

VICTOR SIASAT AND JESUS ONG, PETITIONERS, VS. COURT OF APPEALS, HON. FELICIDAD Y. NAVARRO-QUIAMBAO, IN HER CAPACITY AS PRESIDING JUDGE, MTC, BR. 65, MAKATI CITY, JOEL FERAREN, I...

G.R. No. 129382. January 23, 2002

Ponente: PARDO, J.

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PARDO, J.:

The Case

Appeal via certiorari from the decision of the Court of Appeals[1] affirming in toto the summary judgment[2] of the Regional Trial Court, Makati, that denied the petition for relief from judgment filed by petitioners who were ordered ejected from the premises in question in a decision of the Metropolitan Trial Court, Makati.[3]

The Facts

The facts, as found by the Court of Appeals, are as follows:

“On 29 November 1991, private respondent Genie Development Corporation (GDC, for brevity) instituted in the Metropolitan Trial Court (MTC) of Makati a case for ejectment against petitioners Victor Siasat and Jesus Ong. This case was docketed as Civil Case No. 42351 and assigned to Branch 65.

“Summons were duly issued and served together with the complaint and annexes upon petitioners Victor Siasat and Jesus Ong on 18 December 1991.

“On 2 January 1992, the reglementary period expired without the petitioners filing an answer. Thus, they were declared in default.

“On 30 January 1992, 28 days after the expiration of the period to answer, Atty. Jeremias Vitan, counsel for petitioners, filed a “Motion to Lift Order of Default.” The motion was denied. On 23 March 1992, a decision was rendered by the MTC against petitioners.

“Atty. Jeremias Vitan received the said decision on 31 March 1992. No appeal was filed within the reglementary period resulting in the issuance of a writ of execution.

“Thereafter, Deputy Sheriff Joel Feraren served the writ of execution on the petitioners and the ejectment aspect of the decision was satisfied as evidenced by a Certificate of Turn Over dated 28 April 1992.

“Relative to the monetary aspect of the decision, Sheriff Feraren levied upon several sewing machines and other personal properties and scheduled the auction sale thereof on 5 May 1992.

“The scheduled sale did not materialize due to an order of Executive Judge Job Madayag dated 4 May 1992 in connection with the Petition for Relief from Judgment (of the MTC decision) with preliminary injunction and restraining order filed by petitioners with the Makati Regional Trial Court (RTC for brevity) docketed as Civil Case No. 92-1198.

“In the petition for relief from judgment, petitioners Victor Siasat and Jesus Ong blamed Atty. Jeremias Vitan, their former counsel, for the alleged negligence and bad faith in causing them to be in default and in failing to appeal.

“During the hearing on the petition for injunction, petitioners merely marked in evidence the writ of execution and Notice of Levy and Sale. Private respondent GDC filed its Answer with Opposition to Application for Injunction. It subpoenaed Atty. Jeremias Vitan who testified that the default judgment and the lapse of the period to appeal was due to the own making of the petitioners and not due to his negligence.

“On 19 May 1992, petitioners filed a Motion for the Release of Levied Properties, which was opposed by GDC.

“On 25 May 1992, the RTC issued the writ of preliminary injunction, enjoining Sheriff Feraren from proceeding with the auction sale of the personal properties of Victor Siasat.

“However, on the same day, the RTC issued an order requiring Sheriff Feraren to immediately release to petitioners the levied properties. By virtue of the said order, the sheriff and petitioners forced open the premises of the private respondent and carried into effect the release of the levied properties to petitioners.

“Private respondent GDC filed a petition for certiorari before this Court, docketed as CA-G. R. NSP No. 27999, seeking to annul the orders rendered by the RTC Judge, to wit: (a) granting the issuance of preliminary prohibitory injunction in favor of the petitioners; and, (2) granting petitioners’ motion to release the levied properties.

“On 22 December 1992, the 6[th] Division of this Court, through Justice Quirino Abad Santos, Jr., rendered a decision declaring that the “action of the respondent judge in issuing the two (2) assailed orders were in grave abuse of discretion amounting to lack of jurisdiction” and the orders were set aside (CA Decision, pp. 221-231, Record).

“A motion for reconsideration was denied in a resolution dated 6 July 1992 (p. 250, Record).

“On 14 June 1994, the private respondent GDC filed a motion for summary judgment alleging therein that with the decision of this Court, there is no longer any genuine issue as to any material fact, or if there is such issue, the same can be resolved on the basis of the pleadings, documents and affidavits.

“Petitioners Victor Siasat and Jesus Ong filed an opposition on 29 June 1994.

