

**SUNFLOWER NEIGHBORHOOD ASSOCIATION, REPRESENTED BY
FLORO ARAGAN, PETITIONERS, VS. COURT OF APPEALS, HON.
ACTING PRESIDING JUDGE LORIFEL LACAP PHIMNA, METC,
BRANCH 77, PARAÑAQUE ...**

G.R. No. 136274. September 03, 2003

Ponente: CORONA, J.

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CORONA, J.:

This is a petition for review of the July 16, 1998 decision of the Court of Appeals[1] in CA-G.R. SP No. 46861 (a) declaring null and void the injunction orders respectively issued by Judge Amelita Tolentino[2] in Civil Case No. 96-0253, for Expropriation, and Judge Rolando G. How in Civil Case No. 96-0480, for Prohibition with Preliminary Injunction; and (b) ordering the Metropolitan Trial Court (MeTC) of Parañaque City, Branch 78, to enforce its July 8, 1996 Writ of Demolition. The dispositive portion read:

WHEREFORE, foregoing considered, the injunction orders subject of the instant petition are hereby DECLARED NULL AND VOID. Corollary thereto, the Court of origin, Metropolitan Trial Court, Branch 78, Parañaque, is hereby directed to ENFORCE its Writ of Demolition dated July 8, 1996. [3]

The antecedent facts follow.

Private respondent Elisa Maglaqui-Caparas, in her capacity as executrix of the testate estate of Macaria Maglaqui, filed on March 16, 1993 a complaint for unlawful detainer (Civil Case No. 8550) against Alfredo Mogar and 46 other persons[4] who were occupying several parcels of land (Lots 1-A, B, C, E, F and G) in Yellow Ville, United Parañaque Subdivision IV, Metro Manila. These parcels of land are covered by individual transfer certificates of title[5] registered in the name of Macaria Maglaqui, private respondent's mother.

The MeTC of Parañaque City, Branch 78, eventually decided in favor of private respondent. On appeal, the decision of the MeTC was affirmed by the Regional Trial Court (RTC) of Makati City, Branch 66. Mogar et al. elevated the case to the Court of Appeals but their petition was dismissed by the appellate court on December 12, 1994. After the dismissal became final, a writ of demolition was issued by the MeTC of Parañaque City, Branch 78. The writ, however, was not immediately implemented because the case was transferred to Branch 77 of the same court. On February 6, 1997, Mogar et al. filed a petition with the RTC of Parañaque City, Branch 257, presided over by Judge Rolando G. How, to enjoin the implementation of the writ of demolition. However, this petition was denied and subsequently, an alias writ of demolition was issued by Judge Vivencio G. Lirio of MeTC Branch 77, the court of origin.

The alias writ of demolition was, again, not executed, this time due to the ex parte issuance of a writ of preliminary injunction by Judge Amelita Tolentino, in connection with the expropriation case (Civil Case No. 96-0253) filed by the Municipality of Parañaque against the Testate Estate of Macaria Maglaqui.

Meanwhile, another group of persons occupying portions of the parcels of land (Lots I-F and I-G) subject of the

unlawful detainer case, organized themselves into the Sunflower Neighborhood Association (Sunflower), the petitioner herein. On November 18, 1996, Sunflower, represented by one Floro Aragan, filed a complaint for prohibition/injunction with preliminary injunction against private respondent also with the RTC of Parañaque City, Branch 257. Sunflower argued that its members should be excluded from the demolition order as they were not parties to the original unlawful detainer case. To include their houses in the demolition would be to deprive them of due process. This time, Judge How granted the injunction and ordered the exclusion of the houses belonging to petitioner from demolition.

Thus, private respondent filed a petition for certiorari, prohibition and mandamus with the Court of Appeals (CA GR SP No. 46861) assailing both the injunction orders issued by Judge Tolentino in the expropriation case and by Judge How in the prohibition case.

The Court of Appeals ruled in favor of private respondent holding that, as the judgment in the unlawful detainer case had already become final, the execution could not be enjoined. Consequently, the MeTC of Parañaque City, Branch 77 issued another alias writ of demolition on September 14, 1998.

In order to stay the execution of the writ of demolition, Sunflower filed on January 7, 1999 an urgent motion in this Court for the issuance of a status quo order. This we granted in a resolution dated January 20, 1999. Prior to the issuance of our resolution, however, the writ of demolition was implemented on January 14, 1999. Petitioner thus filed a motion to allow its members to return to the premises, which we granted in another resolution dated April 28, 1999. Thereafter, we required both parties to submit their memoranda.

Sometime in November 1998, the group of Mogar et al. filed in this Court a petition for review of the decision of the Court of Appeals in CA GR SP No. 46861. However, we dismissed the same on January 18, 1999 for failure of said petitioners to comply with certain procedural requirements, including their failure to submit a certification of non-forum shopping.[6]

For its part, petitioner Sunflower likewise assailed the same decision of the Court of Appeals in this petition for review on certiorari under Rule 45 of the Revised Rules of Court.

