

SPS. ATTY. BIENVENIDO K. CHY, & ELEANOR P. CHY AND SPS. BERNARDO P. DORIA & NATIVIDAD DORIA, PETITIONERS, VS. HON. NOLI C. DIAZ, PRESIDING JUDGE, REGIONAL TRIAL COURT, MANILA, BR...

Ponente: DE LOS SANTOS, J.

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DE LOS SANTOS, J.:

Sought to be annulled in the instant petition under Rules of Civil Procedure are:

- the Order of July 1, 2005, issued by then Judge Luis J. Arranz, of the Regional Trial Court of Manila, Branch 11, which lifted the writ of preliminary injunction issued to enjoin the Metropolitan Trial Court Branch 2, Manila, from proceeding with Civil Case No. 179152-CV (pp. 31-33, rollo), and
- the Order of January 4, 2006, only insofar as it denied petitioners' motion for reconsideration (pp. 34-37, rollo)

Petitioners filed a case for Damages, Annulment and/or Rescission of Contract with prayer for the issuance of a Temporary Restraining Order and Writ of Preliminary Injunction against respondents before the RTC of Manila, Branch 11, docketed as Civil Case No. 05-112119 (pp. 39-53, rollo).

Subject of the prayer for annulment and/or rescission of contract is the Deed of Absolute Sale between respondents Jaime H. Tuazon and spouses Jose Cornelio Tayag Castellvi and Cherry Manuel Castellvi over a parcel of land (with a three-door apartment) covered by then TCT No. 91674 (p. 56, rollo) in the name of Jaime H. Tuazon, and later on cancelled by TCT No. 264489 (p. 57, rollo). Petitioners alleged that as lessees for about 36 years in one of the apartment units of the subject 3-door apartment, they have the priority right to purchase the same.

On November 21, 2003, respondent Jaime Tuazon, through his lawyer, wrote petitioners giving them a right of pre-emption (p. 21, rollo) to purchase the 3-door apartment for P5.5 million. On November 28, 2003, both petitioners signified their intention to purchase said property to Lourdes Tuazon-Rivera, the sister of Jaime Tuazon. However, on July 13, 2004, Lourdes Tuazon Rivera introduced Ricky Castellvi as the new owner of the property and requested that the rental payments be given to the latter.

Thus, petitioners lodged a complaint before the Barangay (p. 61, rollo), questioning the execution of the Deed of Absolute Sale between Jaime Tuazon and respondents Castellvi (pp. 62-66, rollo). On the other hand, respondents Castellvi filed an ejectment case before the MTC of Manila, Branch 3, against petitioners.

Thereafter, petitioners filed a case for Damages, Annulment and/or Rescission of Contract before the Regional Trial Court of Manila, Branch 11, with prayer for the issuance of a temporary restraining order and/or writ of preliminary injunction. On May 6, 2005, the RTC issued the order directing the issuance of a writ of preliminary injunction. Respondents moved for its reconsideration (Annex H). Finding merit on the motion for reconsideration, RTC Branch 11, Manila, lifted the writ of preliminary injunction in the order of July 1, 2005

(Annex A). Petitioners filed their motion for reconsideration.

Upon the demise of the presiding Judge of Branch 11, the case was re-raffled to Branch 39, which court denied petitioners' motion for reconsideration.

Hence, the instant petition.

Petitioners' lone assignment of error is:

“LONE ERROR: SAID WITH ALL DUE RESPECT, RESPONDENT RTC ERRED IN LIFTING THE WRIT OF PRELIMINARY INJUNCTION, THE REASONS RELIED UPON BEING PALPABLY ERRONEOUS AS TO TAINT ITS ACTS WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION.” (p. 14, rollo)

Petitioners further aver that the prayer for the issuance of a temporary restraining order and writ of preliminary injunction was for the purpose of enjoining respondent MTC from proceeding with the ejectment case (Civil Case No. 179152-CV), filed by the respondents as the new owners, against petitioners.

The averments of the petitioners are absurd. The filing by the petitioners, as lessees, of a suit with the Regional Trial Court for “Annulment and/or Rescission of Contract” to enforce the option to purchase does not divest the Metropolitan Trial Court of its jurisdiction to take cognizance of the ejectment case (Dizon vs. Ca, 302 SCRA 288; Vda. De Cruz vs. CA, 304 SCRA 197). The prevailing doctrine is that suits or actions for the annulment of sale, title or document do not abate any ejectment action respecting the same property (Huibonhoa vs. CA, 320 SCRA 625). Therefore, the RTC did not err in lifting the writ of preliminary injunction earlier issued to stop the proceedings in the Metropolitan Trial Court in the ejectment case.

The issue of – whether or not the hearing of an ejectment case in the Metropolitan Trial Court may be stayed by the pendency of an annulment of sale case, involving the same property, subsequently filed with the Regional Trial Court, the Supreme Court ruled in the negative. It was held that the filing of an action for the annulment of the deed of sale over the land does not divest the MTC of its jurisdiction to try the unlawful detainer case before it. This is so because, while there may be identity of parties and subject matter in the ejectment case and the suit for annulment of title, the rights asserted and the relief prayed for are not the same. The respondents in ejectment proceedings cannot defeat the summary nature of the action against them by simply filing an action questioning the ownership of the person who is trying to eject them from the premises (Vda. De Cruz vs. CA, *ibid.*)

Finding no error, much less grave abuse of discretion, committed by the lower court in lifting the writ of preliminary injunction to stay the proceedings of the ejectment case before the MTC, the petition must fail.

WHEREFORE, the petition is DENIED DUE COURSE. The assailed Orders of the Regional Trial Court of Manila are AFFIRMED in toto.

SO ORDERED.

Lampas Peralta and Dimaranan Vidal, JJ., concur.

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