

FIRST DIVISION

[G.R. NO. 143482, April 13, 2007]

**CONRADO PINEDA, SPOUSES DOMINADOR DE GUZMAN AND
SOFIA DE GUZMAN, AND GRAYBAR MARKETING AND
ELECTRICAL SERVICES CORPORATION,^[1] REPRESENTED BY ITS
PRESIDENT AND GENERAL MANAGER, JOAQUIN T. BAGADIONG,
PETITIONERS, VS. HONORABLE PEDRO T. SANTIAGO,
PRESIDING JUDGE, BRANCH 101, REGIONAL TRIAL COURT,
QUEZON CITY, AND BISHOP ERAÑO MANALO, IN HIS CAPACITY
AS TITULAR AND SPIRITUAL HEAD OF IGLESIA NI KRISTO,
RESPONDENTS.**

D E C I S I O N

GARCIA, J.:

Under consideration is this petition for review on *certiorari* to reverse and set aside the Decision^[2] dated 08 June 2000 of the Court of Appeals (CA) in CA *G.R. SP No. 47706*, which affirmed the Orders dated 22 April 1998 and 07 May 1998 of the Regional Trial Court (RTC) of Quezon City, Branch 101, in its *Civil Case No. Q 45767*, a petition for injunction with damages thereat instituted by other lot owners similarly situated as the herein petitioners, against the same private respondent Bishop Eraño Manalo in this case, also in his capacity as titular and spiritual head of the *Iglesia ni Kristo* (I.N.K.).^[3]

The relevant facts which have bearing to the RTC orders being questioned in this case may be summarized as follows:

Herein petitioner Conrado Pineda claims to be the true and absolute owner of a parcel of land known as Lot 1, Blk. 4, of Sitio Mabilog, Barangay Culiat, Quezon City and covered by Transfer Certificate of Title (TCT) No. RT-68601 (263547) issued by the Register of Deeds of Quezon City. Co-petitioner spouses Dominador and Sofia de Guzman likewise claim to be the owners of Lot 2, Blk. 4, also of Sitio Mabilog, Barangay Culiat, Quezon City, with TCT No. 263487 also issued by the Register of Deeds of Quezon City. The other co-petitioner Graybar Marketing and Electrical Services Corporation (Graybar, for brevity), on the other hand, avers that it is the owner of Lot 7, Blk. 2, likewise of Sitio Mabilog, Barangay Culiat, Quezon City and covered by TCT No. 61197 which was purchased from Spouses Virgilio Ocampo and Ma. Lourdes Ocampo. All the herein petitioners were in actual and physical possession of their respective aforementioned lots. They further assert that they introduced permanent improvements on their respective residences and/or their businesses thereat.^[4]

On 22 August 1985, in the RTC of Quezon City, Augusto M. de Leon, Jose de Castro, Jose A. Panlilio, Felicidad Vergara Vda. De Pineda, Fernando L. Vitug I, Fernando M.

Vitug II, Fernando M. Vitug III, and Faustino Tobia, claiming to be title holders^[5] and possessors of their respective lots in Sitio Mabilog, Barangay Culiat, Quezon City filed **a petition for injunction with damages** against private respondent Bishop Eraño Manalo, as the titular and spiritual head of I.N.K., to prevent the said private respondent from fencing the premises of the said petitioners. The petition was docketed as **Civil Case No. Q-45767** and raffled to Branch 101 of the court presided by Judge Pedro T. Santiago (respondent judge). That petition was later amended to include Elena Ostrea and Feliza C. Cristobal-Generoso as additional petitioners therein. For convenience, we shall refer to the petitioners in *Civil Case No. Q-45767 as Augusto M. de Leon, et al.*

In an Order dated 7 August 1987, Judge Santiago dismissed *Civil Case No. Q-45767*. Therein petitioners Augusto de Leon, et al. appealed the order of dismissal to the CA, which denied the same. From the CA, the case was elevated to this Court and docketed as **G.R. No. 83280**, entitled *Augusto M. de Leon, et al. v. the Honorable Court of Appeals and Bishop Eraño Manalo*. In the meantime, Virginia Calalang, who also bought a subdivision lot in Sitio Mabilog, Barangay Culiat, Quezon City from Amado Clemente, had a pending case with this Court — **G.R. No. 76265** — entitled *Virginia Calalang v. Register of Deeds of Quezon City, et al.*, against the same private respondent I.N.K., represented by Bishop Eraño Manalo. Upon the instance of Virginia Calalang, these two cases, *i.e.*, *G.R. No. 83280* and *G.R. No. 76265* which both involved Lot 671 in Barangay Culiat, Quezon City, were consolidated and eventually dismissed by this Court in 1992 in a joint decision which is now known as the **Calalang decision** (208 SCRA 215). The motion for reconsideration filed by the petitioners in those consolidated cases was likewise denied by this Court in a resolution of 1994 (231 SCRA 106).

