

**AUGUSTO MANGAHAS AND MARILOU VERDEJO, PETITIONERS, VS.
HON. JUDGE VICTORIA ISABEL PAREDES, PRESIDING JUDGE, BR. 124,
REGIONAL TRIAL COURT, CALOOCAN CITY; SHERIFF ERLITO
BACHO, B...**

G.R. NO. 157866. February 14, 2007

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

This petition for Declaratory Relief, Certiorari, Prohibition With Prayer For Provisional Remedy filed by petitioners Augusto Mangahas and Marilou Verdejo seeks to nullify and set aside the 14 February 2003 Order[1] of the Regional Trial Court (RTC), Branch 124, Caloocan City, denying their Motion to Suspend Execution in Civil Case No. C-19097.

The instant controversy arose from a verified complaint for Ejectment filed by private respondent Avelino Banaag on 31 January 1997 before the Metropolitan Trial Court (MeTC), Branch 49, Caloocan City, against petitioners. Private respondent alleged that he is the registered owner of the disputed property identified as Lot 4, Block 21, located in Maligaya Park Subdivision, Caloocan City, as evidenced by Transfer Certificate of Title (TCT) No. 196025 of the Registry of Deeds of Caloocan City. Private respondent averred that petitioners constructed houses on the property without his knowledge and consent and that several demands were made, but the same fell on deaf ears as petitioners refused to vacate the premises. This prompted private respondent to refer the matter to the Lupon Tagapayapa for conciliation. The recourse proved futile since the parties were not able to settle amicably. Private respondent then filed an ejectment suit before the MeTC.

On 23 April 1997, petitioners filed their answer denying having unlawfully deprived private respondent possession of the contested property. Petitioners claimed that they have resided in the subject lot with the knowledge and conformity of the true owner thereof, Pinagkamaligan Indo-Agro Development Corporation (PIADECO), as evidenced by a Certificate of Occupancy signed by PIADECO's president in their favor.

On 10 July 1997, petitioners filed a Manifestation And Motion To Suspend Proceedings on the ground that the subject property is part of the Tala Estate and that the RTC of Quezon City, Branch 85, in Civil Case No. Q-96-29810 issued a Writ of Preliminary Injunction dated 10 November 1997, enjoining the MeTCs of Quezon City and Caloocan City from ordering the eviction and demolition of all occupants of the Tala Estate. They posited that the injunction issued by the Quezon City RTC is enforceable in Caloocan City because both cities are situated within the National Capital Region.

In an order dated 7 August 1997, the MeTC denied said manifestation and motion. It ratiocinated that the injunction issued by the Quezon City RTC has binding effect only within the territorial boundaries of the said court and since Caloocan City is not within the territorial area of same, the injunction it issued is null and void for lack of jurisdiction.

For failure of the parties to arrive at a compromise agreement during the preliminary conference, they were required to submit their respective position papers containing their positions on the following issues: (a) whether or not the torrens title of private respondent is a valid basis of his right to eject petitioners, (b) whether the MeTC has jurisdiction to hear and decide the case, and (c) whether either the private respondent or petitioners are entitled to their respective claims for damages.

In their position paper, petitioners insisted that they are entitled to the possession of the land because they have been occupants thereof as early as 1978, long before the property was acquired by private respondent. Since they possessed the property for that long, the MeTC has no jurisdiction to hear and decide the case as ejectment suit applies only to instances where possession of the land lasted for a period of not more than one year. In addition, they claimed that private respondent has not proffered any evidence that he has prior physical possession over the property. Petitioners reiterated their posture in the motion to suspend proceedings wherein they urged the MeTC to respect the Writ of Preliminary Injunction issued by the Quezon City RTC. They also alleged that private respondent's certificate of title originated from a fictitious title.

In a decision dated 5 October 1999, the MeTC ruled for private respondent. It opined that TCT No. 196025 in private respondent's name was an indefeasible proof of his ownership of the lot and his inherent right to possess the same. This title entitled private respondent better right to possess the subject property over petitioners' Certificate of Occupancy executed in their favor by PIADECO. It held that it has jurisdiction over the controversy since private respondent filed the case within one year from the time the demand to vacate was given to petitioners. The decretal portion of the decision reads:

Wherefore, judgment is hereby rendered for the plaintiff, ordering defendants Augusto Mangahas, Victor Solis, Elisa M. Dionila, Joselito Mangahas and Rogelio Verdejo and all persons claiming right under them as follows:

