

DRA. NEREA RAMIREZ-JONGCO, AURORA J. CIFRA, FLORDELIZA J. ARCILA, ETHELINDA J. HOLT, LOURDES J. CIFRA, BIENVENIDO R. JONGCO, ANTONIO JONGCO, JR., AND JOSE JONGCO, REPRESENTED BY...

G.R. No. 149839. August 29, 2002

Ponente: PUNO, J.

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PUNO, J.:

This is a Petition for Review on Certiorari under Rule 45 seeking the reversal of the Resolution, dated June 27, 2001, of the Court of Appeals[1] in CA-G.R. SP No. 65216, which dismissed the petitioners' Petition for Annulment of Judgment, as well as its Resolution, dated September 7, 2001, which denied the petitioners' Motion for Reconsideration.

This petition is an offshoot of an Unlawful Detainer[2] case filed by the petitioners against the respondent with the Metropolitan Trial Court of Quezon City. In their complaint, the petitioners alleged that they are the lessors of a residential house located at No. 42 Big Horseshoe Drive, Horseshoe Village, Quezon City, leased by the respondent at a monthly rental of P17,000.00. The ground was the failure of the lessee to pay rentals from May 23, 1997 to December 22, 1998, despite repeated demands by the petitioners. For his part, the respondent denied the non-payment of rentals and alleged that he made an advance payment of P825,000.00 when he paid for the repairs done on the leased property.

After trial, the metropolitan trial court decided in favor of the petitioners, and ordered the respondent to: "(a) vacate the premises at No. 42 Big Horseshoe Village, Quezon City; (b) pay plaintiff the sum of P306,000.00, corresponding to the rentals due from May 23, 1997 to November 22, 1998, and the sum of P17,000.00 a month thereafter until defendant vacates the premises; and (c) pay plaintiff the sum of P5,000.00 as and by way of attorneys fees." [3]

The respondent appealed the case to the Regional Trial Court of Quezon City.[4] In a Decision dated February 23, 2001, the regional trial court modified the appealed ruling, and ordered the respondent to pay arrearages from May 23, 1997 up to the date of the decision. The respondent was also given an option to choose between staying in the leased property or vacating the same, subject to the reimbursement by the petitioners of one-half of the value of the improvements (placed at P120,000.00), or P60,000.00, with a right to remove said improvements, pursuant to Article 1678 of the New Civil Code, if the petitioners would refuse to pay half of its value.[5]

Both parties moved for reconsideration. In an Order[6] dated February 23, 2001, the regional trial court modified its decision by increasing the value of the improvement from P120,000.00 to P800,000.00.

Intending to further appeal the case, the petitioners filed an "Urgent Motion for Extension of Time to File Petition for Review" with the Court of Appeals. The proposed Petition for Review was docketed as CA-G.R. SP No. 63783, and the Urgent Motion was granted by the appellate court which set the deadline for the filing of the

petition on April 2, 2001. When the designated date arrived, the petitioners did not file a Petition for Review, and instead filed an “Urgent Petition to Avail of the Petition for Certiorari Instead of Petition for Review.” They prayed for the application of the docket fees and other legal charges previously paid for the Petition for Review, to the charges for the intended Petition for Certiorari (under Rule 65 of the Rules of Court). This Urgent Petition was treated as a motion, and denied by the Court of Appeals in a Resolution dated May 2, 2001.[7] However, the appellate court held that the petitioners may still file a Petition for Certiorari subject to the payment of new docket fees. CA-G.R. SP No. 63783 was declared abandoned and terminated.

Again, the petitioners failed to file their proposed Petition for Certiorari. Instead, they filed on June 20, 2001, a “Petition for Declaration of Nullity of Decision and Order with Damages,”[8] under Rule 47 of the Rules of Court. On June 27, 2001, the Court of Appeals issued a Resolution[9] dismissing the petition on the following grounds, to wit: (a) that the Verification and Certificate of Non-Forum Shopping attached to the petition was signed only by a certain Ermelinda C. Manaloto, without any authorization document or a special power of attorney executed in her favor by the petitioners; and (b) that the judgment sought to be annulled was rendered by the Regional Trial Court of Quezon City in the exercise of its appellate jurisdiction; hence, the proper remedy is a Petition for Review under Rule 42 of the Rules of Court, not a Petition for Annulment of Judgment under Rule 47.

The petitioners filed an Urgent Motion for Reconsideration[10] and a Supplemental Motion for Reconsideration[11] with a Special Power of Attorney executed by the petitioners in favor of their co-petitioner Aurora Cifra, and another one executed by Cifra in favor of Ermelinda C. Manaloto. In a Resolution[12] dated September 7, 2001, the Court of Appeals denied both motions.

Hence, this petition wherein a lone issue is raised, to wit:

“THE COURT OF APPEALS ERRED IN DISMISSING THE PETITION IN CA-GR SP NO. 65216.”

