

URBANO REYES (DECEASED) SUBSTITUTED BY HIS HEIRS, ESTER PADILLA, ARTURO P. REYES, ET AL., PETITIONERS, VS. THE COURT OF APPEALS, PRESIDING JUDGE OF THE COURT OF FIRST INSTANCE O...

G.R. No. L-31099. December 26, 1969

Ponente: DIZON, J.

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DIZON, J.:

In Civil Case No. 567 (for unlawful detainer) filed with the City Court of Olongapo by Zenaida Soriano against Urbano Reyes, said court, on April 30, 1968 rendered judgment as follows:

"It is therefore the judgment of this Court that defendant, from September, 1965 has been unlawfully withholding possession of the property in question and he is hereby ordered to vacate the premises in question. Defendant is also hereby ordered to pay to the plaintiff the total amount of THREE THOUSAND ONE HUNDRED (P3,100.00) Pesos, representing the unpaid rentals for the use and occupancy of the property in question at P100.00, from September 1965 to the present with interest at 12% per annum until fully paid. It is further ordered that defendant pay to the plaintiff the amount of ONE THOUSAND (P1,000.00) PESOS as moral and exemplary damages.

"It appears that when the defendant was placed in the possession of premises in question by virtue of the lease aforementioned, he introduced improvements on the existing structures converting the same into an automotive repair shop and garage and later used a part of the building, after a few renovation, as his place of residence. As it appears that he did so, in good faith, he may remove so much thereof as may be removed without damage to the premises in question. The plaintiff, at her option, may retain such improvements by refunding to the defendant the amount of P1,000.00 which this court deems to be the reasonable value of defendant's improvements.

"This decision is rendered without pronouncement as to costs." (underscoring ours)

On appeal in the Court of First Instance of Zambales, where the case was docketed as Civil Case No. 361-0, the plaintiff filed a motion for the immediate execution of the judgment of the City Court of Olongapo by reason of the failure of the defendant to file the required supersedeas bond and to deposit the monthly rentals that fell due after the rendition of the judgment. On July 31, 1968, said court granted the motion. His motion for a reconsideration of said order of July 31, 1968 having been denied, Urbano Reyes filed an action for certiorari and prohibition in the Court of Appeals (C.A-G.R No. 42026-R) to nullify said order and to prevent the execution of the judgment of the City Court of Olongapo, claiming that the Court of First Instance of Zambales gravely abused its discretion and exceeded its jurisdiction in ordering the execution thereof.

On July 26, 1969 the Court of Appeals rendered judgment upholding the validity of the order of July 31, 1968 issued by the Court of First Instance of Zambales except in so far as it ordered payment by the petitioner to respondent Zenaida Soriano of moral and exemplary damages in the sum of P1,000. This decision was modified

by the Court of Appeals in its resolution of September 25, 1969, the dispositive part of which reads as follows:

"WHEREFORE, the decision of this Court dated July 26, 1969, upholding the validity of the order of the respondent court dated July 31, 1968, directing the execution of the judgment dated April 30, 1968 of the City Court of Olongapo in Civil Case No. 567 is hereby reiterated. However, insofar as it includes execution for the payment of moral damages in the sum of P1,000.00 and another P1,000.00 as reimbursement to petitioners for the total value of the improvement introduced by the deceased Urbano Reyes, the decision is hereby modified so as to eliminate these two items.

"As to the question of reimbursement of the value of the improvements introduced by the deceased petitioner, to be made by respondent Zenaida Soriano in favor of the substituted petitioners, the same shall be disposed of by the respondent court conformably to law upon deciding the appealed case on its merits."

Having failed to secure reconsideration of the resolution of the Court of Appeals last mentioned, petitioners, on October 17, 1969, filed "a petition for review on certiorari by way of an appeal" of the resolutions of the Court of Appeals in C.A-G.R No. 42026-R of September 25, 1969 and of August 25 of the same year, claiming that, not having authority to modify and amend the judgment rendered by the City Court of Olongapo mentioned heretofore, in the action for certiorari and prohibition before it, the Court of Appeals committed a grave abuse of discretion or exceeded its jurisdiction in issuing the resolutions appealed from.

Upon consideration of the allegations made in the basic petition, this Court, on October 21, 1969, found the same to be without merit and, as a consequence, "resolved to deny it".

On November 12, 1969 petitioners filed a motion for reconsideration claiming, in substance, that upon the facts alleged in their petition, it was clear that the Court of Appeals, in the action for certiorari and prohibition before it (C.A-G.R No. 42026-R), had no authority to consider the merits of the detainer case initiated in the City Court of Olongapo, much less to amend the decision rendered by said court which was still on appeal in the Court of First Instance of Zambales, and that, therefore, the resolutions sought to be annulled were void. Upon this premise they prayed that their appeal be given due course.

It is to be observed that the dispositive portion of the resolution of September 25, 1969 quoted above refers to two different items, namely: the P1,000.00 awarded by the City Court of Olongapo as moral and exemplary damages, and the P1,000.00 awarded as reimbursement to petitioners for the total value of the improvements introduced by the deceased Urbano Reyes.

The respondent Court of Appeals, in its decision promulgated on July 26, 1969, declared the award of moral and exemplary damages null and void and, consequently, ruled that 'this amount should not be included in the writ of execution', for the simple reason that the City Court of Olongapo had exceeded its jurisdiction in awarding such damages which do not fall within the meaning and purview of those mentioned in Section 6, Rule 70 of the Rules of Court. This ruling - reaffirmed in the same court's resolution of September 25, 1969 - is correct, and, as the case before it was an action for certiorari and prohibition seeking to annul the order of July 31, 1968 issued by the Court of First Instance of Zambales ordering the execution pending appeal of the decision rendered by the City Court of Olongapo in Civil Case No. 567 (for unlawful detainer), it seems clear that the Court of Appeals acted within its jurisdiction in declaring void the aforementioned portion of the decision of the latter court.

Upon the other hand, the resolution of the respondent Court of Appeals of September 25, 1969 clearly provides that the item of P1,000.00 as reimbursement "shall be disposed of by the respondent court conformably to law upon deciding the appealed case on its merits", and, as a result, declared that the item aforesaid should also be eliminated from the execution of judgment ordered by the Court of First Instance of Zambales. With this We also agree.

IN VIEW OF THE FOREGOING, the motion for reconsideration filed by petitioners is hereby denied.

Concepcion, C.J., Reyes, Zaldivar, Sanchez, Ruiz Castro, Fernando, Teehankee, and Barredo, JJ., concur.
Makalintal, J., did not take part.

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