

TERESA LIM, PRISCILLA CARDENAS, AMY VIESCA, ADELIA GARCIA, MARY ANN LIM, HEIDI ELIGIO, IRISH ROJAS, MICHAEL VALIENTE AND BELINDA GALINDEZ, PETITIONERS, V. RHEMA INTERNATIONAL LI...

Ponente: DIAMANTE, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/775455697c5a/>

DIAMANTE, J.:

Before Us for resolution are the: a) Compliance with Motion for Reconsideration[1] filed by herein petitioners seeking a reversal, by the removal of the rental award, of this Court's Decision promulgated on December 6, 2013 which denied the instant petition,[2] and b) respondent's Compliance and Motion to Recall for Nullity the Dispositive Portion of the Decision (Money Judgment) due to Court's Lack of Jurisdiction and Comment/Opposition[3] to the said motion.

As much as We sympathize with petitioners' plight, this Court cannot forgo their obligation to pay fair rental value of the property from the time said petitioners forcibly took possession of such property, which had been duly established, until possession of the same had been turned over to respondent RHEMA. In *CGR Corporation, et al. vs. Treyes, Jr.*,[4] the High Court, citing Section 17, Rule 70 of the Rules of Court, enunciated that the recoverable damages in forcible entry and detainer cases thus refer to "rents" or "the reasonable compensation for the use and occupation of the premises" or "fair rental value of the property" and attorney's fees and costs.

On one hand, We can neither sustain respondent's contention that the dispositive portion of this Court with respect to the modification of the award of said fair rental value of the property should be disregarded for being null and void inasmuch as petitioners failed to deposit the mandatory supersedeas bond, as purportedly reflected in the decision of the Regional Trial Court [RTC], Branch 39 of Manila.

First and foremost, there is nothing in the decision of the RTC that would reveal that petitioners failed to pay supersedeas bond when they elevated this present controversy from the Metropolitan Trial Court, Branch 13 of Manila. The fact that the RTC entertained the appeal filed by petitioners in the proceedings below would belie the allegation of non-payment thereto. In *Spouses Chua vs. Court of Appeals, et al.*,[5] to stay the immediate execution of the judgment in an ejectment case while the appeal is pending, the law 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. Thus, the failure of the petitioners to comply with any of those conditions would have been a ground for the outright execution of the judgment, the duty of the court in that respect being "ministerial and imperative."

Second, if it were true that there had been no payment of supersedeas bond when petitioners appealed the present case to the RTC, then it was imperative of respondent to immediately apply for a writ of execution before the court a quo. In the case at bench, respondent has not shown that it applied for a writ of immediate execution before the court of origin. Furthermore, the party alleging a fact has the burden of proving it and a mere allegation is not evidence.[6] Respondent has not adduced any credible evidence to strengthen its allegation of non-payment

of supersedeas bond.

Finally, it was erroneous for respondent to conclude that the instant petition for review is a wrong mode of appeal. Section 1, Rule 42 of the Revised Rules of Court explicitly states that a party desiring to appeal from a decision of the Regional Trial Court rendered in the exercise of its appellate jurisdiction may file a verified petition for review with this Court. In the same vein, petitioners were not dutybound to include lower courts as parties inasmuch as the instant petition is not a special civil action of certiorari assailing the authority and jurisdiction of the public respondents.

Thus, after a careful review of Our Decision and the reasons therefor, We are more convinced of its correctness. The basic issues raised by herein movants were already properly addressed and considered by this Court in the assailed decision. Thus, considering that there are no substantial arguments to warrant the reconsideration sought and the declaration of nullity of the dispositive portion of the assailed decision, We resolve to deny the instant motion for reconsideration and such postulation for declaration of nullity.

WHEREFORE, premises considered, the instant motions are DENIED for lack of merit.

SO ORDERED.

Librea-Leagogo (Chairperson) and Sadang, JJ., concur.

[1] Rollo, pp. 214-217.

[2] Id. at 204-211.

[3] Id. at 219-228.

[4] G.R. No. 170916, April 27, 2007.

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

[6] Public Estates Authority vs. Chu, G.R. No. 145291, September 21, 2005.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.