JOSE AND FRATERNITY TANSINGCO, PLAINTIFF-APPELLEE, VS. JESUS DOMASIG, JR., ET AL., DEFENDANTS, JESUS DOMASIG, JR., FRANCISCO EDONA, LEA CONDES, LITO SARONG, MARIVIC MARTINEZ, RE...

Ponente: BUESER, J.

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BUESER, J.:

Before this Court on appeal is the January 12, 2010 Decision of the Regional Trial Court, branch 101 of Quezon City ("trial court"), the dispositive portion of which reads -

> "WHEREFORE, the Court finds for the plaintiffs Spouses Jose and Fraternity Tansingco and hereby orders each of the defendants Jesus Domasig, Jr., Erwin Daras, Emmo Condes, Francisco Edona, Pabloc Escano, Alex Aquino, Lito Sarong, Leopoldo Agao, Boy Ocillos, Jerry See, Albino Gamot, Leo Alibadbad, Felimon Dela Cerna, Josefino Urbano, Vicky Sevilla, Nanay Makas and all persons claiming rights or instructions under them:
>
> 1. to vacate the premises/real property embraced in and covered by Transfer Certificate of Title No. RT-59304 of the Registry of Deeds of Quezon City;
>
> 2. to pay the plaintiffs the amount of P500.00 per month as reasonable compensation for the use of the land beginning the month of January 200 until they shall have finally vacated the premises;
>
> 3. to pay jointly the amount of P50,000.00 as and by way of attorney's fees; and
>
> 4. to pay the costs of suit.
>
> **SO ORDERED."**

The Antecedent

Spouses Jose and Fraternity Tansingco ("appellees") are the registered owners of 922 square meters of land covered by Transfer Certificate of Title No. RT-59304(208852) ("subject property") located at Barrio Pasong Tamo, Quezon City.

On December 22, 1999, appellee Fraternity Tansingco found out that Jesus Domasig, Jr., Erwin Daras, Emmo Condes, Francisco Edona, Pabloc Escano, Alex Aquino, Lito Sarong, Leopoldo Agao, Boy Ocillos, Jerry See, Albino Gamot, Leo Alibadbad, Felimon Dela Cerna, Josefino Urbano, Vicky Sevilla, Nanay Makas ("appellants") were occupying the subject property without the permission of the appellees. Appellants had even introduced improvements on the subject property but have not secured any building permit from the Engineering Department of Quezon City.

In a letter dated December 24, 1999, appellees offered to sell the subject property to the appellants, giving the latter until March 2000 to exercise such option. Otherwise, they were ordered to vacate the same.

Upon receipt of the letter, appellants, wrote Quezon City Councilor Winston Castelo to aid them in the transaction. A dialogue between appellees' lawyer and the appellants then took place in the office of Councilor Castelo. However, appellants did not purchase the subject property but refused to turn over its possession to its registered owners, the appellees. Hence, on August 4, 2000, a complaint for ejectment was filed against the appellants before the Metropolitan Trial Court of Quezon City. It was dismissed by the MeTC for lack of jurisdiction.

Consequently, a case for recovery of possession was filed by the appellees against the appellants with the trial court.

Trial Court's Ruling

After due proceedings, the trial court rendered the assailed Decision and held that -

> "The plaintiffs, being the owners/holders of a Torrens Certificate of Title, are entitled to the possession of the real property being occupied by the herein defendants.
>
> The owner has the right to enjoy and dispose of a thing without other limitations than those established by law. The owner has a also a right of action against the holder and possessor of the thing in order to recover it.
>
> A Torrens Title shall be conclusive as to all matters contained therein principally, the identity of the owner of the land covered thereby. The title, once registered is notice to the world. All persons must take notice. No one can plead ignorance of registration. Thus, despite the testimony of the defendants' witness Leonor Ocillos that they have made their own research on the ownership pf the land they are presently occupying, the same does not work against the title of the plaintiffs. xxx"[1]

Aggrieved, appellants filed the present appeal.

Assignment of Errors

The trial court committed grave error of judgment when it rendered the assailed Decision ordering appellants to vacate the subject property.

This Court's Ruling

Appellants contend that appellees' title is spurious or fake. They likewise argue that appellees' complaint is barred by a prior judgment by the MeTC.

The appeal has no merit.

