

DANILO L. PAREL, PETITIONER, VS. HEIRS OF SIMEON PRUDENCIO, RESPONDENTS.

G.R. No. 192217. March 02, 2011

Ponente: VELASCO JR., J.

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VELASCO JR., J.:

This Petition for Review on Certiorari under Rule 45 assails the February 4, 2010 Decision[1] and April 22, 2010 Resolution[2] of the Court of Appeals (CA) in CA-G.R. SP No. 105709, which affirmed the Orders dated February 15, 2008 and July 31, 2008, respectively, of the Regional Trial Court (RTC), Branch 60 in Baguio City, in Civil Case No. 2493-R for recovery of possession and damages.

The Facts

A complaint for recovery of possession and damages was filed by Simeon Prudencio (Simeon) against Danilo Parel (Danilo) with the RTC in Baguio City.

Simeon alleged that he was the owner of a two-story house at No. 61 Forbes Park National Reservation in Baguio City. Simeon allowed Danilo and his parents to live on the ground floor of the house since his wife was the elder sister of Danilo's father, Florentino.[3]

In November 1985, Simeon needed the whole house back and thus informed Danilo and his parents that they had to vacate the place. Danilo's parents acceded to Simeon's demand. Danilo, however, remained in the house with his family despite repeated demands on him to surrender the premises. This development drove Simeon to institute an action for recovery of possession and damages.[4]

Danilo offered a different version of events. He maintained that the land on which Simeon's house was constructed was in his father Florentino's name. He explained that his father Florentino, who had by then passed away, did not have enough funds to build a house and thus made a deal with Simeon for them to just contribute money for the construction of a house on Florentino's land. Florentino and Simeon were, thus, co-owners of the house of which Simeon claims sole ownership.[5]

The Ruling of the Trial Court

On December 15, 1993, the RTC ruled in favor of Danilo. The dispositive portion of the RTC Decision reads:

WHEREFORE, premises considered, the Court hereby declares that the house erected at [No.] 61 DPS Compound, Baguio City is owned in common by the late Florentino Parel and herein plaintiff Simeon Prudencio and as such the plaintiff cannot evict the defendant as heirs of the deceased Florentino Parel from said property, nor to recover said premises from herein defendant.

Likewise, the plaintiff is ordered to:

- (a) pay the defendant in the total sum of P20,000.00 for moral and actual damages;
- (b) pay the defendant P20,000.00 in Attorney's fees and P3,300 in appearance fees;

(c) pay the costs of this suit.

SO ORDERED.[6]

The Ruling of the Appellate Court

On March 31, 2000, the CA, on Simeon's appeal, rendered a Decision[7] reversing the RTC Decision as follows:

WHEREFORE, the decision appealed from is hereby SET ASIDE and a new one is entered declaring plaintiff-appellant as the new owner of the residential building at 61 Forbes Park National Reservation, near DPD Compound, Baguio City; appellee is ordered to surrender possession of the ground floor thereof to appellant immediately.

Further, appellee is hereby ordered to pay appellant P2,0000/month [sic] for use or occupancy thereof from April 1988 until the former actually vacates the same, and the sum of P50,000.00 as attorney's fees. And costs of suit.

SO ORDERED.

Danilo challenged the CA Decision before this Court via an appeal by certiorari under Rule 45 of the Rules of Court.

On April 19, 2006, this Court issued its Decision[8] in G.R. No. 146556, affirming the CA Decision.

On May 9, 2007, Simeon sought to enforce this Court's April 19, 2006 Decision and thus filed a Motion for Issuance of Writ of Execution.[9]

On June 19, 2007, Danilo filed his Comment[10] on Simeon's Motion for Issuance of Writ of Execution. He prayed that the PhP 2,000 monthly rental he was ordered to pay be computed from April 1988 to March 1994 only since he had vacated the premises by April 1994.

On February 15, 2008, the RTC ruled as quoted below:

WHEREFORE, premises considered, let a Writ of Execution be issued to enforce the decision of the Court in the above-entitled case.[11]

A Motion for Reconsideration of the February 15, 2008 RTC Order was filed by Danilo.

On July 31, 2008, the RTC issued another Order[12] denying the motion. The dispositive portion of the Order is quoted below:

WHEREFORE, premises duly considered, the Motion for Reconsideration is hereby denied for lack of merit. Let a Writ of Execution be issued to enforce the decision of the Court in the above-entitled case.

SO ORDERED.

On February 5, 2009, the RTC ordered the following:

Furthermore, the decision in the above-entitled case has already become final and executory. To reiterate, this Court, much less the defendant, cannot modify the decision of the higher courts which has now become final and executory. The defendant is bound by the said decision and he cannot alter the same nor substitute his own interpretation thereof.

