

ANTONIO M. SAMIA, PETITIONER, VS. ROMAN REYES, MARIANO DE GULA, TITO ALDANA, MARIANO MANUEL, AND THE HON. COURT OF APPEALS, RESPONDENTS.*G.R. No. L-14760. May 31, 1963*

Ponente: PAREDES, J.

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On May 15, 1956, petitioner herein filed with the Municipal Court of Manila, Civil Cases Nos. 43478, 43493, 43496 and 43497, for unlawful detainer and recovery of rentals, against private parties-respondents. Before trial on the merits could be held, the defendants in the cases, on July 10, 1956, presented a Motion to suspend Proceedings, invoking Republic Act No. 1599. An opposition was registered by petitioner herein, alleging that Republic Act No. 1162, as amended by Act 1599, was unconstitutional (CA-G.R. No. 13650-R [Barcelon vs. Isip], Oct. 14, 1954), and that the said laws were not applicable to the cases.

On August 14, 1956, the Municipal Court issued the following Order-

* * * * *

"Let the proceedings in these cases be suspended for a period of two (2) years from the date hereof provided the defendants pay their current rentals to the plaintiff."

A motion to reconsider and/or set aside the above Order was denied.

On September 15, 1956, petitioner Samia instituted before the CFI of Manila, Civil Case No. 30656, entitled "Antonio M. Samia vs. Hon. Crisanto Aragon, Hon. Ambrosio Geraldez, as Judges of the Municipal Court of Manila, Roman Reyes, et al." for Certiorari and Mandamus, to annul the Order suspending the proceedings in the unlawful detainer cases and to compel said judges to hear and decide the said cases. On the same date, petitioner presented with the Municipal Court of Manila, a pleading, asking that the defendants be compelled to pay their current rentals and to liquidate their rentals in arrears, pursuant to the Order of August 14, 1956. On November 3, 1956, the Municipal Court, acting on the said Motion, handed down the following Order-

"It appearing that the increases in rentals sought by the plaintiff are justified by increase of assessment for the year 1952-1953, the following defendants are ordered to pay the plaintiff the new rates of rental effective August, 1956;

* * * * *

The above- named defendants having consigned to the Court the amount of P80.50 for the month of August, 1956, they are hereby required to pay the plaintiff the balance of their rentals for the said month together with the rentals for the succeeding months under the new rates.

The defendants are further directed to liquidate their rentals in arrears with the plaintiff by paying the same in eighteen (18) equal monthly installments as required by Rep. Act No. 1599."

The above Order was, however, reconsidered on December 27, 1956, making the effectivity of the new rate of rentals to start in March, 1954, instead of August, 1956. The corrected Order again enjoined the respondents herein, to pay the current rentals and liquidate their arrearages.

On January 21, 1957, herein respondents presented their Answer to herein petitioner's Petition for Mandamus and Certiorari.

For failure of respondents to pay their current rentals and to liquidate their rentals in arrears to eighteen (18) equal monthly installments in violation of the Orders of the Municipal Court, petitioner herein presented with the said Court, a "Petition to Lift Order of Suspension and to Set the Cases for Hearing". The Municipal Court once more, issued an Order, directing the respondents, to deposit their current rentals and to liquidate their rentals in arrears, with a warning that failure to do so, will cause the court to lift the Order of suspension (Annex L).

On July 17, 1957, the CFI of Manila, in the Mandamus and Certiorari, Case No. 30656, rendered the following judgment-

"In view of the foregoing considerations, the Court finds that the respondent Judges erred in suspending the ejectment proceedings in the ten cases referred to in the petition.

WHEREFORE, the records of Civil Cases Nos. 43478, 43483, 43486, 43492, 43493, 43496, 43497, 43499, 43501 and 43502, are hereby ordered returned to the Municipal Court of Manila and the respondent Judges Hon. Crisanto Aragon and Hon. Ambrosio Germaldez and any other Judge who may act in their place are hereby ordered to proceed with the hearing of said ejectment cases and to dispose of them with promptness in accordance with Rule 72 of the Rules of Court. No pronouncement as to costs."

The record does not show that action was taken by respondents herein on the above decision. However, on July 18, 1957, the Land Tenure Administration presented with the Manila CFI, Civil Case No. 33157, entitled "Republic of the Philippines vs. Manuel M. Samia, et al.," for the expropriation of the lands owned by the Samias, among which were the parcels of land involved in the instant cases. The expropriation proceeding was still pending, when the petition at bar, was presented in this Court. (The estate of the Samias was subsequently declared not to be a landed estate [Rep. vs. Samia, et al., L-15569, May 1963]).

