

PEOPLE'S HOMESITE & HOUSING CORPORATION, PETITIONER, VS. MARCIANO BAYLON, ET AL, RESPONDENTS.

G.R. No. L-20643. November 29, 1965

Ponente: BENGZON, C.J.

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BENGZON, C.J.:

This is a petition to annul the order of the Rizal court of first instance, directing execution of its judgment in its Civil Case No. 6376.

That case was an action to compel People's Homesite and Housing Corporation (PHHC for short) to sell to the plaintiffs (about fifty-seven) the portions respectively occupied by them, of the Gonzales estate, Caloocan, Rizal, which the Government had expropriated for resale to tenants or occupants. The PHHC denied the obligation to them, contending that its duty was to sell lots to bona fide tenants or to private individuals, who will work the lots themselves; and that some of the plaintiffs-occupants had already disposed of their rights to the Araneta Institute, and thereby lost their preferential rights, if any.

Over the objection of the PHHC, the Araneta Institute of Agriculture was permitted to intervene to protect its rights. It alleged that for the purpose of expanding its agricultural school, it acquired the lots of some of the plaintiffs, even helped them to make the required deposits.

The litigation was heard, and the parties reached a compromise agreement, the pertinent portion of which reads as follows:

"1. Defendants recognize the priority rights of plaintiffs herein as tenants-occupants of the former Gonzales Estate (Baesa Property), to purchase their respective lots, as set forth in their complaint, pursuant to Com. Act No. 539 but subject to appropriate reservations to be used for the North Superhighway consisting of an area of also (9) hectares more or less and such reservations for public use, such as streets, market site, playground and school site, to be determined in the survey to be made under this agreement;

"2. Defendants agree to sell said lots, at the rate of P3.80 per square meter, and the plaintiffs herein agree to buy the same and Pay the purchase price thereof, in the following manner * * *."

Consequently, in December 1961, judgment was rendered by Judge Andres Reyes, in accordance with the agreement

In February 1962, the plaintiffs asked for execution. However, the PHHC objected, alleging that some of the plaintiffs had not yet made the required down payment, that the deeds of sale had not yet been approved by the Auditor-General, and lastly and principally, because the PHHC was still surveying the lots, and "the reservation of areas for public use, such as streets, market sites, playgrounds and school sites, had not yet been determined * * *."

The plaintiffs replied that a survey plan had already been completed, the same having been submitted to the Land Registration Commission. Written arguments followed; and, to make the story short, the order of execution was

issued.

So, the PHHC instituted this proceeding alleging abuse of discretion by the trial Judge: (1) in allowing the intervention of Araneta Institute of Agriculture; and (2) in issuing the execution even before the reservations for streets, market sites, playgrounds, etc. had been properly marked on the survey plans.

Impressed by the second point, this Court issued a preliminary injunction in December 1962. In due course, the respondents answered, the case was argued and submitted.

Upon taking it up this year and believing that by this time, the objection as to the streets, markets, etc., must have disappeared, the Court required the PHHC to state its reasons why the injunction should not now be lifted. Accordingly, the PHHC submitted "constancia" in which it no longer alleged the non-designation of streets, parks, markets, probably because after these years, the delay may not be excused. But it insists in questioning the right of Araneta Institute to take part, and the right of those tenants who had sold their lots to said institution, without the permission of the Department of Agriculture and Natural Resources. It argues that so far "as the 13 tenants (plaintiffs) who have assigned their interests in the 'Gonzales estate' to the Araneta Institute of Agriculture are concerned, they have already forfeited whatever rights they have."

We think it is too late to insist here on that particular issue. The PHHC objected to the intervention, Is the court below, of Araneta Institute; but its objection was overruled. It contented that those who sold to said Institute, had already lost their preferential rights; and yet, in the compromise agreement, it undertook to convey to the plaintiffs their respective holdings as soon as the survey was completed without excluding those who had sold to Araneta Institute. Furthermore, the identical point was raised thru a motion to dismiss Araneta's intervention; but it was overruled. And no appeal has been interposed therefrom.

Consequently, finding no excess of jurisdiction or abuse of discretion, we hereby dismiss this petition, without costs. The injunction heretofore issued is dissolved. So ordered.

Bautista Angelo, Concepción, Reyes, J. B. L. Dizon, Regala, Makalintal, Bengzon, J. P., and Zaldivar, JJ., concur.

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