On 10 November 1994, herein private respondent I.N.K. filed in *Civil Case No. Q-45767* a motion^[6] for the issuance of an order to implement and/or enforce the Calalang decision against therein petitioners *Augusto de Leon, et al.* In an Order^[7] dated 13 December 1994, the respondent judge granted I.N.K.'s motion. In part, the order dispositively reads:

WHEREFORE, considering that the petition for Review on Certiorari and the Motion for Reconsideration instituted by the petitioners [de Leon, et al.] has already been resolved with finality by the Honorable Supreme Court, the Motion for enforcement of the Higher Court's decision is hereby GRANTED, thus:

- (1) Allowing I.N.K. and/or Bishop Manalo to continue fencing of the premises in question and to proceed with the construction of the structures which were earlier suspended; and
- (2) Allowing and/or authorizing respondent I.N.K. and/or Bishop Manalo to exercise rights of possession and ownership over the premises in question.

Consequently, herein petitioners [*Augusto M. de Leon, et al.*] are hereby ordered to vacate the portions respectively claimed and/or occupied by them and to turn over the possession thereof to I.N.K.

SO ORDERED. (Words in bracket supplied.)

On 25 January 1995, I.N.K. filed in the same *Civil Case No. Q-45767* a motion for the issuance of a writ of execution in relation to the aforementioned Order of 13 December 1994, which motion was granted by the respondent judge in his Order dated 10 February 1995. On 02 August 1995, therein petitioners *Augusto de Leon, et al.* filed an urgent motion to vacate the writ of execution, which I.N.K. opposed. On 15 November 1995, the respondent judge eventually denied *Augusto de Leon, et al.*'s motion to vacate the writ of execution.

Then, on 14 March 1996, I.N.K. filed, again in *Civil Case No. Q-45767*, an *Ex-Parte* Motion for Issuance of an Alias Writ of Execution, which the respondent judge granted on 15 March 1996.

The present controversy cropped up when, two years thereafter, or on 31 March 1998, I.N.K. filed in the same *Civil Case No. Q-45767* another *Ex-Parte* Motion for Issuance of an Alias Writ of Execution, this time against the herein petitioners Conrado Pineda, the spouses Dominador de Guzman and Graybar, among several others. In the herein first assailed **Order^[8] dated 22 April 1998**, the respondent judge granted I.N.K.'s aforesaid ex-parte motion for issuance of an alias writ of execution against the herein petitioners. In full, the Order reads:

Acting on the Ex-Parte Motion for the Issuance of an Alias Writ of Execution filed by respondent [I.N.K.] on March 31, 1998 to include Joaquin Bagadiong, Dominador de Guzman and Conrado Pineda, finding the same justified considering the decision of the Honorable Supreme Court dated March 11, 1994 in G.R. No. 83280 and this Court having already granted an Order dated November 15, 1995 similar to the instant respondent's motion, consequently the said Ex-parte motion is hereby GRANTED.

Deputy Sheriff Efren Cachero of this Court is hereby ordered to eject the aforementioned Joaquin Bagadiong, Dominador de Guzman and Conrado Pineda from the premises of the movant-respondent Bishop Eraño G. Manalo of the Iglesia Ni Cristo.

SO ORDERED.

It was only on 24 April 1998 when Sheriff Efren B. Cachero actually served to the herein petitioners copies of the assailed 22 April 1998 Order and the corresponding 2nd Alias Writ of Execution. It was only then that the herein petitioners learned **for the first time** about the existence of such Alias Writ against them.

On 29 April 1998, upon the ground that they were not parties to *Civil Case No. Q-45767* and that they were not notified of I.N.K.'s motion for the issuance of an alias writ against them, petitioners filed in the same case an *Urgent Motion to Cancel and Recall the 2nd Alias Writ of Execution*, which motion they set for hearing on 8 May 1998. Before the motion could be heard on the date therein requested, I.N.K. filed an opposition thereto on 05 May 1998, which opposition was allegedly received by the herein petitioners only on 13 May 1998.

On the basis of the allegations of the herein petitioners in their aforementioned Urgent Motion to Cancel and Recall 2nd Alias Writ of Execution, and I.N.K.'s opposition thereto, the respondent judge, without conducting any hearing on the said urgent motion, issued the herein second assailed **Order dated 07 May 1998**, [9] the full text of which reads:

Plaintiffs [now petitioners] filed an Urgent Motion to Cancel and Recall 2nd Alias Writ of Execution on the following grounds: That plaintiff-movants were not afforded due process in the issuance of the Order dated April 22, 1998 of this Court and the corresponding 2nd Alias Writ of Execution issued on April 23, 1998; that movants were not parties to G.R. No. 83280 and therefore, this Court has no jurisdiction over them and that the issues of movants titles and their possession are pending in Br. 80 (Civil Case No. 49900) and in Br. 225 (Civil Case No. 95-25583).

