

CONCEPCION V. AMAGAN, JOSEFINA V. AMAGAN AND DINA V. AMAGAN, PETITIONERS, VS. TEODORICO T. MARAYAG, RESPONDENT.

G.R. No. 138377. February 28, 2000

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

As a general rule, an ejectment suit cannot be abated or suspended by the mere filing before the regional trial court (RTC) of another action raising ownership of the property as an issue. As an exception, however, unlawful detainer actions may be suspended even on appeal, on considerations of equity, such as when the demolition of petitioners' house would result from the enforcement of the municipal circuit trial court (MCTC) judgment.

The Case

Before us is a Petition for Review on Certiorari under Rule 45 of the Rules of Court, assailing the February 9, 1999 Resolution of the Court of Appeals (CA) in CA-GR SP No. 50472,[1] which disposed as follows:

"It is plain to see that this Court, under its Decision, merely nullified the Order of the Respondent, dated November 26, 1996 granting Private Respondent's 'Motion for Execution Pending Appeal' and denying Petitioners' 'Motion for Reconsideration' [of] its said Order. This Court did not enjoin the Respondent Court from resolving Petitioners' appeal from the Decision of the Municipal [Circuit] Trial Court, on its merits.

"Petitioners' complaint for 'Quieting of Title and Reconveyance in Civil Case No. 1632' filed [at] the Regional Trial Court does not abate the proceeding in Civil Case No. 1671 (TG) before the Respondent Court (Asset Privatization Trust v. Court of Appeals, 229 SCRA 627; Felicidad Javier, et al., versus Hon. Regino T. Veridiano, II, et al., 237 SCRA 565.

"In sum, then, the [im]pugned Orders of the Respondent Court are in accord with case law and issued in the exercise of its sound discretion.

"IN THE LIGHT OF ALL THE FOREGOING, the Petition is denied due course and is hereby dismissed. No cost.

"SO ORDERED."[2]

Also challenged by petitioners is the April 22, 1999 CA Resolution[3] denying their Motion for Reconsideration.

The Facts

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

"x x x. On June 3, 1996, the private respondent filed a complaint against the petitioners for 'unlawful detainer' with the Municipal [Circuit] Trial Court in Silang, Cavite. On September 27, 1996, the trial court promulgated a Decision in favor of the private respondent and against the petitioners, the decretal portion of which reads as follows:

'IN VIEW OF THE FOREGOING, this Court finds for the plaintiff and against the defendants ordering the latter as follows:

- To vacate the property of plaintiff located at San Vicente, Silang, Cavite containing an area of 420 square meters and covered by Tax Declaration No. 13023 and remove their house constructed thereon;
- To pay plaintiff, jointly and severally, the amount of P10,000.00 starting from June 1, 1996 until the subject premises are fully vacated, as reasonable compensation for their continued unlawful use and occupation of the same and another amount of P50,000.00 as and by way of attorney's fees and other litigation expenses; and
- To pay the cost of suit.

SO ORDERED.'

"The petitioners appealed to the Regional Trial Court of Cavite from said Decision, which appeal was docketed as Civil Case No. 1671. On November 26, 1996, the private respondent filed a 'Motion for Execution Pending Appeal' with the Respondent Court which, on November 26, 1996, issued an Order granting said motion, the decretal portion of which reads as follows:

'As prayed for by the plaintiff(s), through (their) counsel, and finding the grounds alleged in their 'Motion for Immediate Exec(u)tion' to be impressed with merit, the same is hereby GRANTED.

Accordingly, let a writ of execution pending appeal be issued in this case.'

"The Petitioners' Motion for Reconsideration' [of] said Order, was denied by the Respondent Court per its Order dated February 21, 1997.

"In the interim, the petitioners filed, on December 10, 19[96], a complaint against private respondent in the Regional Trial Court for 'Quieting of Title, Reconveyance and Damages,' entitled 'Concepcion v. Amagan, et al. versus Teodorico Marayag, Civil Case No. 1682 (TG).'

