

ANA RUBENITO AND BABY MACAYA, PETITIONERS, VS. LOLITA LAGATA, ROLANDO BINCANG, HON. METROPOLITAN TRIAL COURT, BRANCH 75, MARIKINA CITY, AND SHERIFF EDWIN C. GARCIA, RESPONDENTS.

G.R. No. 140959. December 21, 2004

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

Before us is a “petition for review on certiorari” filed on December 21, 1999 which should be a petition for certiorari under Rule 65 of the Rules of Court. It assails the Writ of Execution dated April 16, 1999, the Notice to Vacate dated May 18, 1999 and the Order of Demolition dated November 24, 1999 of the Metropolitan Trial Court (Branch 75) Marikina City (MeTC for brevity) in Civil Case No. 95-6178.

The factual background of the case is as follows:

Sometime in June 1991, private respondents Lolita Lagata and Rolando Bincang, who are registered owners of a parcel of land located in Interior Balubad Street, Nangka, Marikina City and known as Lot 3-K-4-C-4 of the subdivision plan Psd-007402-023755-D, filed with the Punong Barangay of Nangka, Marikina City a complaint for ejectment against petitioners Ana Rubenito and Baby Macaya. Mediation proceedings were conducted by the Punong Barangay, Chairman of the Lupong Tagapamayapa. On June 11, 1991, a compromise agreement or amicable settlement denominated as “KASUNDUANG PAG-AAYOS” was executed by the parties and attested to by the Punong Barangay, which reads as follows:

Ang may-sumbong,[1] ay nagpakita ng mga dokumento at papeles at titulo, na nagpapatunay na ang lupa ay kanyang nabili, buhat sa mga Santos.

At ang ipinagsumbong,[2] ay walang maipakita na anumang papeles na magpapatunay na sadyang ang lupa ay hindi kanila.

Kaya ang ipinag-sumbong ay inaatasan ng may-sumbong na sila ay bigyan ng palugit ng 6 na buwan, upang sila ay makahanap ng matitirikan o matitirhan, upang ang nasabing lupa ay tuluyang iwanan ng ipinag-sumbong.

Ang pag-alis ng ipinag-sumbong ay sa ika-11 ng Disyembre 1991.[3]

Petitioners did not vacate the premises within the stipulated period. When further demands to vacate went unheeded, private respondents filed with the MeTC a complaint against petitioners for execution of the barangay compromise agreement, docketed as Civil Case No. 95-6178.[4]

In their Answer, petitioners admitted the execution of the document but denied that such was a compromise agreement to vacate. They alleged that it was merely an acknowledgment that private respondents wanted to eject them and that they should vacate the premises within six months. Petitioners further questioned the propriety of

the sale of the property in favor of private respondents as violative of their right of first refusal.[5]

In an Order dated October 20, 1995, the MeTC treated the complaint as an ordinary complaint for ejectment.[6] In a Decision dated May 9, 1996, the MeTC dismissed the complaint on the ground that no prior demand to vacate was made upon petitioners.[7]

On appeal, the Regional Trial Court (Branch 272) of Marikina City (RTC) affirmed the MeTC's decision. The RTC treated the "KASUNDUANG PAG-AAYOS" as a mere contract.[8]

On petition for review, the Court of Appeals (CA), in a Decision dated April 16, 1998, held that private respondents' complaint before the MeTC was not for ejectment, as the lower courts have inadvertently treated it to be, but one for execution or enforcement of an unrepudiated amicable settlement arrived at in a barangay conciliation proceedings which by statute has the force and effect of a final judgment of a court. It added that since the complaint was filed within the proper period (Article 1144, Civil Code; Sec. 9, Rule 39, Rules of Court), it was the MeTC's ministerial duty to order the execution of the said amicable settlement, under which petitioners bound themselves to vacate the premises not later than December 11, 1991. Thus, the CA set aside the decision of the lower courts and directed the MeTC to order the execution of the disputed amicable settlement by ousting petitioners from the premises.[9]

On May 18, 1999, Sheriff III Edwin Garcia served upon petitioners a copy of the Writ of Execution,[10] dated April 16, 1999, and the Notice to Vacate,[11] dated May 18, 1999, directing the petitioners to vacate the premises in question within five days from receipt of the notice.

Petitioners filed a Motion to Lift Writ of Execution and Notice to Vacate,[12] dated May 21, 1999, on the ground that the MeTC did not acquire jurisdiction because petitioners had not yet received a copy of the decision of the CA, as such the decision is not yet final and executory and the writ of execution and notice to vacate were issued in excess or jurisdiction of without jurisdiction of the court.

On November 24, 1999, upon motion of private respondents, the MeTC issued an Order of Demolition[13] which petitioners claim they did not also receive.