Respondent [I.N.K./Bishop Manalo] alleged in his Opposition that he is entitled to a Writ of Execution as a matter of right considering that the judgment declaring lawful ownership of said respondent has long become final and executory.

That Civil Case No. 49900 is an action for annulment and cancellation of the TCTs of several defendants, however, the Honorable Supreme Court rendered a decision in the consolidated cases of Calalang and De Leon dismissing the petition and declaring respondent I.N.K.'s title over Lot 671 uncontrovertible and indefeasible.

That Civil Case No. 95-25583 involves the validity of the closure by I.N.K. of a portion of Abenojar Street which is but an exercise of its dominical rights.

After evaluating the arguments of both parties, decisive on the incident is the decision of the Supreme Court in favor of the respondent I.N.K., represented by its titular and spiritual head Bishop Eraño G. Manalo, sustaining its ownership over the subject Lot 671, this Court could do no less but to follow and give substantial meaning to its ownership which shall include all dominical rights by way of a Writ of Execution. To delay the issuance of such writ is a denial of justice due the I.N.K.

WHEREFORE, premises above considered, finding no merit in plaintiffs' [now petitioners'] Urgent Motion to Cancel and Recall 2nd Alias Writ of Execution, the same is hereby DENIED.

The Order of this Court dated April 22, 1998 and the 2nd Alias Writ of Execution issued on April 23, 1998 STAND.

SO ORDERED. (Words in brackets added.)

On the same day — 07 May 1998 — Sheriff Cachero effected the enforcement of the 2nd Alias Writ of Execution by evicting the herein petitioners from their claimed properties.

Herein petitioners went to the CA *via* a petition for *certiorari* and prohibition with

prayer for a writ of preliminary injunction and/or temporary restraining order and preliminary mandatory injunction with damages, thereat docketed as *CA-G.R. SP No. 47706*, claiming that the respondent judge committed grave abuse of discretion in issuing the 2nd Alias Writ of Execution, without notice and hearing, against them even as they were not parties to the injunction suit (Civil Case No. Q-45767). They further argued that the ***Calalang decision*** merely affirmed the respondent judge's dismissal of the injunction suit (*Civil Case No. Q-45767*) and therefore, there was nothing for said respondent to execute.

After hearing the parties on oral arguments and upon submission of their respective memoranda, the appellate court, in its herein assailed Decision of 08 June 2000, denied the petition in *CA-G.R. SP No. 47706* and affirmed the assailed orders of the respondent judge in *Civil Case No. Q-45767*, to wit:

WHEREFORE, in view of the foregoing, the Petition is **DENIED**. The April 22, 1998 and May 7, 1998 Orders of Judge Pedro T. Santiago are hereby **AFFIRMED**. No pronouncement as to costs.

SO ORDERED.

Hence, the petitioners' present recourse claiming that the CA erred —

I.

XXX IN UPHOLDING THE VALIDITY OF THE 2ND ALIAS WRIT OF EXECUTION THAT WAS ISSUED BY THE RESPONDENT JUDGE DATED APRIL 22, 1998 IN CIVIL CASE NO. 45767, UPON AN EX-PARTE MOTION OF PRIVATE RESPONDENT, FOR THE INCLUSION OF PETITIONERS IN THE WRIT FOR THE FIRST TIME, WITHOUT NOTICE TO PETITIONERS NOR WAS IT SET FOR HEARING, WHEN THE MOTION ADVERSELY PREJUDICED THE RIGHTS OF PETITIONERS, IN VIOLATION OF THE MANDATORY PROVISIONS OF THE RULES OF COURT.

II.

XXX IN UPHOLDING THE ORDER OF THE RESPONDENT JUDGE DATED MAY 7, 1998 DENYING THE URGENT MOTION TO RECALL THE 2ND ALIAS WRIT OF EXECUTION FILED BY PETITIONERS WITH NOTICE OF HEARING ON MAY 8, 1998 AT 8:30 A.M., BEFORE PETITIONERS COULD BE HEARD, NOR WITHOUT GIVING THEM AN OPPORTUNITY TO COMMENT ON THE OPPOSITION OF PRIVATE RESPONDENT TO THEIR URGENT MOTION.

III.

XXX IN UPHOLDING THE ENFORCEMENT OF SAID 2ND ALIAS WRIT OF EXECUTION OF THE JUDGMENT OF THIS HONORABLE COURT IN CALALANG WHICH ONLY RESULTED IN THE DISMISSAL OF THE PETITION FOR INJUNCTION SO THERE WAS NOTHING TO EXECUTE.

IV.