

**TOMAS GALGALA AND FRANCISCA L. GALGALA, BOTH DECEASED
AND PRESENTLY SUBSTITUTED BY HELEN ROSE G. CADELINA AND
ESTHER G. YMANA, PETITIONERS, VS. BENGUET CONSOLIDATED,
INC., CONRA...**

G.R. No. 75206. September 05, 1989

Ponente: FERNAN, C.J.

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FERNAN, C.J.:

We do not find in this case any cogent reason to depart from the well-settled rule that the execution of a final judgment in an ejectment case may not be stayed by the pendency of an action for annulment of documents and damages involving the same property subject matter of the ejectment suit.

The factual antecedents are as follows:

In a Memorandum of Agreement dated May 19, 1977, the late spouses Tomas and Francisca Galgala acknowledged a cash shortage of P772,419.34 allegedly incurred from 1958 to 1976 by the latter as medical assistant in the laboratory of respondent Benguet Consolidated, Inc. and undertook to repay said shortage by selling to respondent company two (2) parcels of land located at Baguio City and another parcel situated at Barrio Betag, La Trinidad, Benguet.

Pursuant to said undertaking, the spouses Galgala executed on the same day three (3) deeds of sale over the three (3) parcels of land in favor of respondent Benguet Consolidated, Inc. After redeeming said lots from the First Peso Savings Bank and the Philippine National Bank, respondent Benguet Consolidated, Inc. caused their titles to be transferred to it. Transfer Certificates of Title Nos. T-29158 and T-29151 of the Registry of Deeds for Baguio City and Transfer Certificate of Title No. T--13907 of the Registry of Deeds for the Province of Benguet were accordingly issued in its name.

Meanwhile, the spouses Galgala were allowed to remain in the premises initially upon their request that they be given time to look for a place to transfer to, and later, as lessees of the premises in question. However, for failure to pay the agreed rentals and to vacate the premises despite repeated demands, respondent Benguet Consolidated, Inc. filed on April 11, 1979 an action for unlawful detainer and damages against the spouses Galgala docketed as Civil Case No. 6766 in the Municipal Trial Court of Baguio. After protracted litigation, the trial court presided over by Judge Braulio D. Yaranon rendered a decision on November 26, 1983, the dispositive portion of which reads:

"WHEREFORE, judgment is rendered, favorably for the plaintiff, and against the defendants, directing the defendants:

- 1) to vacate and restore possession of the premises described in the Amended Complaint, to the plaintiff;
- 2) to pay to the plaintiff compensation for the use of the premises in question at the rate of P1,000.00 per month effective February 1, 1978 until the premises are actually vacated;

3) to pay interest on Item (2) hereinabove at the rate of 1% per month effective from rendition hereof, until the same is paid in full; and

4) to pay the costs of this suit.

The counterclaim interposed by the defendants is dismissed for lack of merit.

SO ORDERED.[1]

No appeal having been taken therefrom by either party, the decision in Civil Case No. 6766 became final and executory.

In the meantime on September 20, 1979, the spouses Galgala filed before the then Court of First Instance (now Regional Trial Court) of Baguio and Benguet against respondent Benguet Consolidated, Inc. Civil Case No. 3656, an action for annulment of the memorandum of agreement and deeds of sale executed by them on May 19, 1977. Alleging vitiation of consent by force, duress and fear as a ground for setting aside said documents, the spouses Galgalas also prayed for the reconveyance of the properties subject thereof, which are the same properties subject matter of the ejectment suit (Civil Case No. 6766).

A writ of execution having been issued in Civil Case No. 6766 and a levy upon the Galgala spouses' personal properties having been made by Deputy Sheriff Nestor F. Rimando, Tomas Galgala and the heirs of the then deceased Francisca L. Galgala, represented by Helen Rose G. Cadelina filed on June 5, 1984 in Civil Case No. 3656 a verified petition for preliminary injunction seeking to stop the enforcement of the decision in Civil Case No. 6766. Respondent Benguet Consolidated, Inc. opposed the petition.

After a hearing thereon, the Regional Trial Court of Baguio City presided over by Judge Stella Dadivas-Farrales issued an order dated January 9, 1986 denying the petition for preliminary injunction for lack of merit.[2] Their motion for reconsideration having been denied on February 14, 1986.[3] Helen Rose G. Cadelina and Esther G. Ymana, in substitution for Tomas and Francisca Galgala, both deceased, filed a petition for certiorari with preliminary injunction and restraining order before the then Intermediate Appellate Court, now Court of Appeals. (AC-G.R. SP No. 08402)

In a decision dated May 7, 1986, penned by Associate Justice Ricardo Tensuan, concurred in by Associate Justices Mariano A. Zosa, Vicente V. Mendoza and Luis A. Javellana, the petition was dismissed,[4] and in a resolution dated June 30, 1986, the motion for reconsideration of said decision was denied.[5] Hence, this petition.

