

**JUANITA YAP SAY AND WILLIAM LIM, PETITIONERS, VS.
INTERMEDIATE APPELLATE COURT, CHATEAU DE MANILA
DEVELOPMENT CORPORATION, AND EMILIANA VILLAMAYOR DE
LA COSTA, RESPONDENTS.**

G.R. No. L-73451. March 28, 1988

Ponente: SARMIENTO, J.

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SARMIENTO, J.:

A complaint for legal redemption and rescission of a contract of sale was filed by spouses Trinidad Laborde and Tan Lo, tenants of the land and warehouse subject matter of the suit, against Chateau de Manila Development Corporation and Emiliana de la Costa, vendee and vendor, respectively, in the aforesaid contract. Subsequently, Juanita Yap Say and William Lim, the petitioners herein, filed a complaint in intervention, alleging that as tenants of a portion of the subject premises, they have a right of redemption over this portion pursuant to P.D. 1517, otherwise known as the Urban Land Reform Law. This was followed by the filing by the defendants, the present private respondents, of a Motion to Dismiss the Complaint in intervention on the grounds that the complaint in intervention stated no cause of action and the same was barred by laches, waived, abandoned, or otherwise extinguished. The trial court[1] granted the motion. The intervenors filed a motion for reconsideration of the above dismissal; likewise, plaintiffs filed a second motion for reconsideration of the order granting the motion to dismiss their complaint; both motions for reconsideration were denied by the trial court. Consequently, the plaintiffs and intervenors appealed to the Court of Appeals[2] which, however, denied their appeals.

Both the plaintiffs-appellants and intervenors-appellants have come us to us by way of two separate petitions for review. The petition filed by the plaintiffs-appellants was already denied by us in a resolution[3] dated January 20, 1986, to wit:

The notice of appearance of Jerry D. Bañares as counsel for petitioner, is NOTED. Acting on the petition for review on certiorari of the decision of the Intermediate Appellate Court, the Court Resolved to DENY the petition for lack of merit.

Before us now are the intervenors as petitioners. Their petition was given due course in a resolution of the Court issued on July 20, 1987.

The only issue raised before us is the alleged denial of procedural due process; however, we find this assertion to be unfounded and unsupported in the records of this case as well as in the proceedings conducted in the courts below. In the trial court, petitioners were allowed to intervene and subsequently, to file a complaint in intervention, despite the private respondents' opposition. Petitioners were heard in the trial and appellate courts through the various pleadings filed by them. "To be heard" does not only mean verbal arguments in court. Where a party was given the opportunity to be heard, either through oral arguments or pleadings, there can be no denial of procedural due process. "Due process is not semper et ubique judicial process." [4]

Even on the merits, this petition will not hold water. As correctly held by the respondent Court, the petitioners have not mentioned any law, proclamation, or presidential decree covering or declaring the poblacion of Mauban, Quezon, as a specific site for urban land reform. This being the case, they have no cause of action for legal redemption or rescission under the provisions of Sec. 6 of Presidential Decree No. 1517, which provides:

SEC. 6. Land Tenancy in Urban Land Reform Areas. Within the Urban Zones, legitimate tenants who have resided on the land for ten years or more who have built their homes on the land, and residents who have legally occupied the lands by contract, continuously for the last ten years shall not be dispossessed of the land and shall be allowed the right of first refusal to purchase the same within a reasonable time and at reasonable prices, under terms and conditions to be determined by the Urban Zone Expropriation and Land Management Committee created by Section 8 of this Decree."

WHEREFORE, the appeal Decision is hereby **AFFIRMED**. No costs.

SO ORDERED.

Yap, (Chairman), Melencio-Herrera, Paras, and Padilla, JJ., concur.

[1] Rendered by Judge Irineo V. Mendoza, Regional Trial Court, Fourth Judicial Region, Branch LXIV, Mauban, Quezon.

[2] Sison, P.V., Chairman; Bidin, Veloso, and Britanico, JJ.

[3] G.R. No. 72829, Trinidad Laborde vs. Hon. Intermediate Appellate Court, and Chateau de Manila Development Corporation; the Motion For Reconsideration was denied in the Resolution dated May 26, 1986.

[4] Wilfredo Torres y Sumulong vs. Hon. Neptali A. Gonzales, et al., G.R. No. 76872, July 23, 1987, 10.

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