Hence, the instant petition anchored on the following assignment of errors:

- THAT THE HONORABLE RESPONDENT COURT ACTED WITH GRAVE ABUSE OF DISCRETION AND WITHOUT JURISDICTION WHEN IT ISSUED THE WRIT OF EXECUTION, DATED APRIL 16, 1999, THE NOTICE TO VACATE, DATED MAY 18, 1999, DESPITE OF THE FACT THAT THE RECORD DOES NOT SHOW THAT PETITIONERS OR THEIR COUNSEL RECEIVED A COPY OF THE DECISION OF THE COURT OF APPEALS.

- THAT THE HONORABLE RESPONDENT COURT ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF JURISDICTION WHEN IT ISSUED THE ORDER OF DEMOLITION WITHOUT FIRST RESOLVING THE MOTION TO LIFT WRIT OF EXECUTION AND NOTICE TO VACATE.[14]

Petitioners invoke the Court's appellate jurisdiction under Rule 45 of the Rules of Court in assailing the orders of the MeTC. They claim that they or their original counsel did not receive a copy of the decision of the CA, as such the said decision is not yet final and executory and the orders of the MeTC were issued with grave abuse of discretion amounting to lack of jurisdiction.

Prefatorily, we note that petitioners erroneously invoke the appellate jurisdiction of this Court under Rule 45 of the Rules of Court in assailing the orders of the court a quo. The instant petition shall be treated as a petition for

certiorari under Rule 65 of the Rules of Court since the subject of the recourse, is one of jurisdiction, or the act complained of was perpetrated by a court with grave abuse of discretion amounting to lack or excess of jurisdiction.[15] As enunciated by the Court in *Fortich vs. Corona*: [16]

Anent the first issue, in order to determine whether the recourse of petitioners is proper or not, it is necessary to draw a line between an error of judgment and an error of jurisdiction. An error of judgment is one which the court may commit in the exercise of its jurisdiction, and which error is reviewable only by an appeal. On the other hand, an error of jurisdiction is one where the act complained of was issued by the court, officer or a quasi-judicial body without or in excess of jurisdiction, or with grave abuse of discretion which is tantamount to lack or in excess of jurisdiction. This error is correctible [sic] only by the extraordinary writ of certiorari.[17] (Emphasis supplied.)

Considering that the instant petition assails the jurisdiction of the court a quo to issue the Writ of Execution, Notice to Vacate and the Order of Demolition in view of the alleged non-finality of the decision of the CA, it falls within the ambit of a special civil action for certiorari under Rule 65 of the Rules of Court.

Nonetheless, petitioners' direct resort to this Court was in utter disregard of the hierarchy of courts. Although the Supreme Court, Regional Trial Courts and the CA have concurrent jurisdiction to issue writs of certiorari, prohibition, mandamus, quo warranto, habeas corpus and injunction, such concurrence does not give the petitioner unrestricted freedom of choice of court forum. As held in *People vs. Cuasmas*: [18]

This Court's original jurisdiction to issue writs of certiorari is not exclusive. It is shared by this Court with Regional Trial Courts and with the Court of Appeals. This concurrence of jurisdiction is not, however, to be taken as according to parties seeking any of the writs an absolute, unrestrained freedom of choice of the court to which application therefor will be directed. There is after all a hierarchy of courts. A direct invocation of the Supreme Court's original jurisdiction to issue these writs should be allowed only when there are special and important reasons therefor, clearly and specifically set out in the petition. This is established policy. It is a policy that is necessary to prevent inordinate demands upon the Court's time and attention which are better devoted to those matters within its exclusive jurisdiction, and to prevent further over-crowding of the Court's docket.[19]

In *Vergara, Sr. vs. Suelto*, [20] the Court further elucidated:

The Supreme Court is a court of last resort, and must so remain if it is to satisfactorily perform the functions assigned to it by fundamental charter and immemorial tradition. It cannot and should not be burdened with the task of dealing with causes in the first instance. Its original jurisdiction to issue the so-called extraordinary writs should be exercised only where absolutely necessary or where serious and important reasons exist therefor. Hence, that jurisdiction should generally be exercised relative to actions or proceedings before the Court of Appeals, or before constitutional or other tribunals, bodies or agencies whose acts for some reason or another, are not controllable by the Court of Appeals. Where the issuance of an extraordinary writ is also within the competence of the Court of Appeals or a Regional Trial Court, it is in either of these courts that the specific action for the writ's procurement must be presented. This is and should continue to be the policy in this regard, a policy that courts and lawyers must strictly observe.[21]

In the present case, petitioners have not offered any exceptional or compelling reason not to observe the hierarchy of courts. Thus, the petition should have been initially filed with the Regional Trial Court.