WHEREFORE, the foregoing premises considered, the Motion filed by the defendant is DENIED. The Court reiterates its order dated July 31, 2008 for the issuance of a Writ of Execution to enforce the decision of the Court in the instant case.

SO ORDERED.[13]

On February 23, 2009, Danilo filed a Supplemental Petition with Urgent Motion for Issuance of Temporary Restraining Order and/or Writ of Preliminary Injunction to enjoin the RTC from enforcing the judgment against Danilo for him to pay PhP 2,000 in monthly rentals from April 1994 onwards.

On August 23, 2010, this Court issued a Resolution requiring Simeon to file his Comment on Danilo's Petition for Review on Certiorari.

On October 28, 2010, Simeon filed his Comment before Us. He argued that the RTC and CA correctly ruled that the prayer for a reduction of back rentals should be denied, since Danilo never turned over possession of the subject premises to him.

The Issues

I

Whether the CA committed an error of law in upholding the RTC Order dated February 15, 2008.

II

Whether the Court of Appeals committed an error of law in upholding the RTC Order dated July 31, 2008

The Ruling of This Court

Danilo questions the following order of the CA:

Further, appellee is hereby ordered to pay appellant P2,0000/month [sic] for use or occupancy thereof from April 1988 until the former actually vacates the same, and the sum of P50,000.00 as attorney's fees. And costs of suit.[14]

We resolve to grant the petition.

Danilo argues that he vacated the subject premises in April 1994 and claims that he stated this fact in his Comment on Simeon's Motion for Issuance of Writ of Execution dated May 9, 2007 and in his Motion for Reconsideration before this Court on June 12, 2006. He, thus, argues that the monthly rentals he should pay should only be from April 1988 to March 1994. He alleges that the CA committed an error in law in upholding the RTC Orders dated February 15, 2008 and July 31, 2008.

The questioned February 15, 2008 RTC Order stated:

x x x The defendant should have filed his comment on any appropriate pleading before the Court or in the Supreme Court at the time when he actually vacated the premises, but he did not. Perhaps, still hoping that the decision of the higher courts would be in his favor. All told, the defendant never intended to surrender the premises to the plaintiff even after he vacated it in April 1994. For this reason, he should now suffer the consequences.

It must be reiterated that this Court cannot now modify the decision of the higher courts which has now become final and executory.[15]

On July 31, 2008, the RTC ruled:

While the alleged supervening facts and circumstances which changed the situation of the parties in the instant case occurred before finality of the judgment, as in *Morta vs. Bagagnan*, the factual backdrop in the aforecited jurisprudence does not call for its application in the present case. In the cited case, the complainants have been ousted from the subject premises pursuant to the decision of the DARAB in two cases involving the same

parcel of lot before the decision of the Supreme Court attained finality. In the case at bar, defendant claims to have vacated the subject premises as early as April 1994. This allegation however was belied by the fact that he did not turn[over] the premises to the plaintiff, a fact which has been stipulated by the parties. Defendant did not effectively and completely relinquish possession of the subject premises to the plaintiff thereby depriving the latter of effective possession and beneficial use thereof. To reiterate, defendant never intended to surrender the premises to the plaintiff even after he vacated it in 1994. Defendant's failure to seasonably bring to the attention of either the Court of Appeals or the Supreme Court of the supposed change in the circumstances of the parties cannot be excused. Had the Court of Appeals or the Supreme Court been seasonably informed of such fact, the appellate Courts would have considered the same in their respective decisions. It must be noted that defendant had more than enough time from April 1994 to June 2006, a total of 12 years, within which he could have informed the two appellate Courts of the supposed change in the circumstances of the parties, but he did not. He only belatedly informed the Supreme Court in its motion for reconsideration after the latter Court issued its decision, in the hope of reducing the full payment of back rentals.[16]

It is true that Danilo should have brought to the Court's attention the date he actually left the subject premises at an earlier time. The RTC is also correct in ruling that the judgment involved was already final and executory. However, it would be inequitable to order him to pay monthly rentals "until he actually vacates" when it has not been determined when he actually vacated the ground floor of Simeon's house. He would be paying monthly rentals indefinitely.

The RTC should have determined via hearing if Danilo's allegation were true and accordingly modified the period Danilo is to be held accountable for monthly rentals.

Unjustified delay in the enforcement of a judgment sets at naught the role of courts in disposing justiciable controversies with finality.[17] Once a judgment becomes final and executory, all the issues between the parties are deemed resolved and laid to rest. All that remains is the execution of the decision which is a matter of right.[18]

Banaga v. Majaducon,[19] however, enumerates the instances where a writ of execution may be appealed:

- 1) the writ of execution varies the judgment;
- 2) there has been a change in the situation of the parties making execution inequitable or unjust;
- 3) execution is sought to be enforced against property exempt from execution;
- 4) it appears that the controversy has never been subject to the judgment of the court;
- 5) the terms of the judgment are not clear enough and there remains room for interpretation thereof; or
- 6) it appears that the writ of execution has been improvidently issued, or that it is defective in substance, or is issued against the wrong party, or that the judgment debt has been paid or otherwise satisfied, or the writ was issued without authority;

In these exceptional circumstances, considerations of justice and equity dictate that there be some mode available to the party aggrieved of elevating the question to a higher court. That mode of elevation may be either by appeal (writ of error or certiorari), or by a special civil action of certiorari, prohibition, or mandamus.

