

THE HEIRS OF THE LATE JOSE DELOS REYES, DULY REPRESENTED BY JOSELITO A. DELOS REYES, PETITIONERS, VS. HON. RODOLFO R. BONIFACIO, IN HIS CAPACITY AS PRESIDING JUDGE, RTC BRANCH 1...

Ponente: LOPEZ, J.

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LOPEZ, J.:

This case is an offshoot of *Jose delos Reyes v. Josephine Anne B. Ramnani*[1] decided by the Supreme Court.

The relevant facts are as follows.

On October 11, 1977, the trial court[2] rendered a decision in Civil Case No. 24858 in favor of Josephine Anne B. Ramnani.[3] Thereafter, a writ of execution was issued, an execution sale was conducted over the property covered by Transfer Certificate of Title (TCT) No. 480537[4] in which Josephine was the highest bidder, and a certificate of sale was issued. The redemption period lapsed, but the property was not redeemed by the defeated party, Jose delos Reyes.[5] Consequently, Josephine moved for the issuance of the final certificate of sale in her favor and was granted by the trial court. Jose delos Reyes appealed to this Court, and later, to the Supreme Court. The ruling of the trial court was affirmed by both appellate courts. It was ruled that Josephine is entitled to the issuance of the final certificate of sale as a matter of right; the issuance being a mere formality and confirmation of the title that is already vested in Josephine since Jose failed to redeem the property.[6]

Meanwhile, Josephine died. On March 15, 2012, her husband, Bhagwan C. Ramnani, filed with the Regional Trial Court (RTC) a Manifestation and Substitution of Parties[7] to replace Josephine as party in the execution of the judgment in Civil Case No. 24858. Petitioners[8] opposed Bhagwan's motion,[9] but the RTC ordered Bhagwan's substitution.[10] The RTC held that Bhagwan is entitled to substitute Josephine since he is the owner of the property involved in this case.[11]

Petitioners moved for reconsideration[12] but was denied.[13] Hence, petitioners filed this certiorari assailing the Orders of the RTC.[14]

In the interim, Bhagwan filed before the RTC a Motion for Alias Writ of Possession that was granted.[15] On even date, a Notice to Vacate was issued against the petitioners.[16] They moved to quash the alias writ of possession, but was denied by the RTC.[17] This prompted petitioners to file before Us an Extremely Urgent Motion for Issuance of Temporary Restraining Order and/or Writ of Preliminary Injunction.[18] On January 23, 2015, petitioners reiterated their application for injunctive relief.[19]

Petitioners contend that Bhagwan cannot substitute Josephine because he did not participate in any of the proceedings before the trial court, the Court of Appeals and the Supreme Court, but only appeared in the execution of the judgment. Accordingly, the Court has no jurisdiction over the person of Bhagwan.

The petition is devoid of merit.

Section 16, Rule 3 of the Rules of Court provides that, in case of death of a party litigant, the heirs of the deceased may be allowed and ordered to be substituted for the deceased.[20] The rule on substitution by heirs is a requirement of due process designed to ensure that the deceased party would continue to be properly represented through his heirs or the duly appointed legal representative of his estate.[21] When there is denial of due process, as when the deceased is not represented by any legal representative or heir, the court may nullify the trial proceedings and the resulting judgment.[22] Here, the trial court ordered the substitution in accordance with the rules. The trial court did not commit any error in ordering the substitution of Bhagwan in the place of Josephine. As this proceeding is a continuation of the case in which the Court had previously acquired jurisdiction, the supervening event of death of the parties will not divest the Court of its authority. Thus, it is not necessary that jurisdiction over the person of Bhagwan, who merely substituted the deceased party, be acquired by the trial court.

We stress that Section 7, Rule 39 of the Rules of Court provides that in case of the death of the judgment obligee, execution may issue or be enforced upon the application of his executor or administrator or successor in interest. Bhagwan is Josephine's successor-in-interest who can validly substitute the latter. The Manifestation and Substitution of Parties filed by Bhagwan before the trial court is sufficient to complete the execution of the judgment of the trial court.

Also, We emphasize that this case had long been final and executory. Petitioners no longer have real and substantial interest in the property involved being the heirs of the defeated party in the original civil case. As mentioned at the outset, the Supreme Court already ruled that Jose delos Reyes failed to redeem the property within the prescribed period, hence, Josephine's ownership became absolute.[23] Thus, the issuance of the certificate of sale is a ministerial function of the Court. The petitioners can no longer be considered as the aggrieved party. The use of the term "person aggrieved" in Section 1 of Rule 65[24] is not construed to mean that any person who feels injured by the lower court's order or decision can question said court's disposition via certiorari.[25] A person aggrieved is one who stands to be benefited or injured by the judgment in the suit, or the party entitled to the avails of the suit. [26] Since the resolution of this petition will not affect petitioners nor their rights, they do not stand to be aggrieved by the judgment of this Court.

FOR THESE REASONS, the petition is DISMISSED. The application for injunctive relief is DENIED.

SO ORDERED.

Tijam, N.G., Chairperson and Garcia-Fernandez, JJ., concur.

