

**ROSITA TUASON MARAVILLA AND CORAZON TUASON[] MIRANDA,
THROUGH THEIR ATTORNEY-IN-FACT, RUBENCITO M. DEL MUNDO,
PETITIONERS, V. MARCELINO BUGARIN, ANGELITA CONTRERAS,
BENJAMIN LAZ...**

G.R. Nos. 226199 and 227242-54. October 01, 2018

Ponente: PERLAS-BERNABE, J.

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PERLAS-BERNABE, J.:

Before the Court is a petition for review on certiorari[1] assailing the Orders dated March 18, 2016[2] and July 28, 2016[3] of the Regional Trial Court (RTC) of Manila (RTC-Manila), Branch 47 (court a quo) in Civil Case Nos. 13-130387-130400, suspending the issuance of the writ of execution of its Consolidated Decision[4] dated November 17, 2014 against respondents in an unlawful detainer case grounded on the existence of a supervening event, i.e., the filing of an eminent domain petition (expropriation case) over the subject land.

The Facts

The instant case stemmed from separate complaints[5] for unlawful detainer (ejectment cases) filed by petitioners Rosita Tuason Maravilla and Corazon Tuason Miranda, through their attorney-in-fact, Rubencito M. del Mundo (petitioners), before the Metropolitan Trial Court of Manila (MeTC) between November 16 to 25, 2011, seeking to eject respondents Marcelino Bugarin, Angelita Contreras, Benjamin Lazatin, Lourdes Maniquiz, Edelberto Padlan, Remedios Navarro, Jose Pangan, Eduveges Reyes, Alexander Cruz, Priscilla Cortez, Mila Laja, Antonio Daanay, Generosa Sison, Perfecto Dela Vega, and all other persons claiming rights under them (respondents), from the portions of the parcel of land located in San Andres, Manila, covered by Transfer Certificate of Title No. 31697[6] (subject land) in the name of petitioners' predecessor-in-interest, Carlos Tuason. The complaints commonly claimed that: (a) respondents have been in physical possession of the subject land and paying monthly rentals until November 10, 2010; (b) petitioners decided to terminate the leases effective March 17, 2011; (c) respondents refused petitioners' demands to pay and to vacate; and (d) the complaints were filed within one (1) year from the last demand.[7]

The complaints were consolidated before the MeTC, Branch 29 which rendered a Decision[8] dated May 28, 2013 in favor of petitioners, ordering respondents to vacate the subject land and surrender its possession to petitioners, and to pay: (a) their respective unpaid rentals as of the termination of the lease on March 17, 2011; (b) P5,000.00 each as reasonable monthly compensation for the use and occupation of the subject land every month thereafter; (c) attorney's fees; and (d) the costs of suit.[9]

The RTC-Manila Proceedings

In a Consolidated Decision[10] dated November 17, 2014, the court a quo affirmed the MeTC Decision in toto,[11] prompting respondents to file an appeal before the Court of Appeals (CA), docketed as CA-G.R. SP. No. 138449.[12] On the other hand, petitioners moved for execution[13] of the Consolidated Decision, citing Section

21,[14] Rule 70 of the Rules of Court. The motion was opposed[15] by respondents, who contended that supervening events have transpired that would render the execution of the said Decision inequitable, i.e., the City of Manila had: (a) passed several ordinances authorizing the City Mayor to acquire the subject land and appropriating funds therefor;[16] and (b) already made a formal offer to purchase the subject land.[17] Petitioners countered[18] that respondents failed to comply with the requirements for the stay of the execution of the judgment, and thus, reiterated their motion for execution.[19]

In an Order[20] dated April 20, 2015, the court a quo directed the issuance of a writ of execution of the Consolidated Decision, holding that respondents failed to substantiate their claim of the existence of a supervening event. Respondents moved for reconsideration,[21] but the same was denied in an Order[22] dated June 30, 2015.

