

**JANE CUA, ROBERT C. CUA, NELSON C. CUA, BENY C. CUA AND
EDDIE C. CUA, PETITIONERS, VS. CARMEN LECAROS AND
INTERMEDIATE APPELLATE COURT, RESPONDENTS.**

G.R. No. 71909, May 24, 1988

Ponente: GUTIERREZ, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-71909/>

GUTIERREZ, JR., J.:

Joe Cua, whose heirs are the petitioners in this case, had been trying to enforce a decision in an action for forcible entry rendered in favor of the original owner of the property which was bought by Cua in 1960. As early as 1958, the trial court had already rendered a decision; however, the private respondent somehow always managed to delay its enforcement.

In this petition, the petitioners assail the decision of the Court of Appeals which sustained the private respondent's right to remain on the property and set aside the orders of the trial court which sought to enforce the aforementioned decision through the issuance of an alias writ of demolition.

In 1960, Joe Cua bought a property from J. M. Tuason & Co. consisting of 2,439 square meters for which he was issued Transfer Certificate of Title (TCT) No. 99122. At the time he bought the property, a decision dated December 2, 1958 in Civil Case No. Q-3296 was already rendered by the trial court in favor of J. M. Tuason, & Co. against Antonio Estabillo, a squatter on the property in question. The dispositive portion of the decision reads:

"WHEREFORE, judgment is rendered in favor of plaintiff and against the defendant in the above-entitled case, by ordering the defendant and all persons claiming under him, to vacate the premises in question and to remove his house and other constructions therefrom; by ordering the said defendant to pay plaintiff the sum of P30.00 per month from the date of usurpation until plaintiff is restored to the possession thereof; and by ordering the defendant to pay the costs." (p. 2, September 26, 1983 Comment)

In 1962, Adelfa Estabillo, wife of Antonio, executed a deed of sale in favor of Carmen Lecaros, herein private respondent, over the house which was erected on the 100 square meters area forming part of Cua's property and which was ordered removed in the above-mentioned decision.

Meanwhile, on March 19, 1959, the trial court issued the writ of execution. Because of the failure of Estabillo to vacate the lot and remove his house, J. M. Tuason on August 21, 1959 moved for the issuance of an alias writ of execution and a special order of demolition. On November 14, 1959, the lower court ordered the sheriff to demolish Estabillo's house, if necessary.

On January 5, 1960, Estabillo elevated his case to this Court.

On January 9, 1975, we affirmed the decision of the trial court and its issuance of a writ of execution and, order of demolition (See *J. M. Tuason & Co. v. Estabillo*, 62 SCRA 1).

On May 14, 1976, with the finality of the decision, the trial court issued a writ of demolition. However, on June

18, 1976, the court suspended the writ because of the expropriation proceedings which the government started to undertake at Tatalon Estate.

Subsequently, however, the National Housing Authority (NHA) issued a certification on April 7, 1980 that the property of Cua does not form part of the government's development program. Thus, the suspension of the implementation of the writ of demolition was lifted on May 2, 1980.

On June 3, 1980, the NHA conducted a census verification on the property and found that Estabillo was no longer in the erected house but instead, it was the private respondent who was occupying the same. Apparently, the respondent had expanded her occupancy by renting out some portions of the property because aside from her name being listed as "House Owner", eighteen (18) other names were listed as "Renter".

On October 7, 1980, the Office of the President of the Philippines issued a Presidential Indorsement granting Cua's previous request to relocate the illegal occupants of his property. On November 17, 1980, the NHA directed the Project Manager of the Tatalon Development Project to proceed with the removal of the illegal occupants and on November 25, 1980, a formal notice was given to the private respondent and all other persons claiming rights under her, informing them that they have squatted on the property in question and that everyone was being formally requested to voluntarily vacate the property and remove all the structures, belongings and/or valuables therefrom within fifteen (15) days from receipt of the notice.