"The petitioners filed, a 'Petition for Certiorari,' in the Court of Appeals, under Rule 65 of the Rules of Court, dated April 28, 1997, against the respondents for the nullification of the aforesaid Orders of the Respondent Court, dated November 26, 1996 and February 21, 1997, in Civil Case No. 1671, granting private respondent's 'Motion for Reconsideration' respectively, which Petition was entitled 'Concepcion v. Amagan, et al., versus Regional Trial Court, et al., CA-G.R. [SP No. 43611].' This Court issued a Resolution granting petitioners' plea for a temporary restraining order which expired on June 25, 1997.

"On July 7, 1997, the private respondent filed, with the Respondent Court, in Civil Case No. 1671 (TG), an 'Ex-Parte Omnibus Motion to Direct Sheriff To Make a Report And/Or Implement Writ of Execution and Declare the Case Submitted for Decision' with the parties submitting to the Respondent Court their respective 'Memorandum on Appeal.' The next day, July 18, 1997, this Court promulgated, in CA-G.R. [SP No. 43611], a Decision in favor of the petitioners and against the respondents therein the decretal portion of which reads as follows:

'WHEREFORE, the Petition for certiorari is hereby GRANTED. Accordingly, the Order dated February 21, 1997, allowing execution pending appeal is REVERSED and SET ASIDE.'

On July 11, 1997, the Respondent Court issued an Order granting private respondent's Omnibus Motion,' supra. The private respondent likewise filed a 'Petition for Review' with the Supreme Court, from the Decision of this Court in CA-G.R. [SP No. 43611] and its Resolution denying private respondent's 'Motion for Reconsideration' but the Supreme Court, per its Resolution dated November 12, 1997, issued a Resolution denying private

respondents['] 'Petition for Review.' The Resolution of the Supreme Court became final and executory.

"On December 12, 1997, the private respondent filed with the Respondent Court, in Civil Case No. TG-1671, a 'Manifestation and Ex-Parte Motion' praying that the Respondent Court resolve the case and promulgate its Decision on the merits. However, the petitioners filed an Opposition to private respondent's motion, contending that the proceedings before the Respondent Court, in Civil Case No. 1671 (TG), be suspended pending decision, on the merits, of the Regional Trial Court, in Civil Case No. 1682 (Quieting of Title, Reconveyance with Damages). On April 3, 1998, the Respondent Court issued its Order granting private respondent's motion, declaring that the Court, under its Decision, in CA-G.R. [SP No. 43611], merely nullified its Order granting execution pending appeal but did not enjoin the Respondent Court from hearing and resolving Civil Case No. 16[7]1 on the merits. The petitioners filed a 'Motion for Reconsideration' of the aforesaid Order of the Respondent Court but the latter issued an Order dated December 14, 1998 denying petitioners' Motion for Reconsideration, in this language:

'Anent the Motion for Reconsideration, movants anchored their arguments that this Court should restrain itself from further proceeding with the appealed case because of the decision, resolution of the Court of Appeals, and resolution of the Supreme Court. It is worthy to note that [what] was brought up with the higher Courts was the Order of the Court allowing the execution pending appeal, the said Order was reversed and set aside by the Court of Appeals[;] however, there was no permanent injunction that has been issued for this Court to stop from further proceeding with the case. The said motion is, therefore, DENIED for lack of merit.' "

The facts of this case may be simply summarized as follows. The MCTC rendered a Decision granting the ejectment suit filed by respondent against herein petitioners. While an appeal was pending before the RTC, respondent filed a Motion for immediate execution of the MCTC judgment, which was granted. However, the Court of Appeals[4] later reversed the RTC Order granting the execution pending appeal, a reversal that was subsequently affirmed by the Supreme Court. Meanwhile, petitioners also filed before the RTC a new action for quieting of title involving the same property.

Petitioners thence claimed that the proceedings in the ejectment appeal should be suspended pending final judgment in the quieting of title case. The RTC ruled in the negative.

Ruling of the Court of Appeals

In sustaining the RTC, the CA held in two short paragraphs that its earlier Decision in CA-GR SP No. 43611 enjoined only the execution of the judgment pending appeal. Without discussing petitioners' plea for an exception, it curtly applied the jurisprudential principle that an action for quieting of title would not abate an ejectment suit.