Subsequently, respondents filed an Amended Motion to Deny/Suspend Issuance of Writ of Execution[23] dated January 28, 2016, raising the filing by the City of Manila before the RTC-Manila of an expropriation case over the subject land,[24] docketed as Civil Case No. 15-134874, which led to the issuance of an Order[25] dated March 18, 2016, suspending the issuance of the writ of execution of the said Consolidated Decision.

Petitioners moved for reconsideration,[26] but the same was denied in an Order[27] dated July 28, 2016; hence, the instant petition.

Meanwhile, the CA rendered a Decision[28] denying respondents' appeal in CA-G.R. SP. No. 138449.[29] On February 17, 2017, a Decision[30] was rendered by the RTC-Manila, Branch 42 in the expropriation case declaring the City of Manila to have the lawful right to take the subject land, and ordering it to pay the amount of P31,262,000.00[31] less the amount of initial deposit,[32] as the just compensation for the subject land.

The Issue before the Court

The issue for the Court's resolution is whether or not the court a quo erred in suspending the issuance of the writ of execution of its decision against respondents in the ejectment cases on the ground of the existence of a supervening event.

The Court's Ruling

The petition is meritorious.

In ejectment cases, the judgment of the RTC against the defendant-appellant is immediately executory,[33] and is not stayed by an appeal taken therefrom, unless otherwise ordered by the RTC, or in the appellate court's discretion, suspended or modified,[34] or supervening events occur which have brought about a material change in the situation of the parties and would make the execution inequitable.[35]

In this case, the court a quo, through its March 18, 2016 and July 28, 2016 Orders (assailed Orders), suspended the execution of its November 17, 2014 Consolidated Decision against respondents in the ejectment cases. Essentially, it ruled that the City of Manila's filing of the expropriation case to acquire the subject land constituted a supervening event that warranted the aforesaid suspension.[36]

The Court disagrees.

There is no dispute that at the time the assailed Orders were issued the City of Manila had filed an expropriation case to acquire the subject land, and in fact, obtained a ruling in its favor. These occurrences notwithstanding, records fail to show that the City of Manila had either: (1) priorly posted the required judicial deposit in favor of petitioners in order to secure possession of the subject land, in accordance with Section 19[37] of the Local Government Code of 1991;[38] or (2) paid the original landowners, i.e., Carlos Tuason's living heirs (the

petitioners herein),[39] the adjudged final just compensation for the subject land so as to consider the expropriation process completed and consequently, effectuate the transfer of ownership to it.[40] Thus, at the time the assailed Orders were issued, petitioners remained the owners of the subject land, and therefore were entitled to all the rights appurtenant thereto.

The Court, however, is at a quandary as to how the City of Manila's interest in the expropriation case bears any direct relation to respondents' interest in the ejectment cases, given that the latter were not, in any manner, shown to benefit from the expropriation of the subject property. A perusal of Ordinance No. 8274[41] which authorized the City Mayor of Manila to cause the acquisition of the subject land (in line with the on-site development[42] project of the city[43]) reveals that respondents have not been specifically named as beneficiaries, the expropriation having been made for the benefit of "the qualified members/beneficiaries of the San Andres and Silayan Alley Neighborhood Association, Inc.,"[44] of which they have not been shown to be members. Thus, even if the expropriation process be completed, it is non sequitur for respondents to claim[45] that they are automatically entitled to be beneficiaries thereof, for certain requirements must still be met and complied with.[46] Stated differently, absent any competent proof showing that respondents have been identified and registered as socialized housing program beneficiaries[47] for the particular locality/project, they cannot claim any right over the subject land on the basis of the said ordinance, on which the expropriation case is anchored. Consequently, the Court finds that respondents failed to establish the existence of any supervening event or overriding consideration of equity in their favor, or any other compelling reason, to justify the court a quo's issuance of the assailed Orders suspending the execution of its Consolidated Decision against them pending appeal.