In the meanwhile, on November 25, 1957, the Municipal Court of Manila, rendered judgment in the unlawful detainer Cases, ordering the respective defendants therein, now respondents, to vacate the properties of herein petitioner, to pay their accrued and current rentals until full restoration of the premises and P50.00 each as attorney's fees and costs. The motion for reconsideration, pointing out that the judgments in said ejectment cases would render the expropriation proceedings nugatory, was denied by the municipal court, on December 12, 1957. Defendants in the four (4) cases, appealed the decisions to the CFI of Manila on January 12, 1958. Answers were duly presented by the respondents. On January 28, 1958, herein petitioner presented with the Manila CFI, where the four cases were assigned, Motions for Execution of the Judgments rendered by the Municipal Court, for failure of the defendants to file supersedeas bonds to stay the execution and to pay the current rentals as ordained by the Municipal Court. On February 21, 1958, Judge Bonifacio Isip of the Manila CFI, issued an Order of Execution in the four (4) appealed cases. The motion for reconsideration and to set aside the Orders of Execution and to suspend the ejectment proceedings, was denied on March 18, 1958. The corresponding writs of execution were served to herein respondents on February 28, 1958, with the demand for the payment in full of the amounts adjudged against them by the Municipal Court and for the removal of their houses and improvements therein until March 8, 1958. As respondents had not complied with said writs, on June 3, 1958, herein petitioner moved for an Order of Demolition and Alias Writ of Execution. Under date of June 13, 1958, respondents presented a pleading styled "Memorandum of Opposition to Plaintiffs' Motion for the Issuance of Demolition Orders", praying for a

period of sixty (60) days within which to look for a place to move, and again invoking the provisions of Acts Nos. 1162 and 1599. Petitioner filed a rejoinder to the Opposition, and on June 16, 1958, the Court ruled-

"IN VIEW THEREOF, the Court hereby orders the defendants herein to vacate the premises and demolish or remove the improvements on the premises within thirty days from receipt of this order. Otherwise the Court will be constrained to order the proper office to demolish the improvements erected on the premises in question."

Respondents herein brought the above Order to the Court of Appeals, on a Petition for Certiorari and Prohibition with Preliminary Injunction (CA-G.R. No. 23282-R), alleging that the land, subject herein, is a landed estate in the City of Manila, which had been leased for more than ten (10) years, containing more than fifty houses of tenants or occupants thereof; and asking that the proceedings in said CFI Civil Cases Nos. 34642, 34746, 34747 and 34748, be suspended, and respondents prohibited from ejecting and/or demolishing their houses. On September 24, 1958, the Court of Appeals granted the writ, as prayed for. After the denial of the motion for a reconsideration of the decision, presented on October 7, 1958, by herein petitioner, the latter filed the instant petition for certiorari. In his brief, petitioner Samia listed eight (8) errors and/or issues, which can be reduced into two pertinent propositions, to wit-

- (a) the application to the facts of the cases, of Republic Act No. 1162, as amended by Rep. No. 1599; and
- (b) the application of the provisions of the Rules of Court (Rule 72), and doctrines interpreting the same, in the cases of herein respondents.

The pertinent provisions of Republic Act No. 1162, as amended, upon which respondents based their right to the suspension of the proceedings, state-

"SEC. 5. From the approval of this Act, and until the expropriation herein provided, no ejectment proceedings shall be instituted or prosecuted against any tenant or occupant of any landed estates or haciendas herein authorized to be expropriated if he pays his current rentals: Provided, however, that if any tenant or occupant is in arrears in the payment of rentals or any amounts due in favor of the owners of the said landed estates or haciendas, the amount legally due shall be liquidated and shall be payable in eighteen equal monthly installments from the time of liquidation.

This Act took effect upon its approval on June 18, 1954.

Republic Act No. 1599, which took effect on June 17, 1956, amending certain sections of Act No. 1162, provides as follows:

"SECTION 1. The expropriation of landed estates or haciendas, or lands which formerly formed part thereof in the City of Manila, which are and have been leased to tenants for at least ten years, is hereby authorized: Provided, That such lands shall have at least fifty houses of tenants erected thereon."

