

PAULO RODRIGUEZ, AND ANTOLIN A. JARIOL, IN THEIR CAPACITIES AS JOINT-EXECUTORS OF THE ESTATE OF HUMILIANO RODRIGUEZ, (DECEASED), PLAINTIFF-APPELLEES, VS. ABRAJANO & CO., INC., D...

G.R. No. L-25604. April 30, 1969

Ponente: REYES, J.B.L., Acting C.J.

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REYES, J.B.L., Acting C.J.:

Direct appeal on issues of law from a decision of the Court of First Instance of Cebu in its Case No. R-8390.

The case began with a complaint for unlawful detainer filed by the joint executors of the Estate of Humiliano Rodriguez in the Municipal Court of Cebu City to recover possession of certain premises covered by Transfer Certificate of Title No. 21541, and leased by the decedent to the defendant, Abrajano & Co., Inc. and to collect rentals, damages, and attorneys' fees. The answer admitted the existence of an original ten-year written lease, that had already expired; that thereafter, the defendant, which had erected a building, assessed at P15,000.00, on the leased lot, held the latter on a month to month basis at a rental of P170.00 a month; that on 24 April 1963 the plaintiff executors terminated the lease and demanded restoration of the property. However, the defendant corporation invoked Article 1687 of the Civil Code. The inferior court, after the case was submitted on the pleadings, rendered judgment requiring the lessee to vacate and restore the premises at the end of one year from finality of the decision, provided it continued to pay the monthly rent of P170.00.

Defendant appealed to the Court of First Instance of Cebu, which confirmed the decision of the Municipal Court, and ordered the appellant lessee to vacate within one year from 26 February 1965.

Once more the lessee appealed, this time to this Supreme Court, the only issue posed by appellant being that it, the lessee, should have been granted "a much longer period" than one year for the restoration of possession.

We find no merit in this appeal, since no adequate evidence was introduced in either of the courts below to justify appellant's position. Article 1687 of the Civil Code of the Philippines confers upon the courts discretion to "fix a longer term for the lease after the lessee has occupied the premises over a year" on an expired lease, paying rental on a monthly basis; but how much longer should the lessee be allowed to remain in occupancy is to be determined by the prevailing circumstances, such as the time required by the lessee to find new premises and transfer thereto, the probable intent of the parties, etc. Since the lower courts are the ones familiar with the reigning conditions of each locality, their judgment on the additional term to be granted to the lessee in each case should not be interfered with on appeal absent clear abuse of discretion.

In the case at bar, the lessee stresses the fact that it had constructed on the leased premises a building assessed at P15,000.00. That detail, standing alone, is insufficient to warrant any particular term of extension, for normally, a lessee who builds knowing when the lease will expire (in this case the original written contract was for a definite 10 years) is expected to adjust the costs of its improvements so as to recoup the same by the time the lease

terminates. That is what ordinary prudence would require, and the burden is on the lessee to justify a different measure of diligence, or to show why the normal standard of prudence should not apply. In the case before us, there is not even proof of the kind of building constructed, or how soon after the commencement of the lease was the same erected. Upon the other hand, the fact that the lessor had died, and the policy of the law in favor of speedy settlement of decedent's estates, militated against the prolongation of the term of the lease.

Appellant also cites instances where a lessee was granted by the courts up to nine years from the expiration of his lease within which to vacate; but no effort has been made to show any similarity of circumstances as would sustain our granting a like period in this particular case. Surrounding circumstances being eminently variable in place, time and person, we see no ground for holding that the courts below were in error, much less that they abused the discretion conferred upon them by the law.

WHEREFORE, the decision appealed from is affirmed, with costs against appellant in all instances.

Dizon, Makalintal, Zaldivar, Sanchez, Fernando, Teehankee and Barredo, JJ., concur.

Capistrano, J., took no part.

Concepcion, C.J., and Ruiz Castro, J., are on leave.

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