A final point. The Court is not unaware of the fact that subsequent to the issuance of the assailed Orders, the City of Manila has already been issued a writ of possession in the expropriation case, which therefore authorizes it to take actual possession of the subject land. However, the Court discerns that the City of Manila is not a party to this case, given that it sprung from the ejectment cases which essentially involve a dispute on the mere material possession of the subject land only between the petitioners and respondents herein. As earlier mentioned, respondents have no direct interest and hence, should not benefit from any ruling favoring the City of Manila in the expropriation case. Thus, under this limited context, the Court finds it proper to completely reverse the assailed Orders, and allow full execution of the Consolidated Decision insofar as the parties herein are concerned. Suffice it to say that nothing precludes the City of Manila from enforcing the writ of possession it obtained in the expropriation case to acquire physical possession of the subject property, which circumstance the Court, however, cannot presume at this point nor, in fact, properly consider without going beyond the parameters of this case.

WHEREFORE, the petition is GRANTED. The Orders dated March 18, 2016 and July 28, 2016 issued by the Regional Trial Court of Manila, Branch 47 (court a quo) in Civil Case Nos. 13-130387-130400, suspending the issuance of the writ of execution of its Consolidated Decision dated November 17, 2014 against respondents Marcelino Bugarin) Angelita Contreras, Benjamin Lazatin, Lourdes Maniquiz, Edelberto Padlan, Remedios Navarro, Jose Pangan, Eduveges Reyes, Alexander Cruz, Priscilla Cortez, Mila Laja, Antonio Daanay, Generosa Sison, Perfecto Dela Vega, and all other persons claiming rights under them, are hereby REVERSED and SET ASIDE based on the reasons stated in this Decision. The court a quo is directed to issue a writ of execution of the Consolidated Decision dated November 17, 2014.

SO ORDERED.

Carpio (Chairperson), A. Reyes, Jr., and J. Reyes, Jr.,[**] JJ., concur.
Caguioa, J., on official business.

[*] "Tuazon" in some parts of the rollo.

[*] "Edilberto" in some parts of the rollo.

[*] "Eduviges" in some parts of the rollo.

[**] Designated Additional Member per Special Order No. 2587 dated August 28, 2018.

[1] Rollo, pp. 7-26.

[2] Id. at 28-30. Penned by Presiding Judge Paulino Q. Gallegos.

[3] Id. at 42.

[4] Id. at 131-139.

[5] See (1) complaint dated November 16, 2011 (filed on November 17, 2011), docketed as Civil Case No. 188306-CV (records [Civil Case No. 13-130387], pp. 5-8); (2) complaint dated November 16, 2011 (filed on November 16, 2011), docketed as Civil Case No. 188309-CV (records [Civil Case No. 13-130388], pp. 5-8); (3) complaint dated November 24, 2011 (filed on November 24, 2011), docketed as Civil Case No. 188331-CV (records [Civil Case No. 13-130389], pp. 5-8); (4) complaint dated November 24, 2011 (filed on November 24, 2011), docketed as Civil Case No. 188332-CV (records [Civil Case No. 13-130390], pp. 5-8); (5) complaint dated November 24, 2011 (filed on November 24, 2011), docketed as Civil Case No. 188333-CV (records [Civil Case No. 13-130391], pp. 5-8); (6) complaint dated November 24, 2011 (filed on November 24, 2011), docketed as Civil Case No. 188334-CV (records [Civil Case No. 13-130392], pp. 5-8); (7) complaint dated November 24, 2011 (filed on November 24, 2011), docketed as Civil Case No. 188335-CV (records [Civil Case No. 13-130393], pp. 5-8); (8) complaint dated November 24, 2011 (filed on November 24, 2011), docketed as Civil Case No. 188336-CV (records [Civil Case No. 13-130394], pp. 5-8); (9) complaint dated November 24, 2011 (filed on November 25, 2011), docketed as Civil Case No. 188339-CV (records [Civil Case No. 13-130395], pp. 5-8); (10) complaint dated November 24, 2011 (filed on November 25, 2011), docketed as Civil Case No. 188340-CV (records [Civil Case No. 13-130396], pp. 5-8); (11) complaint dated November 24, 2011 (filed on November 25, 2011), docketed as Civil Case No. 188341-CV (records [Civil Case No. 13-130397], pp. 5-8); (12) complaint dated November 24, 2011 (filed on November 25, 2011), docketed as Civil Case No. 188342-CV (records [Civil Case No. 13-130398], pp. 5-8); (13) complaint dated November 24, 2011 (filed on November 25, 2011), docketed as Civil Case No. 188343-CV (records [Civil Case No. 13-130399], pp. 5-8); and (14) complaint dated November 24, 2011 (filed on November 25, 2011), docketed as Civil Case No. 188344-CV (records [Civil Case No. 13-130400], pp. 5-8).

