

FRED MONTALBAN, MARIVIC IRAN, FREDO MIGILITA, ANECITO MATURAN, ATANACIA VALLENTE, ARGIE LLERA, FERNANDO DESBARO, ALLAN GALARPE, JONALYN GASPILLO, IDEL PENARANDA, EVON ECHAVEZ, P...

Ponente: PERALTA, JR., E. B., J.

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PERALTA, JR., E. B., J.:

On the basis of what petitioners perceived to be egregious error of the appellate court when it dismissed the appeal from an ejectment suit borne of petitioners' inability to post the supersedeas bond,[1] the current Petition[2] was thus presented with this Court.

In retrospect, respondent filed[3] an unlawful detainer case in 2007 against petitioners with the Metropolitan Trial Court of Quezon City for petitioners' ouster from the parcels of land within the Quezon Institute Compound at E. Rodriguez Sr. Avenue, Quezon City. As cause of action, respondent utilized the concept of petitioners' surreptitious entry and occupation of the subject realty. When formally pressed to vacate, it was alleged that an agreement later materialized with the participation of some government officials but petitioners remained adamant. Such indifference triggered the suit before the court of origin.[4]

For their part,[5] petitioners asserted exculpations such as ambiguity of the Complaint, absence of a cause of action, improper joinder of parties, and disavowal of the so-called undertaking to relinquish possession by April, 2007.

Per the Decision[6] of August 27, 2008, the Court of the First Level agreed with the respondent and petitioners elevated the adjudication to the next judicial rung.[7] To petitioners' consternation, and per the text of the impugned Decision, their appeal was dismissed for failure to post the supersedeas bond inclusive of rentals, and concomitant thereto, the appellate court affirmed the court of origin's disposition in toto.[8]

Hence, petitioners posed the sole proposition, through the instant Petition, in this wise:[9]

THE RTC's DECISION IS CLEARLY ERRONEOUS BECAUSE IN AN EJECTMENT CASE THE FAILURE OF THE LOSING DEFENDANT TO POST A SUPERSEDEAS BOND AND TO MAKE MONTHLY DEPOSITS DURING THE PENDENCY OF THE APPEAL IN THE RTC IS NOT A GROUND FOR THE DISMISSAL OF THE APPEAL.

Petitioners insisted that the RTC erred in dismissing the appeal solely on the basis of their failure to post supersedeas bond and payment of monthly rentals. It was petitioners' belief that such omission can hardly justify dismissal of the appeal which lacuna can only spawn immediate execution of the MTC's judgment.

We agree with petitioners along this line.

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 depository 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.

In plain and simple terms, the inability of the defendant in an ejectment case to post the supersedeas bond and to deposit the current rental will only authorize prompt implementation of the judgment appealed from but it will not, perforce, lead to an outright rejection of the appeal.[10]

We ventured to add that the only legal foundation for the mandatory dismissal of an appeal from an adverse verdict in an action for ejectment on appeal is the inability to file the Memorandum on Appeal per Section 7 (b), Rule 40[11] of the 1997 Rules of Civil Procedure vis-à-vis Section 3, Rule 17, which circumstance can hardly be equated with the appellate court's discourse on appeal.

Withal, while it appeared that the assailed Decision dismissed the appeal on account of the absence of the supersedeas bond, it also disposed of the merits of the appeal when it affirmed the court of origin's judgment sans any specific discussion of the arguments from the parties before the appellate court. Certainly, in the light of the constitutional caveat in Section 14, Article 8 of the 1987 Constitution,[12] the integration of these two paragraphs of the challenged Decision, consisting of four pages, leaves much to be desired:

"The only issue involved in ejectment proceedings is as to who is entitled to the physical or material possession of the premises, that is, possession de facto.

As gleaned from the records, the plaintiff-appellee has sufficiently established that it is entitled to the physical possession of the subject premises." [13]

Of course, We are not unmindful of a memorandum decision[14] envisioned by Section 40 of Batas Pambansa Bilang 129 which was perhaps what was in the mind of the reviewing court below when the assailed disposition was crafted. Surely, there was a reference to, and the '...antecedent facts of the case as shown in the decision...', were adopted by the RTC.[15] Yet, what reinforced Our perception of a different outlook of the appeal was the anthology of Mr. Justice Isagani A. Cruz's in *Francisco v. Permskul*: [16]

"The Court finds it necessary to emphasize that the memorandum decision should be sparingly used lest it become an addictive excuse for judicial sloth. It is an additional condition for its validity that this kind of decision may be resorted to only in cases where the facts are in the main accepted by both parties or easily determinable by the judge and there are no doctrinal complications involved that will require an extended discussion of the laws involved. The memorandum decision may be employed in simple litigations only, such

as ordinary collection cases, where the appeal is obviously groundless and deserves no more than the time needed to dismiss it.