[1] G.R. No. 169135, June 18, 2010.

[2] The mentioned decision was rendered by the Regional Trial Court of Pasig City, Branch 159.

[3] Josephine Anne B. Ramnani is the original party plaintiff in Civil Case No. 24858.

[4] This certificate of title was cancelled by virtue of TCT No. PT-116488; Rollo, p.14.

[5] Jose delos Reyes is the original party defendant in Civil Case No. 24858. The petitioners in this instant petition are his heirs represented by Joselito A. delos Reyes.

[6] Supra Note 1.

[7] Rollo, pp. 12-13.

[8] Supra Note 3.

[9] *Id.*, pp. 25-27.

[10] *Id.*, pp. 28-29. The Order dated January 15, 2013 states:

IN VIEW THEREOF, Josephine Anne Ramnani is hereby SUBSTITUTED as party plaintiff by Bhagwan C. Ramnani in this case.

xxx

SO ORDERED.

[11] The RTC in the assailed January 15, 2013 Order based Bhagwan's co-ownership of the property involved in a Judgment Based on a Compromise Agreement and a Release, Waiver and Quitclaim executed by Josephine and Bhagwan. These documents state that Bhagwan shall get the property covered by TCT No. PT-116488 upon payment of a cash consideration to Josephine, and that they have fully complied with their reciprocal obligations; *Rollo*, pp. 15-22 and 23.

[12] *Id.*, pp. 30-32.

[13] *Id.*, pp. 35-36. The RTC, in its Order dated June 3, 2013, resolved as follows:

Acting on the Motion for Reconsideration and the Opposition thereto, this Court resolves to DENY the same considering that the grounds relied upon by the defendant were already considered and passed upon by this Court in its Order dated January 15, 2013; and no new issues or matters were raised which would justify the reconsideration.

SO ORDERED.

[14] *Id.*, pp. 3-9. The petition is brought under Rule 65 of the Rules of Court submitting the following issue for the Court's resolution:

WHETHER OR NOT THE PUBLIC RESPONDENT COURT SERIOUSLY AND GRAVELY ERRED OR ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR IN EXCESS OF JURISDICTION OR ACTED WHIMSICALLY, CAPRICIOUSLY AND ARBITRARILY IN GRANTING AND/OR ALLOWING THE SUBSTITUTION OF PARTIES AS PER ITS TWIN ORDERS DATED JANUARY 15, 2013 AND JUNE 3, 2013, RESPECTIVELY, CONSIDERING THAT PRIVATE RESPONDENT BHAGWAN C. RAMNANI HAS NOT EVEN PARTICIPATED IN THE PROCEEDINGS BEFORE THE COURT A QUO, COURT OF APPEALS AND THE SUPREME COURT BUT ONLY SURFACED AT THE EXECUTION STAGE OF THE CASE.

[15] Per the Alias Writ of Possession dated January 29, 2014; The motion was filed on August 2, 2013; *Id.*, pp. 73-74.

[16] *Id.*, p. 75.

[17] *Id.*, pp. 76-77.

[18] *Id.*, pp. 68-72.

[19] *Id.*, pp. 141-145.

[20] The mentioned provision states:

Death of party; duty of counsel. — Whenever a party to a pending action dies, and the claim is not thereby extinguished, it shall be the duty of his counsel to inform the court within thirty (30) days after such death of the fact thereof, and to give the name and address of his legal representative or representatives. Failure of counsel to comply with his duty shall be a ground for disciplinary action.

The heirs of the deceased may be allowed to be substituted for the deceased, without requiring the appointment of an executor or administrator and the court may appoint a guardian ad litem for the minor heirs.

The court shall forthwith order said legal representative or representatives to appear and be substituted within a period of thirty (30) days from notice.

If no legal representative is named by the counsel for the deceased party, or if the one so named shall fail to appear within the specified period, the court may order the opposing party, within a specified time to procure the appointment of an executor or administrator for the estate of the deceased and the latter shall immediately appear for and on behalf of the deceased. The court charges in procuring such appointment, if defrayed by the opposing party, may be recovered as costs. (Emphases supplied.)

[21] Nudo v. Hon. Amado S. Caguioa, et al., G.R. No. 176906, August 4, 2009 citing Napere v. Barbona, G.R. No. 160426, January 31, 2008.

[22] Ibid.

[23] Supra Note 1 and 6.

[24] Section 1, Rule 65 of the Rules Court on Certiorari provides that:

When any tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and there is no appeal, or any plain, speedy, and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered annulling or modifying the proceedings of such tribunal, board or officer, and granting such incidental reliefs as law and justice may require.

The petition shall be accompanied by a certified true copy of the judgment, order or resolution subject thereof, copies of all pleadings and documents relevant and pertinent thereto, and a sworn certification of non-forum shopping as provided in the third paragraph of section 3, Rule 46. (Emphases Ours.)

[25] Yang, et al. v. Court of Appeals, et al., G.R. No. 117204, February 11, 2000.

[26] See Section 2, Rule 3, Rules of Court.

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