Section 19, Rule 70 of the 1997 Rules of Civil Procedure reads:

> Section 19. Immediate execution of judgment; how to stay same. — If judgment is rendered against the defendant, execution shall issue immediately upon motion unless an appeal has been perfected and the defendant to stay execution files a sufficient supersedeas bond, approved by the Municipal Trial Court and executed in favor of the plaintiff to pay the rents, damages, and costs accruing down to the time of the judgment appealed from, and unless, during the pendency of the appeal, he deposits with the appellate court the amount of rent due from time to time under the contract, if any, as determined by the judgment of the Municipal Trial Court. In the absence of a contract, he shall deposit with the Regional Trial Court the reasonable value of the use and occupation of the premises for the preceding month or period at the rate determined by the judgment of the lower court on or before the tenth day of each succeeding month or period. The supersedeas bond shall be transmitted by the Municipal Trial Court, with the papers, to the clerk of the Regional Trial Court to which the action is appealed.
>
> All amounts so paid to the appellate court shall be deposited with said court or authorized government

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> depositary bank, and shall be held there until the final disposition of the appeal, unless the court, by agreement of the interested parties, or in the absence of reasonable grounds of opposition to a motion to withdraw, or for justifiable reasons, shall decree otherwise. Should the defendant fail to make the payments above prescribed from time to time during the pendency of the appeal, the appellate court, upon motion of the plaintiff, and upon proof of such failure, shall order the execution of the judgment appealed from with respect to the restoration of possession, but such execution shall not be a bar to the appeal taking its course until the final disposition thereof on the merits.
>
> After the case is decided by the Regional Trial Court, any money paid to the court by the defendant for purposes of the stay of execution shall be disposed of in accordance with the provisions of the judgment of the Regional Trial Court. In any case wherein it appears that the defendant has been deprived of the lawful possession of land or building pending the appeal by virtue of the execution of the judgment of the Municipal Trial Court, damages for such deprivation of possession and restoration of possession and restoration of possession may be allowed the defendant in the judgment of the Regional Trial Court disposing of the appeal.

The ruling in Chua v. Court of Appeals[2] is instructive on the means of staying the immediate execution of a judgment in an ejectment case, to wit:

> "As a general rule, a judgment in favor of the plaintiff in an ejectment suit is immediately executory, in order to prevent further damage to him arising from the loss of possession of the property in question. To stay the immediate execution of the said judgment while the appeal is pending the foregoing provision requires that the following requisites must concur: (1) the defendant perfects his appeal; (2) he files a supersedeas bond; and (3) he periodically deposits the rentals which become due during the pendency of the appeal. The failure of the defendant to comply with any of these conditions is a ground for the outright execution of the judgment, the duty of the court in this respect being "ministerial and imperative." Hence, if the defendant-appellant perfected the appeal but failed to file a supersedeas bond, the immediate execution of the judgment would automatically follow. Conversely, the filing of a supersedeas bond will not stay the execution of the judgment if the appeal is not perfected. Necessarily then, the supersedeas bond should be filed within the period for the perfection of the appeal."

Appellants failed to perfect their appeal; did not deposit the amount of rent due, as determined by the trial court, and did not file a sufficient supersedeas bond. Hence, for failure of the appellants to comply with all of the three (3) aforementioned requirements, their appeal was not perfected and the Decision of the trial court is immediately executory,

The Supreme Court is clear on this rule in this wise -

> "To stay the immediate execution of the judgment in an ejectment case, the defendant must perfect an appeal, file a supersedeas bond, and periodically deposit the rentals becoming due during the pendency of the appeal. Otherwise, the writ of execution will issue upon motion of the plaintiff."[3]

Nonetheless, even on the merits the appeal fails.

There is no dispute that a Torrens certificate of title cannot be collaterally attacked. The appellants, being the holders of TCT No. Rt-59304 (208852) of the Registry of Deeds of Quezon City are entitled to the possession of the subject property.

Lastly, appellees' action for recovery of possession filed with the trial court is not barred by the prior judgment issued by the MeTC as the said court merely dismissed the complaint of the appellees for lack of jurisdiction. Clearly, there is no res judicata.

WHEREFORE, the appeal is hereby DISMISSED for non-perfection and the January 12, 2010 Decision of the Regional Trial Court, Branch 101, of Quezon City is declared as having become final and executory.

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SO ORDERED.

De Guia-Salvador (Chairman) and Garcia, JJ., concur.

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[1] Rollo, pp. 48-49.

[2] G.R. No. 113886, February 24, 1998.

[3] Herminia Acbang vs. Honorable Luczon, Jr., G.R. No. 164246, January 15, 2014.

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