

JOVELITA TRINIO, BEATRIZ RAYMUNDO, ALFONSO TARAYO, ATTY. MARCELO ABIBAS, JALILA MIKUNUG, ROSARIO ROSALES AND ANNANIAS CORNELIO, PETITIONERS-APPELLANTS, VS. METROPOLITAN TRIAL CO...

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MACALINO, J:

This is an Appeal under Rule 41 of the Rules of Court assailing the 22 July 2013 Decision[1] (“assailed Decision”) of the Regional Trial Court of Manila, Branch 7 in Special Civil Action No. 12-127400 entitled “Jovelita Trinio, Beatriz Raymundo, Alfonso Tarayao, Atty. Marcelo Abibas, Jalila Mikunug, Rosario Rosales and Annanias Cornelio v. Metropolitan Trial Court of Manila, Branch 6 presided by the Honorable Judge Jean Marie A. Bacorro-Villena, Acting Branch Sheriff Richard O. Cargo, J.S. Tiaoqui Development Corporation represented by Arturo Tiaoqui and Atty. Rio T. Espiritu” involving a complaint for injunction. The dispositive portion of the assailed Decision reads:

“WHEREFORE, the main action for Injunction is DISMISSED for lack of merit.

SO ORDERED.”[2]

The Facts of the Case[3]

It appears that Respondent-Appellee Atty. Rio Espiritu (“Atty. Espiritu”) leased the 2nd and 3rd floors of Tiaoqui Building located at 523 Bustos Street, Avenida, Rizal, Sta. Cruz, Manila (“subject property”). Said building is owned by Respondent-Appellee J.S. Tiaoqui Development Corporation (“J.S. Tiaoqui”). Atty. Espiritu, in his capacity as lessee thereof, was also made the Building Administrator of the subject property.[4]

Petitioners-Appellants Beatriz Raymundo, Alfonso Tarayao, Atty. Marcelo Abibas, Jalila Mikunug and Annanias Cornelio are the sublessees of Atty. Espiritu while Petitioner-Appellant Jovelita Trinio is a sub-lessee of Petitioner-Appellant Rosario Rosales, another sub-lessee of Atty. Espiritu.[5]

As Atty. Espiritu was unable to pay rent, J.S. Tiaoqui represented by Arturo Tiaoqui filed an ejectment complaint against Atty. Espiritu and all persons claiming rights under him.

On 6 October 2010, a Compromise Agreement was reached by Atty. Espiritu and J.S. Tiaoqui. Thus, on the basis of the same, a Judgment was rendered by Branch 6 of the Metropolitan Trial Court (MeTC) of Manila on 6 October 2011. Said Judgment became final and executory.

Thereafter, on 5 December 2011, a Writ of Execution[6] directed against Atty. Espiritu and all persons claiming rights under him, was issued by the MeTC.

However, after the implementation of the Writ of Execution and turn over of the subject property to J.S. Tiaoqui, Petitioners-Appellants allegedly forced themselves and re-entered the same without the consent of J.S. Tiaoqui and filed an injunction complaint[7] against the latter and Atty. Espiritu.

On 22 July 2013, the RTC rendered the assailed Decision[8] dismissing the injunction complaint filed by

Petitioners-Appellants. It ruled that while it is true that Petitioners-Appellants were strangers to the ejectment case and had never been notified of the pendency of such action, their apparent surprise to the execution process, no matter how sudden, was of no moment. As common sub-lessees of Atty. Espiritu, Petitioners-Appellants were equally bound by the judgment rendered in the ejectment case. As such, Petitioners-Appellants have shown no clear legal right so as to be entitled to an injunctive writ. Moreover, the execution process sought to be enjoined have already been consummated.

Aggrieved, Petitioners-Appellants filed the instant Appeal.[9]

On 24 March 2014, Petitioners-Appellants filed their Brief.[10]

On 15 May 2014, Respondents-Appellees filed their Brief.[11]

Since Petitioners-Appellants failed to file their Reply Brief despite notice, their right to file the same was deemed waived.[12]

In a minute Resolution dated 15 October 2014, the instant case was deemed submitted for decision without the Reply Brief.[13]

The Issue

WHETHER OR NOT THE TRIAL COURT ERRED IN DISMISSING THE COMPLAINT FOR INJUNCTION.