Petitioners contend that the execution of the final judgment in the ejectment case should await the result of the case for annulment of documents since the issue of ownership of the two parcels of land from which petitioners are sought to be ejected is involved in said annulment case.

On the other hand, respondent Benguet Consolidated, Inc. submits that the two (2) cases are completely independent of each other so that the final decision in the ejectment case can be enforced even while the case for annulment of document is pending.

As earlier intimated, we reject petitioner's theory. Under Section 7, Rule 70 of the Rules of Court, "the judgment rendered in an action for forcible entry or detainer shall be effective with respect to the possession only and in no case bind the title or affect the ownership of the land or building. Such judgment shall not bar an action between the same parties respecting title to the land or building nor shall it be held conclusive of the facts therein found in a case between the same parties upon a different cause of action involving possession." Thus, the cases of *De la Cruz vs. Court of Appeals*, G.R. No. 57454, November 29, 1984, 133 SCRA 520; *Drilon vs. Gaurana*, G.R. No.

L-35482, April 30, 1987, 149 SCRA 342 and Ang Ping vs. Regional Trial Court of Manila, Br. 40, G.R. No. 75860, September 17, 1987, 154 SCRA 77, are uniform in their pronouncement that "(A)n unlawful detainer action has an entirely different subject from that of an action for reconveyance of title. What is involved in an unlawful detainer case is merely the issue of material possession or possession de facto; whereas in an action for reconveyance, ownership is the issue. So much so that the pendency of an action for reconveyance of title over the same property does not divest the city or municipal court of its jurisdiction to try the forcible entry or unlawful detainer case, nor will it preclude or bar execution of judgment in the ejectment case where the only issue involved is material possession or possession de facto.[6]

The rationale, as explained in De la Cruz, is that "forcible entry and unlawful detainer cases are summary proceedings designed to provide for an expeditious means of protecting actual possession or the right to possession of the property involved. It does not admit of a delay in the determination thereof. It is a 'time procedure' designed to remedy the situation. Procedural technicality is therefore obviated and reliance thereon to stay eviction from the property should not be tolerated and cannot override substantial justice. So much so that judgment must be executed immediately when it is in favor of the plaintiff in order to prevent further damages arising from loss of possession."

The unlawful detainer case under consideration turned exactly ten (10) years old last April 11, 1989. Decision was rendered thereon on November 26, 1983, or almost six (6) years ago, after a protracted litigation, which included certiorari proceedings instituted by the spouses Galgala in the then CFI of Baguio and which certiorari proceedings reached the Court of Appeals as CA-G.R. No. SP-14104. By any standard, the delay in the resolution of said unlawful detainer case and in the enforcement of the decision thereon is anathema to the summary nature of unlawful detainer proceedings. This is especially true under the Rules on Summary Procedure streamlining the proceedings in forcible entry and detainer cases to achieve a more expeditious and less expensive determination thereof. Only the most compelling reasons, therefore, could justify any further procrastination of Civil Case No. 6766's termination.

The pendency of Civil Case No. 3656 certainly does not constitute such compelling reason, for it gives rise merely to an expectancy that the documents assailed therein may be nullified and the subject properties may be ordered reconveyed to petitioners, as compared to the clear actual and existing legal right of respondent corporation to possession of the subject properties as the registered owners.

Verily, by the undue delay in the execution of a final judgment in its favor, respondent corporation is suffering an injustice. We will not tolerate such an unjust situation by heeding petitioners' submission, especially so when Civil Case No. 3656, which was commenced in 1979, has not even been set for hearing as of March 26, 1987.[7]

Let litigants and counsel alike be reminded that this Court will "ever be vigilant to nip in the bud any dilatory maneuver calculated to defeat and frustrate the ends of justice, fair play and the prompt implementation of final and executory judgments."[8]

WHEREFORE, the instant petition is hereby DENIED. This decision is immediately executory. Costs against petitioners.

SO ORDERED.

Gutierrez, Jr., Bidin, and Cortes, JJ., concur.
Feliciano, J., on leave.

[1] p. 249, Rollo.

[2] Annex "F", Petition, pp. 49-50, Rollo.

[3] Annex "H", Petition, p. 56, Rollo.

[4] pp. 69-71, Rollo.

[5] p. 81, Rollo.

[6] De la Cruz vs. Court of Appeals, Ibid. at p. 527.

[7] Certification of Clerk of Court Camilo P. Ladia, Regional Trial Court, Branch IV, Baguio City, Annex "D", Memorandum for Private Respondents, p. 250, Rollo.

[8] Cantelang vs. Medina, G.R. Nos. 50752-50830, July 13, 1979, 91 SCRA 403.

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