In any event, petitioners' contention that they or their original counsel did not receive the decision of the CA is misleading. The records clearly reveal that the Decision of the CA, dated April 16, 1998, was sent by registered mail to petitioners' original counsel at his office address [22] and received on April 24, 1998 by a certain Mylene Malano. [23] The presumption that the decision was delivered to a person in his office, who was duly authorized to receive papers for him, therefore, stands. [24] Petitioners have not presented evidence to overcome this

presumption of regularity in the performance of official duty.[25] We, therefore, hold that the decision of the CA became final and executory on May 9, 1998.[26]

Clearly, this is an instance where the due process routine vigorously pursued by petitioners is but a clear-cut afterthought meant to delay the settlement of an otherwise uncomplicated legal dispute. Aside from clogging court dockets, the strategy is deplorably a common curse resorted to by losing litigants in the hope of evading manifest obligations.[27] The Court must state here for the petitioners, who notably filed the instant petition in their own behalf without the assistance of counsel, and on all other litigants similarly inclined to resort to the same or related scheme or stratagem that this Court cannot condone or tolerate any abuse of the judicial process. As the Court has stated in *Cantelang vs. Medina*,[28] "this Court will ever be vigilant to nip in the bud any dilatory maneuver calculated to defeat or frustrate the ends of justice, fair play and the prompt implementation of final and executory judgments." [29]

Litigation must end and terminate sometime and somewhere, and it is essential to an effective and efficient administration of justice that, once a judgment has become final, the winning party be not, through a mere subterfuge, deprived of the fruits of the verdict. Courts must, therefore, guard against any scheme calculated to bring about that result. Constituted as they are to put an end to controversies, courts should frown upon any attempt to prolong them.[30]

There should be a greater awareness on the part of litigants that the time of the judiciary, much more so of this Court, is too valuable to be wasted or frittered away by efforts, far from commendable, to evade the operation of a decision final and executory, especially so, where, as shown in the present case, the clear and manifest absence of any right calling for vindication, is quite obvious and indisputable. Time and again the Court has left no doubt as to our disapproval of such a practice. The aim of a lawsuit is to render justice to the parties according to law. Procedural rules are precisely designed to accomplish such a worthy objective. Necessarily, therefore, any attempt to pervert the ends for which they are intended deserves condemnation.

Verily, by the undue delay in the execution of a final judgment in their favor, private respondents have suffered an injustice. The Court views with disfavor the unjustified delay in the enforcement of the final orders and decision in this case. Once a judgment becomes final and executory, the prevailing party should not be denied the fruits of his victory by some subterfuge devised by the losing party.[31]

WHEREFORE, the instant petition is **DISMISSED**. Double costs against petitioners.

SO ORDERED.

Puno, (Chairman), Tinga, and Chico-Nazario, JJ., concur.
Callejo, Sr., on leave.

[1] Herein respondents.

[2] Herein petitioners.

[3] Original Record, p. 7.

[4] Rollo, p. 19.

[5] *Id.*, p. 23.

[6] *Id.*, p. 27.

[7] Id., p. 28.

[8] Id., p. 29.

[9] Id., p. 32.

[10] Id., p. 15.

[11] Id., p. 16.

[12] Id., p. 17.

[13] Id., p. 18.

[14] Id., p. 8.

[15] Donato vs. Court of Appeals, 417 SCRA 216, 223 (2003).

[16] 289 SCRA 624 (1998).

[17] Id., p. 642.

[18] 172 SCRA 415 (1989). Reiterated in Liga ng mga Barangay National vs. Atienza, Jr., 420 SCRA 562, 572 (2004); Microsoft Corporation vs. Best Deal Computer Center Corporation, 389 SCRA 615, 621 (2002); Sy vs. Commission on Settlement of Land Problems, 365 SCRA 49, 56 (2001).

[19] Id., p. 424.

[20] 156 SCRA 753 (1987). Reiterated in Yared vs. Ilarde, 337 SCRA 53, 61 (2000); People vs. Court of Appeals, 301 SCRA 566, 570 (1999).

[21] Id., p. 755.

[22] Original Record, p. 66.

[23] Rollo, p. 57.

[24] Flores vs. National Labor Relations Commission, 256 SCRA 735, 740 (1996).

[25] Sec. 3 (m), Rule 131, Rules of Court.

[26] May 9, 1998 was a Saturday. Petitioners had until May 11, 1998 to file a motion for reconsideration or appeal.

[27] Agbada vs. Inter-Urban Developers, Inc., 389 SCRA 430, 440-441 (2002).

[28] 91 SCRA 403 (1979).

[29] Id., p. 415. See also Galgala vs. Benguet Consolidated, Inc., 177 SCRA 289, 294 (1989) and Chua Huat vs. Court of Appeals, 199 SCRA 1, 15 (1991).

[30] Dizon vs. Court of Appeals, 396 SCRA 151, 157 (2003); Teodoro vs. Court of Appeals, 388 SCRA 527, 536 (2002); Salva vs. Court of Appeals, 304 SCRA 632, 645 (1999).

[31] Natalia Realty, Inc. vs. Court of Appeals, 391 SCRA 370, 392 (2002); Nasser vs. Court of Appeals, 245 SCRA 20, 29 (1995).

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