

ANG PING AND CARMEN PIMENTEL, PETITIONERS, VS. REGIONAL TRIAL COURT OF MANILA, BRANCH 40; AND JULIO AND ZENAIDA KO, RESPONDENTS.

G.R. No. 75860. September 17, 1987

Ponente: GUTIERREZ, JR., J.

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GUTIERREZ, JR., J.:

The issue in this petition is whether or not the execution of a final judgment in an ejectment case which has gone all the way to the Supreme Court may be stayed by a trial court on the ground of a supervening event, namely a decision by a regional trial court ordering the nullification of sale and title and granting legal redemption in favor of the private respondents.

On November 13, 1985, in G.R. No. 70581 (*Ang Ping, et al. v. Intermediate Appellate Court, et al.*), we issued a resolution which reads in part:

"On October 25, 1983, the Metropolitan Trial Court of Manila rendered judgment in an ejectment case filed by the petitioners Ang Ping and Carmen Pimentel against private respondents Julio Ko and Zenaida Ko. The trial court ordered the respondents to vacate the disputed premises, pay P5,000.00 a month in rentals from March 1, 1981 until they vacate minus whatever payments may have been made in the meantime, and pay P3,000.00 attorney's fees and costs.

"On appeal to the Regional Trial Court of Manila, the decision was affirmed in toto on March 26, 1984.

On July 5, 1984, RTC Judge Conrado T. Limcaoco partially granted a motion for reconsideration by reducing to P500.00 monthly rentals, the rate of monthly rentals agreed upon from June, 1979 or earlier when the respondents and their parents were leasing the premises from Uy Chaco Sons and Co., Inc. The Regional Trial Court of Manila sustained the MTC findings that B.P. No. 25 is not applicable because (1) the monthly rental is more than then P300.00 rental covered by the law and (2) the respondents use the (sic) commercial reasons and not for a residence. The Urban Land Reform Law, P.D. 1517 was likewise not deemed applicable, a finding impliedly accepted by the respondents when they abandoned this ground.

"In their petition for review filed with the Intermediate Appellate Court, the respondent questioned the validity of the October 25, 1983 decision of the Metropolitan Trial Court on the ground that it was released only on January 24, 1984 when Judge J. Cesar Sangco had already retired." (p. 9, Rollo)

We resolved affirmatively the issue of whether or not the October 25, 1983 decision of Judge J. Cesar Sangco in the ejectment case was valid. Instead of remanding the case for a re-promulgation of the same judgment, this Court affirmed the decisions of the courts below as modified, i.e. reducing the P5,000.00 per month rentals to their pre-litigation level of P500.00 per month.

After a motion for reconsideration was denied and entry of judgment was made, the petitioners returned to the metropolitan trial court where they filed a motion for execution of the judgment. The private respondents opposed the motion on the ground that a complaint for annulment of sale which they filed with the Regional Trial Court of

Manila had, in the meantime, been decided in their favor.

The Regional Trial Court of Manila in Civil Case No. 13911 declared null and void the sale by the earlier owner, T & C Corporation, to the petitioners on grounds of equity under Article 19 of the Civil Code and ordered the petitioners to sell 190 square meters of the land they had purchased to the respondents upon Julio Ko's paying them P190,000.00. The petitioners filed a motion to set aside and/or reconsider the decision.

According to a manifestation filed September 1, 1987, the motion for reconsideration was denied, whereupon the matter was raised to the Court of Appeals where the case is now pending.

Going back to the ejectment case, the Metropolitan Trial Court of Manila denied the respondents' opposition and granted the motion for execution.

On April 28, 1986, respondents Julio and Zenaida Ko filed a petition for certiorari with prayer for a temporary restraining order or preliminary injunction to stop the implementation of the writ of execution in the ejectment case. It is the preliminary injunction issued by Branch 40 of the Regional Trial Court of Manila in Civil Case No. 86-35622 which is now before us.

The bases for the decision in the ejectment case are summarized by the Regional Trial Court of Manila as follows:

"Defendants contend that they cannot be ejected because: (1) they are subsisting lessees at the time of the purchase of the property in question by the plaintiffs from T & L Development Corporation, under Sec. 5 of B.P. No. 15; (2) plaintiffs' need of the leased premises is not for use as a residential unit as required by said law, but as an office and bodega; and (3) since they were not given an opportunity to exercise their right of first refusal before the leased premises were sold to the plaintiffs, the sale thereof to the latter is null and void and in fact filed a complaint for annulment thereof on that ground.

