IF NOT REVERSED, WILL CONSTITUTE AN UNWARRANTED VIOLATION OF THESE PRINCIPLES, THE TRIAL COURT HAVING ACTED WITHOUT, IN EXCESS, AND IN ABUSE OF ITS JURISDICTION WHEN IT REFUSED TO QUASH SAID WRIT, ISSUED IN VIOLATION OF JURISDICTION AND DUE PROCESS. (vide: p. 5, rollo)

We deny the petition.

The judgment of the RTC had become final and executory on September 22, 2001 per Entry of Judgment issued by this Court. The petitioners have tenaciously tried to evade its execution. They raised no new matters or arguments in their Motion to Quash the Writ of Execution, and cited issues and grounds which are a mere rehash of those which were more than sufficiently passed upon by this Court in its Decision dated August 31, 2001 dismissing their appeal. It is also significant to note that the petitioners had filed a Petition for Annulment of Judgment and/or Certiorari with this Court dated January 23, 2002, docketed as CA-G.R. SP No. 68766, which was denied in a Resolution dated May 30, 2002. Undaunted, the petitioners filed a Petition for Certiorari and Prohibition before the Supreme Court assailing the August 31, 2001 Decision of this Court. This was dismissed by the Supreme Court in a Resolution dated July 3, 2002.

Thus, it is worthy to stress that a litigation must at some times be terminated, for public policy dictates that once a judgment becomes final, executory and unappealable, the prevailing party shall not be deprived of the fruits of victory by some subterfuge devised by the losing party. Courts must guard against any scheme calculated to bring about that result. Constituted as they are to put an end to controversies, courts frown upon any attempt to prolong them (*Equatorial Realty Development, Inc. vs. Mayfair Theater, Inc.*, 359 SCRA 491). It will not be amiss to also

mention that counsels are duty-bound to observe and abide by those rules and procedures, which were designed primarily to ensure the orderly administration of justice (Jehan Shipping Corp. vs. NFA, G. R. No. 159750, Dec. 14, 2005).

Finding no abuse of discretion, let alone one which is grave, nor any basis for the issuance of the writ -

WHEREFORE, the Petition is DENIED DUE COURSE and DISMISSED.

SO ORDERED.

Guariña, III and Romilla-Lontok, JJ., concur.

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