Hence, this Petition.[5]

The Issue

In their Memorandum, petitioners submitted for the consideration of the Court the following issues:

"I

Whether or not the 8 July 1997 Decision and 23 September 1997 Resolution of the Court of Appeals in CA-G.R. SP No. 43611 (Annex I), as affirmed in toto by the Supreme Court, called off and restrained the proceedings in this case;

II.

Whether or not the dispositive portion of the Decision in CA-G.R. SP No. 43611 should be referred to its body and text.

III.

Whether or not the Court of Appeals' Decision having been based on *Vda. de Legaspi vs. Avendano x x x*, is now final and executory as it was upheld by the Supreme Court in toto.

IV.

Whether or not *Lao vs. Court of Appeals [x x x]* is applicable to the present case, and

V.

Whether or not the Court of Appeals failed to consider and pass judgment on the exceptional nature of the present case."^[6]

In the main, the issue is whether the peculiar circumstances of this case justify the suspension of the ejectment proceedings on appeal before the RTC, pending the resolution of the action for quieting of title.

The Court's Ruling

The Petition is meritorious.

Main Issue:

Suspension of the Ejectment Suit

Unlawful detainer and forcible entry suits under Rule 70 are designed to summarily restore physical possession of a piece of land or building to one who has been illegally or forcibly deprived thereof, without prejudice to the settlement of the parties' opposing claims of juridical possession in appropriate proceedings. It has been held that these actions "are intended to avoid disruption of public order by those who would take the law in their hands purportedly to enforce their claimed right of possession."^[7] In these cases, the issue is pure physical or de facto possession, and pronouncements made on questions of ownership are provisional in nature.

As a general rule, therefore, a pending civil action involving ownership of the same property does not justify the suspension of ejectment proceedings. "The underlying reasons for the above ruling were that the actions in the Regional Trial Court did not involve physical or de facto possession, and, on not a few occasions, that the case in the Regional Trial Court was merely a ploy to delay disposition of the ejectment proceeding, or that the issues presented in the former could quite as easily be set up as defenses in the ejectment action and there resolved."^[8]

Only in rare instances is suspension allowed to await the outcome of the pending civil action. One such exception is *Vda. de Legaspi v. Avendaño*, wherein the Court declared:

"x x x. Where the action, therefore, is one of illegal detainer, as distinguished from one of forcible entry, and the right of the plaintiff to recover the premises is seriously placed in issue in a proper judicial proceeding, it is more equitable and just and less productive of confusion and disturbance of physical possession, with all its concomitant inconvenience and expenses. For the Court in which the issue of legal possession, whether involving ownership or not, is brought to restrain, should a petition for preliminary injunction be filed with it, the effects of any order or decision in the unlawful detainer case in order to await the final judgment in the more substantive case involving legal possession or ownership. It is only where there has been forcible entry that as a matter of public policy the right to physical possession should be immediately set at rest in favor of the prior possession regardless of the fact that the other party might ultimately be found to have superior claim to the premises involved, thereby to discourage any attempt to recover possession thru force, strategy or stealth and without resorting to the courts."^[9]

From the foregoing, it is clear that the mere existence of a judicial proceeding putting at issue the right of the plaintiff to recover the premises is not enough reason to justify an exception to the general rule. In *Salinas v.*

Navarro,[10] the Court explained that "the exception to the rule in *x x x Vda. de Legaspi* is based on strong reasons of equity not found in the present petition. The right of the petitioners is not so seriously placed in issue in the annulment case as to warrant a deviation, on equitable grounds, from the imperative nature of the rule. In the *Vda. de Legaspi* case, execution of the decision in the ejectment case would also have meant demolition of the premises, a factor not present in this petition."