[6] Records (Civil Case No. 13-130387), p. 9; records (Civil Case No. 13-130388), p. 9; records (Civil Case No. 13-130389), p. 9; records (Civil Case No. 13-130390), p. 9; records (Civil Case No. 13-130391), p. 9; records (Civil Case No. 13-130392), p. 9; records (Civil Case No. 13-130393), p. 9; records (Civil Case No. 13-130394), p. 9; records (Civil Case No. 13-130395), p. 9; records (Civil Case No. 13-130396), p. 9; records (Civil Case No. 13-130397), p. 9; records (Civil Case No. 13-130398), p. 9; records (Civil Case No. 13-130399), p. 9; and records (Civil Case No. 13-130400), p. 9.

[7] See rollo, pp. 43-45 and 47.

[8] Id. at 43-49. Penned by Presiding Judge Rosalia I. Hipolito-Bunagan.

[9] See id. at 47-48.

[10] Id. at 131-139.

[11] Id. at 139.

[12] See Notice of Appeal dated December 3, 2014; id. at 140-141. See also id. at 256.

[13] See Motion for Execution dated January 5, 2015; id. at 142-147.

[14] Section 21. Immediate execution on appeal to Court of Appeals or Supreme Court. - The judgment of the Regional Trial Court against the defendant shall be immediately executory, without prejudice to a further appeal that may be taken therefrom.

[15] See Comment/Opposition dated February 6, 2015; rollo, pp. 148-151.

[16] See id. at 149.

[17] See id. at 150. See also letter of Manila Mayor Joseph Ejercito Estrada (Mayor Estrada) addressed to Atty. Rubencito del Mundo (as attorney-in-fact of Carlos Tuason) dated October 14, 2014; id. at 159.

[18] See Reply to the Comment/Opposition on Motion for Execution dated February 16, 2015; id. at 161- 164.

[19] See id. at 162-163.

[20] Id. at 165.

[21] See motion for reconsideration dated May 13, 2015; id. at 166-169.

[22] Id. at 176.

[23] Id. at 181-185.

[24] See id. at 182.

[25] Id. at 28-30.

[26] See Motion for Reconsideration of the Order Suspending Issuance of Writ for Execution dated April 20, 2016; id. at 31-39.

[27] Id. at 42.

[28] Not attached to the rollo.

[29] See rollo, p. 257.

[30] Id. at 269-270.

[31] Representing the fair market value of the property, which was acknowledged by the parties as the fair and just compensation for the subject land. See id. at 270.

[32] In the amount of P5,311,040.00 deposited in the Land bank of the Philippines, YMCA Branch under S/A No. 1981-1685-57 in trust for the expropriation of the subject land. See id.

[33] Section 21, Rule 70 of the Rules of Court provides:

Section 21. Immediate execution on appeal to Court of Appeals or Supreme Court. — The judgment of the Regional Trial Court against the defendant shall be immediately executory, without prejudice to a further appeal that may be taken therefrom. (Emphasis supplied)

[34] See *Air Transportation Office v. CA*, 737 Phil. 61, 77 (2014).

