

**ROMEO V. OBLEA AND RAMON S. MELENCIO, PETITIONERS, VS.
COURT OF APPEALS AND JUAN S. ESTEBAN, RESPONDENTS.***G.R. No. 117389. May 11, 1995*

Ponente: BELLOSILLO, J.

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This is a petition for review on certiorari of the decision of the Court of Appeals dismissing the petition for certiorari and prohibition and denying the prayer for a writ of preliminary injunction against the order of 6 April 1994 of the Regional Trial Court of Cabanatuan City, Br. 27, which lifted and cancelled the temporary restraining order issued by Judge Lydia B. Hipolito of the Municipal Trial Court of Cabanatuan City, Br. 9.[1]

The controverted lot, designated as Lot 1, Block 2, was formerly a part of a mother lot covered by TCT No. 26604 of the Register of Deeds of Cabanatuan City, containing an area of 83,325 square meters and registered in the names of Manuel Melencio (1/3), Pura Melencio (1/3) and Wilfredo Wico and Mariabelle M. Wico (1/3). Subsequently, TCT No. 26604 was cancelled and in lieu thereof TCT No. 65031 was issued in the name of petitioner Ramon S. Melencio who became a co-owner with Pura Melencio and the Wicos by virtue of a deed of sale executed in his favor by his now deceased father Manuel Melencio.

On 6 June 1958 subject lot was bought by private respondent Juan S. Esteban from Mauricio Ramos who claimed to have acquired the property from Ursula Melencio, the alleged administratrix of the estate of Manuel and Pura Melencio.[2]

Meanwhile, petitioner Romeo V. Oblea leased a building located on the subject lot from a certain Marius Esteban, an alleged son of private respondent Juan S. Esteban. Oblea eventually bought from Marius the lot on which the building stood.[3] As a consequence, on 4 July 1991 Esteban filed an ejectment suit against petitioner Oblea in the Municipal Trial Court of Cabanatuan City docketed as Civil Case No. 10588. On 3 April 1992, the case was decided by Judge Romeo G. Mauricio in favor of Esteban and against petitioner Oblea who was ordered to vacate the premises and pay rental arrears from January 1983, as well as litigation expenses and attorney's fees in the total sum of P8,000.00.

On appeal, the Regional Trial Court of Cabanatuan City rendered judgment on 26 March 1993 modifying the MTC decision by ordering Oblea to pay rentals only from 2 March 1988, but sustaining the MTC in other respects.

On 3 June 1993, the registered owners[4] sold the disputed lot to petitioner Oblea. Afterwards, Oblea together with Ramon Melencio, Pura Melencio and Wilfredo Wico and Mariabelle Wico filed before the Regional Trial Court an action for quieting of title against Esteban, docketed as Civil Case No. 1536. They contended that the deeds of sale executed by Mauricio Ramos in favor of Juan Esteban and by Ursula Melencio in favor of Mauricio Ramos were a nullity.

The ejectment case, Civil Case No. 10588, was in the meantime appealed to the Court of Appeals by way of

petition for review, which petition was dismissed by the appellate court on 2 July 1993. Upon remand of the records to the court of origin, and on motion of Esteban, the prevailing party, MTC Judge Hipolito directed execution and issued the corresponding writ to enforce the final and executory judgment in the ejectment suit.

The execution was however thwarted when petitioners Romeo Oblea and Ramon Melencio filed another petition before the Regional Trial Court of Cabanatuan City for certiorari and prohibition with application for a temporary restraining order and preliminary injunction, docketed as Civil Case No. 1676-AF. On 22 November 1993 the Executive Judge thereof issued a temporary restraining order to stop the enforcement of the writ of execution issued by Judge Hipolito. On 6 April 1994 however Judge Adriano I. Tuason, Acting Presiding Judge of Br. 27, lifted and canceled the restraining order earlier issued, thus paving the way for the execution of the judgment in the ejectment case.

Undeterred by the reversal, petitioners elevated their case to the appellate court which on 27 September 1994 dismissed their appeal, the reason being that the eviction case had long become final and executory and that the various actions taken by petitioners were merely designed to delay execution.

We agree with respondent Court of Appeals.

The main argument of petitioners is that in view of the subsequent sale of the controversial lot to them on 3 June 1993, and under the mistaken notion of "doctrine of supervening event," they have acquired a better right of possession and ownership. Hence, they argue that with this "supervening event," the judgment evicting them can no longer be enforced.

The argument is untenable. It must be stressed that the sole issue in an action for unlawful detainer is physical or material possession, i.e., possession de facto and not possession de jure. This is settled doctrine. Resultantly, the pendency of an action for quieting of title before the Regional Trial Court does not divest the city or municipal trial court of its jurisdiction to proceed with the ejectment case over the same property. The subsequent acquisition of ownership by petitioners is not a supervening event that will bar the execution of the judgment in said unlawful detainer case, the fact remaining that when judgment was rendered by the MTC in the ejectment case, petitioner Oblea was a mere possessor of the subject lot.

Similarly, the fact that petitioners instituted a separate action for quieting of title is not a valid reason for defeating the execution of the summary remedy of ejectment. On the contrary, it bolsters the conclusion that the eviction-case did not deal with the issue of ownership which was precisely the subject matter of the action for quieting of title before the Regional Trial Court of Cabanatuan City.⁷ With the finality of the decision in the ejectment case, execution in favor of the prevailing party has become a matter of right; its implementation mandatory. It cannot be avoided. [6]

In fine, the Court of Appeals did not commit reversible error in upholding the order of 6 April 1994 which lifted the temporary restraining order enjoining the implementation of the writ of execution in favor of private respondent Esteban. Simply put, the petition is a desperate attempt on the part of petitioners to unduly prolong the litigation of an issue which has been settled and should have been long laid to rest.

WHEREFORE, the petition is DENIED. Costs against petitioner.

SO ORDERED.

Padilla, (Chairman), Davide, Jr., and Quason, JJ., concur.

Kapunan, J., on leave.

[1] Penned by Justice Delilah Vidallon-Magtolis, concurred in by Justices Lourdes N. Tayao-Jaguros and Buenaventura J. Guerrero, Annex "A," Petition, Rollo, pp. 28-35.

[2] Annexes "G" and "H," Petition, Rollo, pp. 42-43.

[3] Annex "I," Id., p. 44.

[4] Pura Melencio, Wilfredo Wico and Mariabelle Wico.

[5] Joven v. Court of Appeals, G. R. No. 80739, 20 August 1992, 212 SCRA 700, 707.

[8] Hualam Construction and Development Corporation v. Court of Appeals, G. R. No. 85466, 16 October 1992, 214 SCRA 612, 626.

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