The private respondent immediately filed a case (Civil Case No. Q-31381) for injunction with motion for preliminary injunction and/or restraining order against Joe Cua, the NHA and the Sheriff of Quezon City. In her amended complaint, the respondent alleged that she was a buyer in good faith and in actual occupation of a portion of the property, attaching the deed of sale executed in her favor by Adelfa Estabillo.

The case was dismissed. Hence, a final notice was issued on February 27, 1981 by the Deputy Sheriff, addressed to "Antonio Estabillo and all persons claiming right under him Lot 25, Block 523, Quezon Blvd. corner Gregorio Araneta Ave. Quezon City" asking the occupants to vacate the property on or before March 3, 1981 pursuant to the Order of Demolition issued in Civil Case No. Q-3296.

On March 2, 1981, the private respondent who accordingly substituted herself as party by defendant in place of Estabillo, filed an urgent motion to hold in abeyance the enforcement of the alias writ of demolition. This was denied.

On March 3, 1981, the Sheriff turned over the absolute possession of the property to Joe Cua. In turn, the latter filed a complaint for damages (Civil Case Q-32005) and injunction against the private respondent and one, Josefino Ruperto, for depriving him of the possession of the property for twenty (20) years. Cua further asked the court that the private respondent be enjoined from re-occupying the premises.

As a consequence, the trial court issued a restraining order against the private respondent on March 11, 1981. This, notwithstanding, the latter went back and succeeded in re-occupying some portions of the property. Cua moved to cite the respondent in contempt. In her opposition, the private respondent alleged that she was not a party to Civil Case No. Q-3296 and that she has not returned to the premises the trial court found her guilty of indirect contempt stating that the original writ operates against Estabillo and "his privies and all persons claiming right under him".

In the meantime, a new case was filed against Joe Cua by the respondent's sister, Ignacia Lecaros, for declaration of nullity of Transfer Certificate of Title No. 99122. The trial judge issued an order allowing Ignacia Lecaros to enter the premises. However, on certiorari by Cua, the Court of Appeals annulled the said order and also held Ignacia guilty of contempt, ordering her arrest and confinement. In the said decision, the appellate court ruled that

the trial court committed grave abuse of discretion in holding that Ignacia Lecaros' construction "was not covered or included in the writ of demolition x x x especially so when petitioner observed that Carmen Lecaros expanded her possession from 100 sq. m. (the area she bought from Estabillo) to 1,400 sq. m. of Lot 25, even having the temerity of leasing out the premises to others. x x x". The appellate court also ruled that "the respondent court's order of April 13, 1981 took possession of Lot 25, Block 523 of the Tatalon Estate from petitioner, titled in his name under TCT No. 99122, and placed it in the hands of private respondent, without the benefit of a hearing, in utter violation of the fundamental precept of indefeasibility of the Torrens title. x x x" (See CA decision, p. 50, Rollo).

After the finality of the appellate court's decision, the trial court in Civil Case No. 3296 granted Cua's motion for the issuance of an alias writ of execution. The private respondent filed a Notice of Appeal. Cua filed a motion to dismiss the appeal on the ground that a writ of execution through an order of demolition is not appealable. The trial Judge held in abeyance its resolution on Cua's motion pending the respondent's filing of a Record on Appeal. However, upon the latter's failure to file the Record on Appeal, the trial judge dismissed the appeal.

On July 28, 1983, the trial court issued an Alias Writ of Demolition which was finally implemented with all the shanties removed.

On August 8, 1983, the private respondent filed with the appellate court a special civil action, for "certiorari with preliminary injunction" asking for the declaration of nullity of the orders of the trial court granting (1) the motion for execution, (2) the alias writ of demolition and (3) the dismissal of her appeal.