The petitioners contend that their subsequent compliance with the requirement of authority or special power of attorney in favor of their representative, Ermelinda Manaloto, was not taken into consideration by the Court of Appeals. They also insist that a Petition for Annulment of Judgment of the regional trial court is the proper remedy because the said court awarded an amount beyond what it may grant under the law, and hence, beyond its jurisdiction. They argue that since the original case is an unlawful detainer case filed with the metropolitan trial court with a jurisdictional amount limited to P400,000.00,[13] it follows that any monetary award given, whether by the metropolitan trial court in the first instance or by the regional trial court on appeal, must be limited to this jurisdictional amount.

The petition is devoid of merit.

We hold that a Petition for Annulment of Judgment was correctly dismissed by the Court of Appeals for being an improper remedy. Section 1 of Rule 47 of the Revised Rules of Civil Procedure clearly provides:

“SECTION 1. Coverage.— This Rule shall govern the annulment by the Court of Appeals of judgments or final orders and resolutions in civil actions of Regional Trial Courts for which the ordinary remedies of new trial, appeal, petition for relief or other appropriate remedies are no longer available through no fault of the petitioner.”

The remedy of annulment of judgment can therefore be resorted to only where ordinary and other appropriate remedies, including appeal, are no longer available through no fault of the petitioner. In the case at bar, the loss of the remedies of appeal and certiorari is attributable to the petitioners. Despite the manifestations of their intention to file an appeal, and subsequently a petition for certiorari, and their request for an extension of the filing period, the petitioners never availed of these remedies. Realizing the consequence of their negligence, the petitioners filed

a petition for annulment of judgment in a last ditch effort to reverse the decision of the regional trial court. The rules do not sanction petitioners' procedural lapse.

Even assuming that the remedy of annulment of judgment is proper, it still has no leg to stand on. The petitioners raise lack of jurisdiction of the regional trial court in awarding an amount exceeding P400,000.00 as the ground for annulment. This is palpable error. In the first place, the metropolitan trial court has exclusive jurisdiction over unlawful detainer cases, irrespective of the amount involved therein.[14] Secondly, the regional trial court, in granting the monetary award, merely exercised its appellate jurisdiction over a case decided by a metropolitan trial court, consistent with Section 22 of Batasang Pambansa Bilang 129. As we held in the case of *Ybanez vs. Court of Appeals*:[15]

“... Annulment of judgment may either be based on the ground that a judgment is void for want of jurisdiction [*Laxamana vs. Court of Appeals*, 87 SCRA 48, 56 (1978); *Panlilio vs. Garcia*, 119 SCRA 387, 391 (1982).] or that the judgment was obtained by extrinsic fraud. [Id.] There is nothing in the records that could cogently show that the RTC lacked jurisdiction. Chiefly, Section 22 of B.P. Blg. 129, otherwise known as the Judiciary Reorganization Act of 1980, vests upon the RTC the exercise of an ‘appellate jurisdiction over all cases decided by the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts in their respective territorial jurisdictions.’ Clearly then, when the RTC took cognizance of petitioners' appeal from the adverse decision of the MTC in the ejectment suit, it (RTC) was unquestionably exercising its appellate jurisdiction as mandated by law. Perforce, its decision may not be annulled on the basis of lack of jurisdiction as it has, beyond cavil, jurisdiction to decide the appeal.”[16]

Any error in the judgment of the regional trial court should have been raised in a Petition for Review filed with the Court of Appeals. Having failed to file such a petition, the petitioners cannot anymore question the judgment that has since become final and executory.

WHEREFORE, the petition is DENIED and the assailed Resolutions of the Court of Appeals are hereby AFFIRMED.

SO ORDERED.

Panganiban, and Carpio, JJ., concur.

Sandoval-Gutierrez, J., on leave.

[1] Twelfth Division, composed of J. Conrado Vasquez, Jr., ponente, and JJ. Martin Villarama, Jr., and Sergio Pestano, members.

[2] Docketed as MTC (Branch 31) Case No. 21934, and entitled “*Dra. Nerea Ramirez-Jongco, et al. vs. Ismael A. Veloso III.*”

[3] MTC Decision, p. 2; Rollo, p. 25.

[4] Docketed as RTC (Branch 88) Case No. Q-00-40515.

[5] RTC Decision, p. 5; Rollo, p. 27.

[6] Rollo, p. 32.

[7] Rollo, p. 98.

[8] Docketed as CA-G.R. SP No. 65216, and raffled to the Twelfth Division of the Court of Appeals.

[9] Rollo, pp. 53 and 101.

[10] Rollo, p. 103.

[11] Rollo, p. 109.

[12] Rollo, p. 119.

[13[]] B.P. Blg. 129, as amended by R.A. 7691.

[14] Sec. 33(2), Batas Pambansa Blg. 129; Sec. 1 (A) (1) of the 1991 Revised Rule on Summary Procedure.

[15] 253 SCRA 540 (1996).

[16] Supra, p. 548.

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