* * * * *

"SECTION 5. From the approval of this Act, even before the commencement of the expropriation herein provided, ejectment proceedings against any tenant or occupant of any landed estates or haciendas or lands herein authorized to be expropriated, shall be suspended for a period of two years, upon motion of the defendant, if he pays his current rentals, and such suspension shall continue upon the filing of expropriation proceedings until the final determination of the latter: Provided, however, that if any tenant or occupant is in arrears in the payment of rentals or any amounts due in favor of the owners of said landed estates or haciendas or lands, the amount legally due shall be liquidated and shall be payable in eighteen equal monthly installments from the time of liquidation, but this payment of rentals in arrears shall not be a condition precedent to the suspension of ejectment proceedings. * *"

Under these two laws, therefore, it is manifest that the tenants or occupants of landed estates or haciendas, should perform at least two positive acts, i.e., (1) to pay the current rentals; and (2) if in arrears in rentals, to liquidate the same within eighteen months. The first was considered by the two laws as a condition precedent, the second was modified by the amendatory law, making the same not a condition precedent for the suspension. The first law is, however, applicable to the present proceedings, as the complaints in question, were presented on April 30, 1956.

An examination of the facts found by the municipal court and the CFI of Manila, reveals that respondents herein failed to pay the current rentals and to liquidate their rentals in arrears. While desiring to derive benefits from the law, respondents did not want to comply with the mandates thereof. They insist to have the ejectment proceedings suspended, without paying the requisite current rentals and liquidation of their rentals in arrears. Republic Act Nos. 1162 and 1599 never contemplated a situation like the one which respondents had created. It was injurious enough for the State to order the expropriation of petitioner's properties and to suspend ejectment proceedings then in progress; and for the State to still deprive the owners of the current rentals and rentals in arrears, pending expropriation proceedings, is undisputedly not within the intention of the law. Even on this ground alone, the cause of respondents upheld by the Court of Appeals, should fall.

"Under Section 5 of Republic Act No. 1162, as amended, the benefit of suspension for a period of two years of an ejectment case, is only accorded to a defendant who pays current rentals, and is not extended to one who is delinquent. * * *" (Prieto vs. Macadaeg, et al., 106 Phil., 1055; Sison vs. Bayona, et al., 109 Phil., 577).

In two recent cases, the issues of which are identical to the ones involved herein (interpretation and application of Republic Act No. 1162, as amended by Republic Act No. 1599, and further amended by Republic Acts Nos. 1990 and 2342), this Court, declared that "x x the dismissal of these complaints by the trial court may be sustained for non-compliance with a condition precedent (sine qua non) required in the enabling law", so that "under the above state of the law and facts appearing in these cases, We find no necessity in resolving the question of the constitutionality of the provisions of the law that now authorizes the expropriation of land which formerly formed part of landed estates or haciendas" (Rep. vs. Prieto, et al.; Rep. vs. Prieto de Caro, et al, G.R. Nos. L-17946 & 18042, Apr. 30, 1963).

In ejectment cases, upon the rendition of a judgment in favor of the plaintiff, immediate execution thereof is authorized (Sec. 8, Rule 72; Pascua vs. Nable, 71 Phil. 186; Yu Tiong Tay vs. Barrios, 79 Phil. 597). The exceptions to the above are (1) when an appeal is perfected and defendant files a bond to stay the execution; and (2) during the pendency of the appeal he pays to plaintiff or deposits in court the current rentals (Aylon vs. Jugo, et al., 78 Phil. 816; see also Sison vs. Bayona, supra; Paulino et al. vs. Sentida, 109 Phil., 621). Respondents herein failed to fulfill those requisites and the Court which issued the writs of execution had no other alternative than to issue the writs prayed for (Lee Tian Po & Co. vs. Rodas, 81 Phil. 395; Pangilinan vs. Peña, 89 Phil., 122; Pandayang vs. Camacho, et al., G.R. No. L-7165, Aug. 25, 1954). Moreover, the orders complained of had already attained finality, and the respondent Court of Appeals had no longer authority to pass upon them.

Parenthetically speaking, although not squarely raised herein, and as has heretofore been stated, this Court has recently declared that the Samia estate is not a landed estate (Rep. vs. Samia, supra).

IN VIEW OF THE FOREGOING, the writ is GRANTED, and the decision appealed from is REVERSED, and another entered sustaining the validity of the orders and writs of execution issued by the Court of First Instance of Manila. With costs against private parties-respondents.

Bengzon, C. J., Padilla, Bautista Angelo, Concepcion, Reyes, J. B. L., Barrera, Dizon, Regala, and Makalintal, JJ., concur.

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