On July 18, 1985 the respondent appellate court rendered the assailed decision, granting the private respondent's petition and ordering Joe Cua and all persons acting for him or under his authority to return to the private respondent the possession and control of the disputed premises. In this decision, the appellate court said:

"From the averments of the complaint in Civil Case No. Q-3296 (Annex A to petition under Consideration), it is evident that the area litigated upon therein was only One Hundred (100) sq. m., more or less; nothing more. It was occupied by Antonio Estabillo, the only defendant in said case. He had erected a house thereon which he sold to Ignacia Lecaros (not Carmen Lecaros) during the pendency of the case. Carmen Lecaros, the petitioner herein, was neither a party in said case nor one of the actual occupants of the portion of lot involved therein. And not being one of the privies of defendant Antonio Estabillo, petitioner Carmen Lecaros is therefore, beyond the reach of the decision rendered for plaintiff J. M. Tuason & Co., Inc. in the aforesaid case No. Q-3296 where an alias writ of demolition issued on May 14, 1976 for the house of defendant Antonio Estabillo 'and those erected by his privies and all persons claiming right under him'.

x x x x x x x x

"Indeed, to enforce the orders and writ in question against the petitioner herein is to deprive her of her property without due process of law. Due process contemplates notice and opportunity to be heard before Judgment is rendered affecting one's person or property. x x x.

x x x x x x x x

"Such was not the case with petitioner Carmen Lecaros, with respect to Civil Case No. Q-3296 wherein the orders and writ complained of were issued by the respondent court. She was never represented in said case because she was not actually a party therein nor a privy to the lone defendant, Antonio Estabillo. She was a total stranger in the case." (pp. 86-87, Rollo)

In this petition for certiorari, the petitioners, as heirs of the deceased Joe Cua, assail the appellate court's decision on the following grounds: 1) The respondent court erred in not finding that an order granting the issuance of execution or demolition is not appealable; 2) The respondent court erred in not finding that failure to file Record on Appeal when so required, is a ground for dismissal of appeal; and 3) The respondent court erred in not finding

that Carmen Lecaros was privy to Civil Case No. Q-3296 and derives her right only from Estabillo, an illegal occupant.

The appellate court obviously disregarded the rule that an order of demolition, as a means to enforce a writ of execution, is generally not appealable and that before the approval of Batas Pambansa Blg. 129, the filing of a record on appeal was mandatory in order to perfect an appeal. The court acted on the premise that such procedural rules do not apply to the private respondent as she was outside the trial court's jurisdiction because according to the appellate court, she was not privy to Civil Case No. Q-3296, the source of all these orders. And the basis of such conclusion is the appellate court's finding that it was Ignacia Lecaros, not respondent Carmen Lecaros who bought the land and who derives her claim from Estabillo, the original defendant in the case.

The finding of the appellate court totally bewilders us. The records are replete with facts and circumstances indicating that it was Carmen Lecaros who bought the house of Estabillo which was erected on Cua's property. It was also the private respondent who expanded her "domain" over the land by renting around 1,400 square meters of the same property to several other persons, who like her, have no valid claim whatsoever over the land. It was she who was found by the National Housing Authority occupying the house of Estabillo and who was subsequently served with the notice to vacate pursuant to a Presidential Indorsement issued by the Office of the respondent granting Cua's request to relocate the illegal occupants of his property. Moreover, in a case she filed against Cua, the NHA and the Sheriff of Quezon City which case was subsequently dismissed, the respondent categorically alleged that she was a buyer in good faith and in actual occupation of portion of the property and as evidence, she attached the deed of sale executed in her favor by Adelfa Estabillo. She was held guilty of contempt for re-entering the property. And lastly, why would she file a notice of appeal from the writ of execution in Civil Case No. Q-3296 if she was not privy thereto?

We find merit in the petitioner's assignments of error, and accordingly grant this petition.