"As to the first two grounds the basic issue is whether or not B.P. No. 25 is applicable to this case. The coverage of said law is defined in Sec. 7 thereof according to which said law applies only to 'All residential units the total monthly rental of which does not exceed three hundred pesos (P300.00) as of the effectivity of this Act x x x'. The undisputed fact is that at the time of the purchase of the premises in question defendants were paying a monthly rental of P500.00. Moreover, it is even doubtful whether the leased premises may be considered as a residential unit under Sec. 2(b) of B.P. No. 25, considering that defendants are undeniably using the same for commercial purposes because it is there where they do business under the name of Johnson Blacksmith & Machine Shop.

"As to the third ground, while it is not necessary to resolve it, it is just as obvious that P.D. 1517 is likewise not applicable, as correctly pointed out by counsel for the plaintiff and as indicated by the plaintiff and as indicated by defendants' abandonment of this ground.

"Since neither B.P. No. 25 nor P.D. 1517 are applicable, the settled rule that a month to month contract of lease is a contract for a fixed period, expires at the end of every month and may be terminated on any month, applies. Plaintiff did so when it served notice of termination thereof dated February 20, 1981, effective 30 days thereafter.

"Premises considered the court finds and so declares that plaintiffs have satisfactorily established their causes of action." (Annex J, Rollo, pp. 75-76) (Rollo, pp. 5-6).

On the other hand, the decision in Civil Case No. 13911, nullifying the sale in favor of petitioners Ang Ping and Carmen Pimentel is based on a finding that justice and equity would be served by allowing Julio and Zenaida Ko to buy the properties already sold to the petitioners.

Among the findings in Civil Case No. 13911 are:

- (1) Julio Ko has been operating his Johnson Blacksmith and Machine Shop in the disputed premises since 1965.
- (2) The respondents have religiously paid the monthly rentals of P500.00 for the premises.
- (3) The respondents were never informed that T & L Development Corporation intended to sell the premises. They claimed a right to priority in the purchase of the lot and the corresponding part of the building and on April 24, 1981 deposited with Equitable Banking Corporation the amount of P192,161.78 in trust for Ang Ping for the redemption or repurchase of the lot and apartment door sold to Ang Ping and Carmen Pimentel.

The court stated that there is nothing legally wrong in an owner of a leased property selling it without notifying the tenant. However, it found a failure of the owner and the buyers to observe honesty and good faith because other tenants were informed of the proposed sale but not Julio and Zenaida Ko.

The petitioners raise two grounds for the allowance of their petition, namely:

A

"The respondent court gravely abused its discretion and/or acted without or in excess of jurisdiction in issuing the temporary restraining order of April 28, 1986 and the Order of May 16, 1986, denying petitioners' Motion to Dismiss and directing the issuance of a writ of preliminary injunction to stop the implementation of the writ of execution issued by the MTC of Manila. (Rollo, p.13)

B

"The respondent court committed grave abuse of discretion and/or acted without or in excess of jurisdiction in issuing the writ of preliminary injunction, thereby depriving the petitioners of the fruits of their legal victory through the implementation of the final and executory decision." (pp. 13 and 18, Rollo)

The petitioners contend that the decision of Branch 9 of the Regional Trial Court of Manila in the nullification of sale and title and reconveyance case does not as yet confer on the respondents any enforceable right whereas this Court has already entered judgment in the ejectment case.

The petitioners also point out that we were fully aware of the pending nullification and reconveyance case because the same was brought to our attention in G.R. No. 70581. Yet, we denied a motion for reconsideration of our decision in the petition for review of the ejectment case.

We agree with the petitioners.

The principle enunciated in *Ramirez v. Bleza* (106 SCRA 187) applies. We ruled in *Ramirez*:

"Moreover, the pendency of Civil Case No. R436, an 'accion publiciana', where ownership is concededly the principal issue, (Rollo, p. 59.) before the Court of First Instance of Oriental Mindoro, does not preclude nor bar the execution of the judgment rendered in Civil Case No. R184, where the action was for forcible entry and the only issue involved was the material possession or possession de facto of the land under litigation. Such action which involves the title over the premises is entirely independent from forcible entry." (at p. 194)

Justice Ramon C. Aquino was more emphatic in his concurrence:

"I concur. Respondent judge of first instance acted with grave abuse of discretion in preventing the execution of the final and executory judgment of the municipal court in the ejectment case on the flimsy pretext that another possessory action was pending in his court involving the same land.

The judgment of the municipal court is *res judicata* as to the issue of possession de facto but is not conclusive as to the title or ownership (Sec. 7, Rule 70, Rules of Court; *Penalosa v. Tuason*, 22 Phil. 303).

