

LEONOR VILLAMIN AND MANUEL A. SORTIJAS, PETITIONERS, VS. JUAN ECHIVERRI, JR., JUDGE ABELARDO M. DAYRIT, AS JUDGE OF BRANCH XXXIX OF THE COURT OF FIRST INSTANCE OF MANILA AND JUD...

G.R. No. L-44377. December 15, 1982

Ponente: AQUINO, J.

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AQUINO, J.:

This is an ejectment case. The city court of Manila in its decision of February 24, 1976 ordered Leonor Villamin to vacate the apartment located at 440-B M.F. Jhocson Street, Sampaloc, Manila and to pay the landlord, Juan Echiverri, Jr., the sum of P165 a month from January 1, 1975 until the premises are vacated plus P300 as attorney's fees (pp. 17-18, Rollo).

The decision was based on the ground that the rental for January, 1975, which was due and payable within the first five days of the month, was not paid on time since the money order for that rental was mailed only on February 3, 1975 while the money order for the February rental was mailed only on February 24, 1975 (p. 16, Rollo).

Villamin appealed to the Court of First Instance of Manila which in its decision of June 30, 1976 affirmed the city court's judgment (p. 38, Rollo). A copy of that decision was received by her counsel on July 27. Three days later, she filed a motion for reconsideration which was denied in the lower court's order of August 9, 1976.

Villamin on August 21, 1976 filed in this Court the instant petition for certiorari wherein she contends that the lower court committed a grave abuse of discretion in affirming the city court's judgment. She filed a memorandum in support of her petition. Echiverri, Jr. did not submit any memorandum.

In the city court Leonor Villamin testified that she and her husband had occupied the apartment in question since May 29, 1967. Her baby, nephew and niece have been staying with her in that apartment. In November, 1974 the landlord gave a verbal notice that the monthly rental would be increased to P300.

When the owner's representative came to collect the rental for January, 1975, Leonor tendered in cash the stipulated rental of P165 but it was rejected because the landlord wanted her to pay an increased rental of P300.

So, Leonor had to send by registered mail to the landlord the postal money orders covering the January and February rentals in the amount of P165 a month (Exh. 2 and 3). After Evangeline Echiverri refused to accept the rental of P165, Leonor reported the matter to the Department of Public Information. Miguel R. Logarta, supervisor of the Public Information Assistance Unit of Malacañang Palace, advised her in a letter dated January 27, 1975 to "refrain from participating in the proposed increase, in order to avoid a possible court action" since Presidential Decree No. 20, "which prohibits such increase, is still very much in operation and violation thereof is punishable" under its provisions (Exh. 1, p. 19, Record).

We hold that there was no valid ground for ejecting Leonor. She had not defaulted in the payment of the rentals for the apartment which she had already occupied for more than seven years when the alleged delayed payment occurred. The lease had no fixed term.

Because the landlord refused to accept the payment of the rentals in cash at the old rate, Leonor had to resort to the expedient of mailing to the landlord the money orders covering the stipulated rentals (Exhs. 2-A and 4-A). The eviction was motivated by the desire to charge increased rentals.

That was the contingency sought to be forestalled by Republic Act No. 6359, as amended by Presidential Decree No. 20. The decree froze the rentals not exceeding P300 for dwelling units or for land on which another's dwelling is located. It also prohibited the ejectment of tenants occupying such dwelling units or land which had been leased for an indefinite period if the ground for ejectment is the expiration of the term fixed in articles 1682 and 1687 of the Civil Code.

The purpose is to protect persons in the lower income group who cannot afford to acquire their own houses or residential lots from being forced to pay high rentals. That was the same policy adopted after liberation in Emergency Civilian Administrative Order No. 12 and in Commonwealth Act No. 689 as amended by Republic Act No. 66. Note that the supposed injustice caused to the landlord by Presidential Decree No. 20 has been remedied by Batas Pambansa Blg. 25.

WHEREFORE, the decisions of the city court and the Court of First Instance are reversed and set aside and the complaint for ejectment is dismissed. Respondent Echiverri's motion of October 26, 1982 for the withdrawal of the rentals deposited in court is granted. No costs.

SO ORDERED.

Makasiar, (Chairman), Guerrero, Abad Santos, De Castro, and Escolin, JJ., concur.
Concepcion, Jr., J., no part.

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