After a close reading of the peculiar circumstances of the instant case, however, we hold that equitable considerations impel an exception to the general rule. In its earlier July 8, 1997 Decision in CA-GR No. 43611-SP which has long become final, the Court of Appeals, through Justice Artemio G. Toquero, arrived upon the following factual findings which are binding on herein parties:

"Admittedly, petitioners who appealed the judgment in the ejectment case did not file a supersedeas bond. Neither have they been depositing the compensation for their use and occupation of the property in question as determined by the trial court. Ordinarily, these circumstances would justify an execution pending appeal. However, there are circumstances attendant to this case which would render immediate execution injudicious and inequitable.

"ONE. Private respondent Teodorico T. Marayag anchors his action for unlawful detainer on the theory that petitioners' possession of the property in question was by mere tolerance. However, in answer to his demand letter dated April 13, 1996 (Annex 'D'), petitioners categorically denied having any agreement with him, verbal or written, asserting that they are 'owners of the premises we are occupying at 108 J. P. Rizal Street, San Vicente, Silang, Cavite.' In other words, it is not merely physical possession but ownership as well that is involved in this case.

"TWO. In fact, to protect their rights to the premises in question, petitioners filed an action for reconveyance, quieting of title and damages against private respondents, docketed as Civil Case No. TG-1682 of the Regional Trial Court, Branch 18, Tagaytay City. The issue of ownership is squarely raised in this action. Undoubtedly, the resolution of this issue will be determinative of who is entitled to the possession of the premises in question.

"THREE. The immediate execution of the judgment in the unlawful detainer case will include the removal of the petitioners' house [from] the lot in question.

"To the mind of the Court it is injudicious, nay inequitable, to allow demolition of petitioner's house prior to the determination of the question of ownership [of] the lot on which it stands.[11]

Indisputably, the execution of the MCTC Decision would have resulted in the demolition of the house subject of the ejectment suit; thus, by parity of reasoning, considerations of equity require the suspension of the ejectment proceedings. We note that, like *Vda. de Legaspi*, the respondent's suit is one of unlawful detainer and not of forcible entry. And most certainly, the ejectment of petitioners would mean a demolition of their house, a matter that is likely to create the "confusion, disturbance, inconveniences and expenses" mentioned in the said exceptional case.

Necessarily, the affirmance of the MCTC Decision[12] would cause the respondent to go through the whole gamut of enforcing it by physically removing the petitioners from the premises they claim to have been occupying since 1937. (Respondent is claiming ownership only of the land, not of the house.) Needless, the litigants as well as the courts will be wasting much time and effort by proceeding at a stage wherein the outcome is at best temporary, but the result of enforcement is permanent, unjust and probably irreparable.

We should stress that respondent's claim to physical possession is based not on an expired or a violated contract of lease, but allegedly on "mere tolerance." Without in any way prejudging the proceedings for the quieting of title,

we deem it judicious under the present exceptional circumstances to suspend the ejectment case.

The Suspension of Proceedings Even During Appeal

One final point. In *Vda. de Legaspi*, the Court held that "if circumstances should so require, the proceedings in the ejectment case may be suspended in whatever stage it may be found." This statement is unequivocally clear; it includes even the appellate stage.

WHEREFORE, the Petition is GRANTED and the appealed Decision REVERSED and SET ASIDE. The Regional Trial Court of Cavite is DIRECTED to suspend further action in Civil Case No. 1671 until Civil Case No. 1682 is concluded. No costs.

SO ORDERED.

Melo, (Chairman), Vitug, Purisima, and Gonzaga-Reyes, JJ., concur.

[1] Penned by J. Romeo J. Callejo Sr. with the concurrence of JJ. Fermin A. Martin Jr., Division chairman; and Mariano M. Umali, member.

[2] CA Decision, p. 4; rollo, p. 36.

[3] Rollo, p. 38; also penned by J. Callejo and concurred in by JJ Umali and Bernardo P. Abesamis (who took the place of J. Martin)

[4] The Decision was written by J. Artemio G. Tuquero with the concurrence of JJ. Artemon D. Luna (chairman) and Hector L. Hofilena (member)

[5] The case was deemed submitted for resolution on November 26, 1999, upon receipt by this Court of respondent's Memorandum, which was signed by Atty. Joselito A. Oliveros. Petitioners' Memorandum, signed by Atty. Florante C. Roxas, had been filed earlier on November 24, 1999.