"Possession and ownership of a parcel of land may be held by different persons. The winning party is entitled to the execution of the municipal court's final judgment as to possession. The enforcement of that judgment would not cause 'chaos and confusion'. (id. at p. 195).

In *De la Cruz v. Court of Appeals* (133 SCRA 520), we had a similar ruling:

"We find no merit in petitioners' aforesaid submission. An unlawful detainer action has an entirely different subject from that of an action for reconveyance of title. What is involved in 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. (*Ramirez v. Bleza*, L45640, July 30, 1981, 106 SCRA 187).

"This is so because:

"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 case between the same parties upon a different cause of action involving possession." (Section 7, Rule 70, Rules of Court).

"The rationale 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. (*Republic v. Guarin*, supra). It does not admit of a delay in the determination thereof. It is a 'time procedure' designed to remedy the situation. (*Mabalot v. Madala, Jr.*, 121 SCRA 347). Procedural technicality is therefore obviated and reliance thereon to stay eviction from the property should not be tolerated and cannot override substantial justice. (*Dakudao v. Consolacion*, 122 SCRA 877). 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." (*Salinas v. Navarro*, 126 SCRA 167). (At pp. 527-528)

As early as 1922, this Court declared in *Shioji v. Harvey* (43 Phil. 333) that "the only function of a lower court, when the judgment of a higher court is returned to it, is the ministerial one of issuing the order of execution. A lower court is without supervisory jurisdiction to interpret or to reverse the judgment of the higher court."

This is especially true where it is a Supreme Court decision or resolution which states with finality how the particular case before it has been resolved. We ruled in *Tugade v. Court of Appeals* (85 SCRA 226):

"Respondent Court of Appeals really was devoid of any choice at all. It could not have ruled in any other way on the legal question raised. This Tribunal having spoken, its duty was to obey. It is as simple as that. There is relevance to this excerpt from *Barrera v. Barrera*. (L-31589, July 31, 1970, 34 SCRA 98). 'The delicate task of ascertaining the significance that attaches to a constitutional or statutory provision, an executive order, a procedural norm or a municipal ordinance is committed to the judiciary. It thus discharges a role no less crucial than that appertaining to the other two departments in the maintenance of the rule of law. To assure stability in legal relations and avoid confusion, it has to speak with one voice. It does so with finality, logically and rightly, through the highest judicial organ, this Court. What it says then should be definitive and authoritative, binding on those occupying the lower ranks in the judicial hierarchy. They have to defer and to submit.' (Ibid, 107. The opinion of Justice Laurel in *People v. Vera*, 65 Phil. 56 [1937] was cited.) The ensuing paragraph of the opinion in *Barrera* further emphasizes the point: 'Such a thought was reiterated in an opinion of Justice J.B.L. Reyes and further emphasized in these words: 'Judge Gaudencio Cloribel need not be reminded that the Supreme Court, by tradition and in our system of judicial administration, has the last word on what the law is; it is the final arbiter of any justifiable controversy. There is only one Supreme Court from whose decisions all

other courts should take their bearings.'" (Justice J.B.L. Reyes spoke thus in *Albert v. Court of First Instance of Manila* [Branch VI], L-26364, May 29, 1968, 23 SCRA 948, 961.) (at pp. 230-231).

We refrain from expressing any opinion on the merits of the decision in the nullification of sale and reconveyance of property case. The merits will have to be threshed out by the proper court on a full consideration of the evidence and the law upon which it is based. Our decision here is limited to the execution of the decision in the ejectment case.

From the foregoing, it is plain that the law is on the side of the petitioners. The injunction was improperly issued.

Do the equities of the case warrant a disregard of established precedents? It is true that the private respondents would suffer painful consequences if they are ejected now only to be reinstated if they eventually win the nullification of sale case. However, the petitioners are also suffering an injustice. The ejectment case in their favor was decided as early as 1983. The regional trial court affirmed the decision. The Intermediate Appellate Court ruled that the promulgation of the trial court's decision was defective and ordered it repromulgated but this Court set aside the appellate decision and reinstated the metropolitan trial court and regional trial court decisions.

There being no final decision in the annulment of sale case, the petitioners have equal chances with the private respondents of also winning that case. The private respondents cannot claim to have overriding considerations of equity on their side, sufficient to stop the execution of a final judgment in the ejectment proceedings.

WHEREFORE, the petition is hereby GRANTED. The orders dated April 28, 1986 and May 16, 1986 of the respondent court are SET ASIDE. The Metropolitan Trial Court is ORDERED to immediately execute the decision in the ejectment case. No motion for extension of time to file a motion for reconsideration of this decision will be granted.

SO ORDERED.

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

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