Despite the convenience afforded by the memorandum decision, it is still desirable that the appellate judge exert some effort in restating in his own words the findings of fact of the lower court and presenting his own interpretation of the law instead of merely parroting the language of the court a quo as if he cannot do any better. There must be less intellectual indolence and more pride of authorship in the writing of a decision, especially if it comes from an appellate court.

It ill becomes an appellate judge to write his rulings with a pair of scissors and a pot of paste as if he were a mere researcher. He is an innovator, not an echo. The case usually becomes progressively simpler as it passes through the various levels of appeal and many issues become unimportant or moot and drop along the way. The appellate judge should prune the cluttered record to make the issues clearer. He cannot usually do this by simply mimicking the lower court. He must use his own perceptiveness in unraveling the rollo and his own discernment in discovering the law. No less importantly, he must use his own language in laying down his judgment. And in doing so, he should also guard against torpidity lest his pronouncements excite no more fascination than a technical tract on the values of horse manure as a fertilizer. A little style will help liven the opinion trapped in the tortuous lexicon of the law with all its whereases and wherefores. A judicial decision does not have to be a bore.”

Not to be ignored, too, were reminders expressed by Chief Justice Davide, Jr. in *Yao vs. Court of Appeals*,^[17] which may well assume resonance to the remedial measure of petitioners:

“Thus, we nullified or deemed to have failed to comply with Section 14, Article VIII of the Constitution, a decision, resolution or order which: contained no analysis of the evidence of the parties nor reference to any legal basis in reaching its conclusions; contained nothing more than a summary of the testimonies of the witnesses of both parties; convicted the accused of libel but failed to cite any legal authority or principle to support conclusions that the letter in question was libelous; consisted merely of one (1) paragraph with mostly sweeping generalizations and failed to support its conclusion of parricide; consisted of five (5) pages, three (3) pages of which were quotations from the labor arbiter's decision including the dispositive portion and barely a page (two [2] short paragraphs of two [2] sentences each) of its own discussion or reasonings; was merely based on the findings of another court sans transcript of stenographic notes; or failed to explain the factual and legal bases for the award of moral damages.”

WHEREFORE, with the foregoing disquisition, the Petition for Review is hereby GRANTED. Hence, the Decision dated June 25, 2010 of the Regional Trial Court is hereby SET ASIDE and the RTC is directed to resolve the case on appeal based on the arguments presented by the parties before it.

SO ORDERED.

Reyes, Jr. J.C., Chairperson, and Peralta, Jr., E. B., JJ., concur.

[*] Per Office Order No. 15-15-ABR dated January 20, 2015 effective February 2, 2015.

[1] Decision dated June 25, 2010, penned by RTC Judge Afa E. Cajigal, Rollo, pp. 29-32.

[2] Dated September 20, 2010.

[3] Annex “C”, Rollo, pp. 41-46.

[4] Rollo, pp. 43-44.

[5] Answer dated November 5, 2007, Rollo, pp. 73-79.

[6] Penned by MTC Judge Edgardo B. Bellosillo, Rollo, pp. 33-39.

[7] Annex “K”, Rollo, pp. 127-128.

[8] Annex “A”, pp. 29-32.

[9] Petition, page 19, Rollo, page 21.

[10] Acbang v. Hon. Luczon, Jr., G.R. No. 164246, January 15, 2014 citing Chua v. Court of Appeals, G.R. No. 113886, February 24, 1998, 286 SCRA 437, 444-445 -

“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.” (emphasis supplied)

Cf. 1 Regalado, Remedial Law Compendium, 10[th] edition, 2010, pp. 903-904.

[11] 1 Regalado, Vide, page 543, citing Enriquez v. CA, G.R. No. 140473, January 28, 2003.

[12] Bernas, The 1987 Constitution of the Republic of the Philippines: A Commentary, 2003 edition, pp. 993-995.

[13] Page 3, Decision dated June 25, 2010, Rollo, page 31.

[14] 1 Regalado, Vide, pp. 420-421; 1 Feria and Noche, Civil Procedure Annotated, 2013, pp. 66-67.

[15] Paragraph 2, page 1, Decision dated June 25, 2010, Rollo, page 29.

[16] G.R. No. 81006, May 12, 1989, 173 SCRA 324, 335-336

[17] G.R. No. 132428, October 24, 2000, 344 SCRA 202,220.

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