Before we proceed, it should be pointed out that any issue relating to the expropriation case (Civil Case No. 96-0253) filed by the Municipality of Parañaque has been rendered moot by the dismissal of that case. This Court, in a Resolution dated January 29, 2003,[7] ordered the presiding judge of the RTC of Parañaque City, Branch 274 to report on the status of the expropriation case filed by the Municipality of Parañaque against herein private respondent. The presiding judge reported that the case was already dismissed on June 1, 1999 in an order issued by then Presiding Judge Amelita Tolentino who granted the motion to dismiss filed by herein private respondent. Said dismissal was not challenged by the Municipality of Parañaque. [8]

The basic issue before us is whether petitioner's members, who were not parties to the unlawful detainer case, may be ejected from the land subject of this case.

We rule in the affirmative. It is well-settled that, although an ejectment suit is an action in personam wherein the judgment is binding only upon the parties properly impleaded and given an opportunity to be heard, the judgment becomes binding on anyone who has not been impleaded if he or she is: (a) a trespasser, squatter or agent of the defendant fraudulently occupying the property to frustrate the judgment; (b) a guest or occupant of the premises with the permission of the defendant; (c) a transferee pendente lite; (d) a sublessee; (e) a co-lessee or (f) a member of the family, relative or privy of the defendant.[9]

In the case at bar, the records show that petitioner's members are trespassers or squatters who do not have any right to occupy the property of respondent. Petitioner does not dispute the ownership of the parcels of land in

question. In fact, it even admitted that the subject property is owned by Macaria Maglaqui, mother of private respondent.[10] Petitioner failed to establish any right which would entitle its members to occupy the land in any capacity, whether as lessees, tenants and the like. Petitioner's only defense against the eviction and demolition orders is their supposed non-inclusion in the original detainer case. This defense, however, has no legal support since its members are trespassers or squatters who are bound by the judgment.

Petitioner's argument that the parcels of land occupied by its members (Lots I-F and I-G) were not included in the original ejectment complaint has no basis. The complaint private respondent filed with the MeTC of Parañaque City, Branch 78, clearly included Lots I-F and I-G as part of the subject matter under litigation in the unlawful detainer case.[11] Thus, petitioner's members, together with all the parties in the unlawful detainer case, must vacate the disputed land.

The Court commiserates with respondent, already in her twilight years, who has been unlawfully deprived of her land for a good number of years. Thus, we exhort the court of origin to execute this decision with reasonable dispatch, consistent with the requirements of Section 28 of RA 7279 and EO 152, [12] on eviction and demolition.

WHEREFORE, the petition is hereby DENIED and the decision of the Court of Appeals in CA-GR SP No. 46861 is AFFIRMED.

SO ORDERED.

Puno, (Chairman), Panganiban, Sandoval-Gutierrez, and Carpio-Morales, JJ., concur.

[1] Penned by former Associate Justice Demetrio G. Demetria and concurred in by Associate Justices Jorge S. Imperial and Ramon A. Barcelona of the Third Division.

[2] Now Associate Justice of the Court of Appeals.

[3] Rollo, p. 20.

[4] Salvador Atregnio, Mauro Macaraig, Carlito Bocar, Erwin Lucas, Lope Reside, Victor Gayapranca, Hospicio Bacong, Silvino Ramirez, Imelda Bocar, Morlee Benitez, Charlita Almonte, Rosie Meravalles, Jose Perez, Rodolfo Baron, Estrella Ferocho, Lolita Borja, Charlito Bud-oy, Victor Aquino, Oscar Reside, Mario Montilla, Belen Aranez, Marilyn Brota, Lorenzo Castro, Fred Lobina, Vicente Montelde, Fedrico Muan, Reynaldo Constantino, Anita Bastal, Demetrio Pikiede, Marina Grotta, Emily Caguida, Victor Francisco, Franco Balboina, Wilma Barcos, Rodelio del Rosario, Felix Boradas, Rodolfo Gabayeron, Benedicto Bud-oy, Antonio Alsera, Bonifacio Lacorte, Jose Iglesia, Alvin Chua, Julian Vintura, Nina Chavez, Donald Aldave and Florencio Monterde.

[5] Lot 1-A is covered by TCT No. 150218; Lot 1-B by TCT 150219; Lot 1-C by TCT 150220; Lot 1-F by TCT 150223 and Lot 1-G by TCT No. 150224.

[6] Rollo, p. 113.

[7] Rollo, p. 140.

[8] Rollo, p. 141.

[9] Oro Cam Enterprises, Inc. vs. Court of Appeals, 319 SCRA 444 [1999], citing Florenz D. Regalado, Remedial Law Compendium [1997].

[10] Amended Petition dated November 15, 1996, C.A. Rollo, p. 56.

[11] CA Rollo, p. 79.

[12] Executive Order No. 152 entitled DESIGNATING THE PRESIDENTIAL COMMISSION FOR THE URBAN POOR AS THE SOLE CLEARING HOUSE FOR THE CONDUCT OF DEMOLITION AND EVICTION ACTIVITIES INVOLVING THE HOMELESS AND UNDERPRIVILEGED CITIZENS AND ESTABLISHING FOR THE PURPOSE A MECHANISM TO ENSURE STRICT COMPLIANCE WITH THE REQUIREMENTS OF JUST AND HUMANE DEMOLITION AND EVICTION UNDER THE URBAN DEVELOPMENT AND HOUSING ACT OF 1992, AND FOR OTHER PURPOSES, signed December 10, 2002.

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