See also Section 4, Rule 39 and Section 8 (b), Rule 42 of the Rules of Court, which respectively provide:

Section 4. Judgments not stayed by appeal. — Judgments in actions for injunction, receivership, accounting and support, and such other judgments as are now or may hereafter be declared to be immediately executory, shall be enforceable after their rendition and shall not be stayed by an appeal taken therefrom, unless otherwise ordered by the trial court. On appeal therefrom, the appellate court in its discretion may make an order suspending, modifying, restoring or granting the injunction, receivership, accounting, or award of support.

The stay of execution shall be upon such terms as to bond or otherwise as may be considered proper for the security or protection of the rights of the adverse party.

Section 8. Perfection of appeal; effect thereof. —

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(b) Except in civil cases decided under the Rules on Summary Procedure, the appeal shall stay the judgment or final order unless the Court of Appeals, the law, or these Rules shall provide otherwise. (Emphases supplied)

[35] See *Antonio v. Geronimo*, 512 Phil. 711, 718-719 (2005).

[36] See rollo, pp. 29-30.

[37] Pursuant to Section 19, Chapter 2, Title One, Book I of the Local Government Code of 1991, which reads:

Section 19. Eminent Domain. — A local government unit may, through its chief executive and acting pursuant to an ordinance, exercise the power of eminent domain for public use, or purpose, or welfare for the benefit of the poor and the landless, upon payment of just compensation, pursuant to the provisions of the Constitution and pertinent laws: Provided, however, That the power of eminent domain may not be exercised unless a valid and definite offer has been previously made to the owner, and such offer was not accepted: Provided, further, That the local government unit may immediately take possession of the property upon the filing of the expropriation proceedings and upon making a deposit with the proper court of at least fifteen percent (15%) of the fair market value of the property based on the current tax declaration of the property to be expropriated: Provided, finally, That the amount to be paid for the expropriated property shall be determined by the proper court, based on the fair market value of the property. (Emphasis supplied)

[38] Republic Act No. 7160, approved on October 10, 1991.

[39] See rollo, p. 253.

[40] See *Spouses Abad v. Fil-Homes Realty and Development Corporation*, 650 Phil. 608, 616-617 (2010).

[41] See rollo, pp. 154-155.

[42] Section 3 (I) of Republic Act No. 7279, entitled "AN ACT TO PROVIDE FOR A COMPREHENSIVE AND CONTINUING URBAN DEVELOPMENT AND HOUSING PROGRAM, ESTABLISH THE MECHANISM FOR ITS IMPLEMENTATION, AND FOR OTHER PURPOSES," otherwise known as the "URBAN DEVELOPMENT AND HOUSING ACT OF 1992" (UDHA), approved on March 24, 1992, defines on-site development as referring to "the process of upgrading and rehabilitation of blighted slum urban areas with a view of minimizing displacement of dwellers in said areas, and with provisions for basic services as provided for in Section 21 [thereof]."

[43] See letter of Mayor Estrada addressed to Atty. Rubencito del Mundo (as attorney-in-fact of Carlos Tuason) dated October 14, 2014; rollo, p. 159.

[44] See *id.* at 155.

[45] Respondents claimed that they have acquired vested rights to the subject land by virtue of the grant of the expropriation case, which had supposedly rendered moot the ejectment cases. See *id.* at 184 and 263.

[46] Section 16 of the UDHA provides:

Section 16. Eligibility Criteria for Socialized Housing Program Beneficiaries. — To qualify for the socialized housing program, a beneficiary:

- (a) Must be a Filipino citizen;
- (b) Must be an underprivileged and homeless citizen, as defined in Section 3 of this Act;
- (c) Must not own any real property whether in the urban or rural areas; and
- (d) Must not be a professional squatter or a member of squatting syndicates.

Section 3 (t) of the UDHA defines "underprivileged and homeless citizens" as "the beneficiaries of this Act and to individuals or families residing in urban and urbanizable areas whose income or combined household income falls within the poverty threshold as defined by the National Economic and Development Authority and who do not own housing facilities. This shall include those who live in makeshift dwelling units and do not enjoy security of tenure[.]"

[47] Section 17 of the UDHA mandates the local government units to identify and register all beneficiaries within their respective localities.

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