The Court's Ruling

As with all equitable remedies, injunction must be issued only at the instance of a party who possesses sufficient interest in or title to the right or the property sought to be protected. It is proper only when the applicant appears to be entitled to the relief demanded in the complaint, which must aver the existence of the right and the violation of the right, or whose averments must in the minimum constitute a prima facie showing of a right to the final relief sought.[14]

Accordingly, the conditions for the issuance of the injunctive writ are: (a) that the right to be protected exists prima facie; (b) that the act sought to be enjoined is violative of that right; and (c) that there is an urgent and paramount necessity for the writ to prevent serious damage. An injunction will not issue to protect a right not in esse, or a right which is merely contingent and may never arise; or to restrain an act which does not give rise to a cause of action; or to prevent the perpetration of an act prohibited by statute. Indeed, a right, to be protected by injunction, means a right clearly founded on or granted by law or is enforceable as a matter of law.[15]

In the instant case, Petitioners-Appellants failed to satisfy the abovementioned conditions for the issuance of an injunctive writ.

True, Petitioners-Appellants were neither notified of the ejectment case filed by J.S. Tiaoqui against Atty. Espiritu nor were they made defendants in the said case. They were not also made parties to the Compromise Agreement reached by Atty. Espiritu and J.S. Tiaoqui. However, it is undisputed that Petitioners-Appellants are mere sub-lessees of Atty. Espiritu and as such, are bound by the judgment in the ejectment case. Being sub-lessees, Petitioners-Appellants hold the premises subject to the right of the lessee, Atty. Espiritu. Once that right disappears, they have nothing to stand on.[16]

It is well-settled that, although an ejectment suit is an action in personam wherein the judgment is binding only upon the parties properly impleaded and given an opportunity to be heard, the judgment becomes binding on anyone who has not been impleaded if he or she is: (a) a trespasser, squatter or agent of the defendant fraudulently occupying the property to frustrate the judgment; (b) a guest or occupant of the premises with the permission of

the defendant; (c) a transferee pendente lite; (d) a sublessee; (e) a co-lessee or (f) a member of the family, relative or privy of the defendant.[17]

From the foregoing, the RTC did not err in dismissing the injunction complaint filed by Petitioners-Appellants as they are all bound by the Judgment in the ejectment complaint.

WHEREFORE, premises considered, the instant Appeal is hereby DENIED. Accordingly, the 22 July 2013 Decision of the Regional Trial Court of Manila, Branch 7 in Special Civil Action No. 12-127400 is AFFIRMED.

SO ORDERED.

Villon, S. E., (Chairperson) and Reyes-Carpio, A.,[*] JJ., concur.

[*] Acting Junior Member per Office Order No. 500-14-ABR dated December 1, 2014.

[1] Rollo, pp. 24-34.

[2] Id. at pp. 33-34.

[3] As culled from the records.

[4] See Original Records, p. 87.

[5] Id.

[6] Id. at p. 63.

[7] Id. at pp. 1-8.

[8] Supra note 1.

[9] Original Records, pp. 568-569.

[10] Rollo, pp. 12-23.

[11] Id. at pp. 38-43.

[12] Id. at p. 50.

[13] Id.

[14] City Government of Butuan v. Consolidated Broadcasting System (CBS), Inc., G.R. No. 157315, December 1, 2010, 636 SCRA 320, 336-337 as cited in BPI v. Hontanosas, Jr., G.R. No. 157163, June 25, 2014.

[15] Id.

[16] See G.R. No. L-2126, August 27, 1948.

[17] Sunflower Neighborhood Association v. Court of Appeals, G.R. No. 136274, September 3, 2003 citing Oro Cam Enterprises, Inc. vs. Court of Appeals, 319 SCRA 444 (1999) citing Florenz D. Regalado, Remedial Law Compendium (1997); see also Equitable PCI Bank v. Ku, G.R. No. 142950, March 26, 2001.

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