The instant case falls under one of the exceptions cited above. The fact that Danilo has left the property under dispute is a change in the situation of the parties that would make execution inequitable or unjust.

Moreover, there are exceptions that have been previously considered by the Court as meriting a relaxation of the rules in order to serve substantial justice. These are: (1) matters of life, liberty, honor or property; (2) the existence

of special or compelling circumstances; (3) the merits of the case; (4) a cause not entirely attributable to the fault or negligence of the party favored by the suspension of the rules; (5) a lack of any showing that the review sought is merely frivolous and dilatory; and (6) the other party will not be unjustly prejudiced thereby.[20] We find that Danilo's situation merits a relaxation of the rules since special circumstances are involved; to determine if his allegation were true would allow a final resolution of the case.

Applicable, too, is what Sec. 5, Rule 135 of the Rules of Court states as one of the powers of a court:

Section 5. Inherent powers of the courts.³⁴Every court shall have power:

x x x x

(g) To amend and control its process and orders so as to make them conformable to law and justice.

Thus, the Court ruled in *Mejia v. Gabayan*:^[21]

x x x The inherent power of the court carries with it the right to determine every question of fact and law which may be involved in the execution. The court may stay or suspend the execution of its judgment if warranted by the higher interest of justice. It has the authority to cause a modification of the decision when it becomes imperative in the higher interest of justice or when supervening events warrant it. The court is also vested with inherent power to stay the enforcement of its decision based on antecedent facts which show fraud in its rendition or want of jurisdiction of the trial court apparent on the record. (Emphasis supplied.)

The writ of execution sought to be implemented does not take into consideration the circumstances that merit a modification of judgment. Given that there is a pending issue regarding the execution of judgment, the RTC should have afforded the parties the opportunity to adduce evidence to determine the period within which Danilo should pay monthly rentals before issuing the writ of execution in the instant case. Should Danilo be unable to substantiate his claim that he vacated the premises in April 1994, the period to pay monthly rentals should be until June 19, 2007, the date he informed the CA that he had already left the premises.

WHEREFORE, the petition is GRANTED. The CA Decision in CA-G.R. SP No. 105709 is hereby SET ASIDE. The RTC, Branch 60 in Baguio City is ORDERED to determine the actual date petitioner left the subject premises before issuing the writ of execution in Civil Case No. 2493-R that will be based on the resolution of said issue.

SO ORDERED.

Corona, C.J., (Chairperson), Leonardo-De Castro, Del Castillo, and Perez, JJ., concur.

[1] Rollo, pp. 20-27. Penned by Associate Justice Jane Aurora C. Lantion and concurred in by Associate Justices Rebecca de Guia-Salvador and Estela M. Perlas-Bernabe.

[2] Id. at 33.

[3] CA rollo, p. 21.

[4] Id.

[5] Id.

[6] Rollo, p. 22. Penned by Judge Pastor V. de Guzman.

[7] Id. at 103-112. Penned by Associate Justice Corona Ibay-Somera and concurred in by Associate Justices Portia Aliño Hormachuelos and Elvi John Asuncion.

[8] Id. at 129; 487 SCRA 405. Penned by then Associate Justice Ma. Alicia Austria-Martinez and concurred in by then Chief Justice Artemio V. Panganiban and then Associate Justices Consuelo Ynares-Santiago, Romeo S. Callejo, Sr. and Minita V. Chico-Nazario.

[9] Id. at 48-50.

[10] Id. at 51-54.

[11] Id. at 63.

[12] Id. at 69-70. Penned by Judge Edilberto T. Claravall.

[13] Id. at 92.

[14] Supra note 7.

[15] Rollo, p. 63.

[16] Id. at 69.

[17] Aguilar v. Manila Banking Corporation, G.R. No. 157911, September 19, 2006, 502 SCRA 354, 382.

[18] National Power Corporation v. Laohoo, G.R. No. 151973, July 23, 2009, 593 SCRA 564, 580.

[19] G.R. No. 149051, June 30, 2006, 494 SCRA 153, 162-163.

[20] PCI Leasing and Finance v. Milan, G.R. No. 151215, April 5, 2010, 617 SCRA 258, 279.

[21] G.R. No. 149765, April 12, 2005, 455 SCRA 499, 512.

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