- 1) To vacate the lot in question by removing their houses erected thereat and restore possession of the lot to the plaintiff;
- 2) To pay plaintiff a reasonable compensation for their use of the premises for the period from August, 1996 until the property is vacated at the rate of two thousand (P2,000.00) pesos per month;
- 3) To reimburse to plaintiff the sum of ten thousand (P10,000.00) pesos as and for attorney's fees; [and]
- 4) To pay the costs of this suit.[2]

On 2 December 1999, petitioners appealed to the RTC, which case was docketed as Civil Case No. C-19097. In a Decision dated 16 November 2000, the trial court affirmed in toto the MeTC decision. It ruled that the MeTC was correct in denying petitioners' motion to suspend proceedings anchored on the Writ of Preliminary Injunction issued by the Quezon City RTC reasoning that the writ of the latter court is limited only to its territorial area, thus, the same has no binding effect on the MeTC of Caloocan City. It sustained the MeTC's ruling that the latter court has jurisdiction over the case as the same has been filed within the reglementary period from the date of demand to vacate. Furthermore, the RTC stated that the validity of private respondent's title cannot be assailed collaterally in the instant case.

On 18 December 2000, petitioners filed a motion for reconsideration which the RTC denied in a resolution dated 1 June 2001.

Unfazed, petitioners appealed the ruling of the RTC to the Court of Appeals on 6 June 2001 which was docketed as CA-G.R. SP No. 65076.

In a Decision[3] dated 25 April 2002, the Court of Appeals affirmed the ruling of the RTC. Petitioners' Motion for Reconsideration was, likewise, denied in a Resolution dated 20 November 2002.

The decision of the Court of Appeals became final and executory on 13 December 2002.

Meanwhile, on 11 December 2000, private respondent filed with the RTC a motion for execution pending appeal which was opposed by petitioners. In an order dated 12 September 2001, the RTC granted the motion.

To implement and enforce its decision, the same court on 27 September 2001 issued a Writ of Execution. On 28 September 2001, petitioners filed a Motion to Reconsider Order dated 12 September 2001 which was denied in an order dated 5 February 2002.

On 17 January 2003, petitioners filed a Motion to Suspend Execution before the RTC. Said motion was denied in an order dated 14 February 2003. On 05 March 2003, Sheriff Erlito Bacho implemented and enforced the writ of execution.

Hence, the instant recourse.

At the outset it must be pointed out that petitioners' direct recourse to this Court via petition for Declaratory Relief, Certiorari, Prohibition With Prayer For Provisional Remedy is an utter disregard of the hierarchy of courts and should have been dismissed outright. This Court's original jurisdiction to issue writs of certiorari, prohibition, mandamus, quo warranto, habeas corpus and injunction is not exclusive.[4] It is shared by this Court with the Regional Trial Courts and the Court of Appeals.[5] Such concurrence of jurisdiction does not give the petitioners unbridled freedom of choice of court forum.[6] A direct recourse 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.[7]

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

Equally noteworthy is petitioners' resort to this Court through petition for declaratory relief. This action is not among the petitions within the original jurisdiction of the Supreme Court.[8] Rule 63 of the Rules of Court which deals with actions for declaratory relief, enumerates the subject matter thereof, i.e., deed, will, contract or other written instrument, the construction or validity of statute or ordinance. Inasmuch as this enumeration is exclusive, petitioners' action to declare the RTC order denying their motion to suspend execution, not being one of those enumerated, should warrant the outright dismissal of this case.[9]

At any rate, since the complete records of this case have already been elevated, this Court deems it wise to resolve the controversy on the merits.

Petitioners assail the Order dated 14 February 2003 of the RTC Caloocan City and its Decision dated 16 November 2000 on the sole ground that the said court is precluded from issuing said Order and Decision by virtue of the Writ of Injunction issued on 10 November 1997 by the Quezon City RTC.

It must be remembered that the issue on the enforceability of the injunction order originating from the Quezon City RTC had already been litigated and finally decided when the Court of Appeals in CA-G.R. SP No. 65076 affirmed the Decision of the RTC in Civil Case No. C-19097. Said Decision had become final and executory per Entry of Judgment dated 25 April 2002.[10] The relevant portion of the Court of Appeals' Decision reads:

The petitioners postulate that the Writ of Preliminary Injunction dated November 10, 1997 which emanated from the Regional Trial Court of Quezon City should have prompted the Regional Trial Court of Caloocan City to suspend the ejectment proceedings then pending before it. It was the petitioners' contention that the

injunction writ issued in Quezon City is enforceable also in Caloocan City inasmuch [as] both cities are situated within the National Capital Region.

Under Sec. 17 of B.P. 129, the exercise of jurisdiction of the Regional Trial Courts and their judges is basically regional in scope (Malaoan vs. Court of Appeals, 232 SCRA 249), but under Sec. 18, it may be limited to the territorial area of the branch in which the judges sits (OCA vs. Matas, August 2, 1995).