[6] Petitioners' Memorandum, p. 7; rollo, p. 422.

[7] *Vda de Legaspi v. Avendaño*, 79 SCRA 135, September 27, 1977, per Barredo, J.

[8] *Wilmon Auto Supply Corp. v. Court of Appeals*, 208 SCRA 108, April 10, 1992, per Narvasa, CJ. In this case, the Court also held:

"1. Injunction suits instituted in the RTC by defendants in ejectment actions in the municipal trial courts or other courts of the first level (*Nacorda v. Yatco*, 17 SCRA 920 (1966)) do not abate the latter; and neither do proceedings on consignment of rentals (*Lim Si v. Lim*, 98 Phil. 868 (1956), citing *Pue et al. v. Gonzales*, 87 Phil. 81, (1950)).

2. An "accion publiciana" does not suspend an ejectment suit against the plaintiff in the former (*Ramirez v. Bleza*, 106 SCRA 187 (1981)).

3. A "writ of possession case" where ownership is concededly the principal issue before the Regional Trial Court does not preclude nor bar the execution of the judgment in an unlawful detainer suit where the only issue involved is the material possession or possession de facto of the premises (*Heirs of F. Guballa Sr. v. CA et al.*; etc., 168 SCRA 518 (1988)).

4. An action for quieting of title to property is not a bar to an ejectment suit involving the same property (*Quimpo v. de la Victoria*, 46 SCRA 139 (1972)).

5. Suits for specific performance with damages do not affect ejectment actions (e.g., to compel renewal of a lease contract) (*Desamito v. Cuyegkeng*, 18 SCRA 1184 (1966); *Pardo de Tavera v. Encarnacion*, 22 SCRA 632 (1968); *Rosales v. CFI*, 154 SCRA 153 (1987); *Commander Realty, Inc. v. CA*, 161 SCRA 264 (1988)).

6. An action for reformation of instrument (e.g., from deed of absolute sale to one of sale with pacto de retro) does not suspend an ejectment suit between the same parties (*Judith v. Abragan*, 66 SCRA 600 (1975)).

7. An action for reconveyance of property or "accion reivindicatoria" also has no effect on ejectment suits regarding the same property (*Del Rosario v. Jimenez*, 8 SCRA 549 (1963); *Salinas v. Navarro*, 126 SCRA 167; *De la Cruz v. CA*, 133 SCRA 520 (1984); *Drilon v. Gaurana*, 149 SCRA 352 (1987); *Ching v. Malaya*, 153 SCRA 412 (1987); *Philippine Feeds Milling Co., Inc. v. CA*, 174 SCRA 108; *Dante v. Sison*, 174 SCRA 517 (1989); *Guzman v. CA* (annulment of sale and reconveyance), 177 SCRA 604 (1989); *Demamay v. CA*, 186 SCRA 608 (1990); *Leopoldo Sy v. CA et al.*, (annulment of sale and reconveyance), GR No. 95818, Aug. 2, 1991).

8. Neither do suits for annulment of sale, or title, or document affecting property operate to abate ejectment actions respecting the same property (*Salinas v. Navarro* (annulment of deed of sale with assumption of mortgage and/or to declare the same an equitable mortgage), 126 SCRA 167 (1983); *Ang Ping v. RTC* (annulment of sale and title), 154 SCRA 153 (1987); *Caparros v. CA* (annulment of title), 170 SCRA 758 (1989); *Dante v. Sison* (annulment of sale with damages), 174 SCRA 517; *Galgala v. Benguet Consolidated, Inc.* (annulment of document), 177 SCRA 288 (1989))"

[9] *Supra*, p. 145.

[10] 126 SCRA 167, November 29, 1983, per Gutierrez Jr., J.

[11] CA Decision in CA-GR SP No. 43611, p. 3; rollo, p. 90. Emphasis supplied.

[12] In fact, according to private respondent (Memorandum, p. 19; rollo, p. 477), the "RTC had already rendered its decision dated 7 April 1999 affirming in toto, the earlier judgment rendered by the (MCTC) in herein respondent's favor."

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