As early as 1975, this Court had already established the rights of the petitioners' predecessor and the absence of any right of the private respondent's predecessor to the land in dispute. It was determined that J.M. Tuazon, as owner of the property had the right to eject Estabillo therefrom, the latter being an illegal occupant. This remains as the law of the case between the original parties and it remains continuously binding not only on their predecessors-in-interest but on all those in privity with them as far as the property is concerned. This fact, alone, would have been a sufficient ground for the appellate court to dismiss the respondent's petition. As we have ruled in the case of *Miranda v. Court of Appeals* (141 SCRA 302, 306):

"The dictum therein laid down became the law of the case and what was once irrevocably established as the controlling legal rule or decision between the same parties in the same case continues to be binding upon them so long as the facts on which the decision was predicated continue to be the facts of the case before the Court. (*PHHC v. Mencias*, 20 SCRA 1031, 1041). The said decision binds not only the late Encarnacion Vda. de Miranda but also the herein petitioners who merely stepped into her shoes in the landholding in question. Parties should not be permitted to litigate the same issue more than once. 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 privy with them in law or estate." (*Sy Kao v. Court of Appeals*, 132 SCRA 302).

And in *Ortigas & Company, Limited Partnership v. Ruiz* (148 SCRA 326, 336), we further said:

"x x x The law of the case does not apply to what is embodied in the decision solely but also to its implementation carried out in fealty to what has been decreed (*Libudan v. Palma Gil*, 45 SCRA 17[1972])."

It was also erroneous for the appellate court to conclude that the respondent's right to due process of law has been

violated. On the contrary, the private respondent abused Judicial processes by resorting to dilatory tactics and filing every conceivable pleading to prevent the enforcement of a valid, final, and executory judgment. Even this Court has not been spared by her machinations when she filed a petition to declare the petitioners in this case and the latter's counsel in contempt of court for selling the property to a third person.

Well-settled is the rule that an act to be considered contemptuous must be clearly contrary or prohibited by the order of the Court. "A person cannot, for disobedience, be punished for contempt unless the act which is forbidden or required to be done is clearly and exactly defined, so that there can be no reasonable doubt or uncertainty as to what specific act or thing is forbidden or required." (*Anglo-Fil Trading Corporation v. Lazaro*, 124 SCRA 494, 525, citing *Lee Yick Hon v. Collector of Customs*, 41 Phil. 548, citing *U.S. v. Achison, etc., R. Co.*, 146 Fed. 176, 183; 13 CJ 15). It is, thus, clear that the contempt charges have no merit.

The execution of the original decision between the parties' predecessors which became final way back in 1975, is long overdue. Several times have the petitioners attempted to enforce the same through an order of demolition issued by the trial court in Civil Case No. Q-3296, but the private respondent has always managed to frustrate the petitioners' efforts and delay the enforcement.

This Court cannot allow any further delay. The decision we have reached in this case should, therefore, be accorded finality especially because its circumstances demand that it be so. As we have ruled in the case of *Beautifont, Inc. and Aura Laboratories, Inc. v. Court of Appeals, et al.* (G.R. No. 50141, January 29, 1988):

x x x x x x x x

"xxx Considerable time has already elapsed and, to serve the ends of justice, it is time that controversy is finally laid to rest (See *Sotto v. Samson*, 5 SCRA 733 and other related cases), 'Sound practice seeks to accommodate the theory which avoids waste of time, effort and expense, both to the parties and the government, not to speak of delay in the disposal of the case (CF *Fernandez v. Garcia*, 92 Phil. 592, 597). A marked characteristic of our judicial set-up is that where the dictates of justice so demand x x x the Supreme Court should act, and act with finality. (*Li Siu Liat v. Republic* 21 SCRA 628 and other related cases). In this case the dictates of justice do demand that this Court act and with finality."

We rule that the appellate court committed grave abuse of discretion in annulling the orders of the trial court and in ordering the restoration of the private respondent to the petitioners' property.

WHEREFORE, IN VIEW OF THE FOREGOING, the petition is hereby GRANTED. The decision of the then Intermediate Appellate Court dated July 18, 1985 and its resolution dated August 20, 1985 are ANNULLED and SET ASIDE. The orders of the trial court dated April 15, 1983, ordering the issuance of an alias writ of demolition; July 22, 1983 dismissing the private respondent's appeal, and the alias writ of demolition dated July 28, 1983 are REINSTATED. Costs against the private respondent.

This decision is IMMEDIATELY EXECUTORY.

SO ORDERED.

Fernan (Chairman), Feliciano, Bidin, and Cortes, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.