Sec. 18 of B.P. 129 states:

“Sec. 18. Authority to define territory appurtenant to each branch. – The Supreme Court shall define the territory over which a branch of the Regional Trial Court shall exercise its authority. The territory thus defined shall be deemed to be the territorial area of the branch concerned for purposes of determining the venue of all suits, proceedings or actions, whether civil or criminal, as well as determining the Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts over which the said branch may exercise appellate jurisdiction. xxx”

Taking Our bearings from the above pronouncement, the Regional Trial Court of Caloocan City could not be deemed to have committed a reversible error when it denied the petitioners’ Motion to Suspend Proceedings. Apparently, the extent of the enforceability of an injunction writ issued by the Regional Trial Court is defined by the territorial region where the magistrate presides.[11]

Consequently, the issue involving the binding effect of the injunction issued by the Quezon City RTC became the law of the case between the parties. Under this legal principle, whatever is irrevocably established as the controlling legal rule or decision between the parties in the same case continues to be the law of the case, so long as the facts on which the decision was predicated continue.[12] Stated otherwise, the doctrine holds that once an appellate court has declared the law in a case that declaration continues to hold even in subsequent appeal.[13] The reason lies in the fact that public policy dictates that litigations must be terminated at some definite time and that the prevailing party should not be denied the fruits of his victory by some subterfuge devised by the losing party.[14]

Petitioners are therefore barred from assailing the ruling that the injunction issued by the Quezon City RTC has no binding effect to the courts of Caloocan City as this issue had already been passed upon with finality. Issues should be laid to rest at some point; otherwise there would be no end to litigation. As elucidated in *Hufana v. Genato*[15]:

It is well established that when a right or fact has been judicially tried and determined by a court of competent jurisdiction, so long as it remains unreversed, it should be conclusive upon the parties and those in privity with them. The dictum therein laid down became the law of the case and what was once irrevocably established as the controlling legal rule or decision, continues to be binding between the same parties as long as the facts on which the decision was predicated, continue to be the facts of the case before the court. Hence, the binding effect and enforceability of that dictum can no longer be relitigated anew since said issue had already been resolved and finally laid to rest in that aforementioned case (*Miranda v. CA*, 141 SCRA 306 [1986]), if not by the principle of *res judicata*, but at least by conclusiveness of judgment.

Quite conspicuously, the instant petition assailing the order of the RTC denying petitioners’ motion to suspend execution is a ploy to deprive private respondent of the fruits of his hard-won case. It must be stressed that once a decision becomes final and executory, it is the ministerial duty of the presiding judge to issue a writ of execution except in certain cases, as when subsequent events would render execution of judgment unjust.[16] Petitioners did not allege nor proffer any evidence that this case falls within the exception. Hence, there is no reason to vacate the writ of execution issued by the RTC.

WHEREFORE, the petition is DENIED. The Order of the Regional Trial Court, Branch 124, Caloocan City, denying petitioners' Motion to Suspend Execution dated 14 February 2003 in Civil Case No. C-19097 is AFFIRMED. Costs against petitioners.

SO ORDERED.

Ynares-Santiago, (Chairman), Austria-Martinez, and Callejo, Sr., JJ., concur.
Nachura, J., on leave.

[1] Rollo, pp. 86-88.

[2] Id. at 55-56.

[3] Penned by Associate Justice Bienvenido L. Reyes with Associate Justices Roberto A. Barrios and Edgardo F. Sundiam, concurring; id. at 170-176.

[4] *Rubenito v. Lagata*, G.R. No. 140959, 21 December 2004, 447 SCRA 417, 423-424.

[5] Id.

[6] Id.

[7] Id.

[8] *Allied Broadcasting Center, Inc. v. Republic*, G.R. No. 91500, 18 October 1990, 190 SCRA 782, 786.

[9] *Vda. De Aviles v. Court of Appeals*, G.R. No. 95748, 21 November 1996, 264 SCRA 473, 482.

[10] Id. at 177.

[11] Rollo, pp. 173-174.

[12] *Cucueco v. Court of Appeals*, G.R. No. 139278, 25 October 2004, 441 SCRA 290, 301.

[13] Id. at 300-301.

[14] *Pio Barretto Realty Development Corporation v. Court of Appeals*, G.R. No. 132362, 28 June 2001, 360 SCRA 127, 138.

[15] G.R. No. 141209, 17 September 2001, 365 SCRA 384, 396.

[16] *Fideldia v. Songcuan*, G.R. No. 151352, 29 July 2005, 465 SCRA 218, 226-227.

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