“On 10 August 1994, RTC, Branch 134, rendered the assailed summary judgment.”[4]

In time, petitioners appealed the above-cited decision to the Court of Appeals.[5]

On January 09, 1997, the Court of Appeals promulgated a decision, the dispositive portion of which reads:

“WHEREFORE, the assailed Summary Judgment should be, as it is hereby, **AFFIRMED EN TOTO**. Costs against defendants-appellants.

“SO ORDERED.”[6]

On February 11, 1997, petitioners filed a motion for reconsideration of the decision.[7] However, on May 14, 1997, the Court of Appeals denied the motion for lack of merit.[8]

Hence, this appeal.[9]

The Issue

The issue raised is whether there exist genuine issues of material facts constitutive of petitioners’ substantial and

meritorious claim.[10]

The Court's Ruling

The issue raised is factual. In an appeal via certiorari, we may not review the factual findings of the Court of Appeals.[11] When supported by substantial evidence, the findings of fact of the Court of Appeals are conclusive and binding on the parties and are not reviewable by this Court,[12] unless the case falls under any of the recognized exceptions to the rule.[13]

There are instances when the findings of fact of the trial court or Court of Appeals may be reviewed by the Supreme Court, such as (1) when the conclusion is a finding grounded entirely on speculation, surmises and conjectures; (2) when the inference made is manifestly mistaken, absurd or impossible; (3) where there is a grave abuse of discretion; (4) when the judgment is based on a misapprehension of facts; (5) when the findings of fact are conflicting; (6) when the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee; (7) when the findings are contrary to those of the trial court; (8) when the findings of fact are conclusions without citation of specific evidence on which they are based; (9) when the facts set forth in the petition as well as in the petitioners' main and reply briefs are not disputed by the respondents; and (10) when the findings of fact of the Court of Appeals are premised on the supposed absence of evidence and contradicted by the evidence on record.[14]

The case at bar arose from "a simple ejectment" of petitioners from the leased premises initiated in the Metropolitan Trial Court, Makati. The Revised Rule on Summary Procedure covers all ejectment cases, regardless of whether they involve questions of ownership.[15] Under that Rule, a petition for relief from judgment is a prohibited pleading.[16] Hence, a party to an ejectment suit in the municipal trial court may not file such pleading in the regional trial court.

The Judgment

WHEREFORE, the Court denies the petition, and affirms the decision of the Court of Appeals[17] in toto.

No costs.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Ynares-Santiago, JJ., concur.

[1] In CA-G. R. CV No. 50390, promulgated on January 09, 1997.

[2] In Civil Case No. 92-1198, Summary Judgment dated August 10, 1994, Rollo, pp. 132-135.

[3] In Civil Case No. 42351, Decision dated March 23, 1992. Rollo, pp. 128-131.

[4] Petition, Annex "A", Rollo, pp. 49-59, at pp. 49-51.

[5] Docketed as CA-G.R. CV No. 50390.

[6] Supra, Note 4, at p. 59. A. M. Martinez, J., ponente, Montenegro and Lipana-Reyes+, JJ. , concurring.

[7] Petition, Annex "C", Rollo, pp. 61-66.

[8] Petition, Annex "B", Rollo, p. 60.

[9] Petition filed on July 21, 1997, Rollo, pp. 27-48. On January 31, 2000, the Court gave due course to the

petition (Rollo, pp. 138-139).

[10] Petitioners' Memorandum, Rollo, pp. 165-195, at p. 171.

[11] Sarmiento v. Court of Appeals, 353 Phil. 834,845-846 [1998]; Concepcion v. Court of Appeals, 324 SCRA 85 [2000], citing Congregation of the Virgin Mary v. Court of Appeals, 353 Phil. 591, 597 [1998], Arriola v. Mahilum, 337 SCRA 464, 469 [2000]; Bolanos v. Court of Appeals, 345 SCRA 125, 130-131 [2000].

[12] Atillo v. Court of Appeals, 334 Phil. 546, 555 [1997].

[13] Cebu Shipyard and Engineering Works, Inc. v. William Lines, Inc., 366 Phil. 439, 452 [1999].

[14] Misa v. Court of Appeals, 212 SCRA 217, 221-222 [1992]; Reyes v. Court of Appeals, 328 Phil. 171, 179-180 [1996].

[15] Heirs of Miranda v. Court of Appeals, 325 Phil. 674, 687 [1996].

[16] Section 19, Revised Rule on Summary Procedure.

[17] In CA-G. R. CV No. 50390.

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