

FIRST DIVISION

[CA-G.R. SP No. 127205, May 20, 2014]

**SPOUSES MARILOU R. BONGA AND OSCAR D. BONGA,
PETITIONERS, VS. HON. JUDGE AURORA A. HERNANDEZ-
CALLED, IN HER CAPACITY AS PRESIDING JUDGE OF THE
REGIONAL TRIAL COURT, BRANCH 87, QUEZON CITY, AND
SPOUSES MARILYN MATRIZ LACAP AND JEROME LACAP,
RESPONDENTS.**

D E C I S I O N

BARRIOS, M. M., J.:

This is a Petition for Certiorari under Rule 65 of Rules of Court assailing, on the ground of grave abuse of discretion amounting to lack of or in excess of jurisdiction, the Decision dated 28 February 2012 of the Regional Trial Court (RTC), Branch 87, Quezon City in Civil Case No. Q-11-70124, which affirmed the eviction of petitioners from the subject premises. According to petitioner, her constitutional rights to due process of law and the opportunity to be heard were suppressed.

Also assailed is the Order dated 03 August 2012 of the RTC denying petitioners' motion for reconsideration.

THE ANTECEDENT FACTS

Private respondent Marilyn Matriz-Lacap is the owner of a two hundred eleven (211) square meter property located at East Road, Barangay San Roque, Quezon City and covered by Transfer Certificate of Title (TCT) No. N-320492^[1] in her name. This property, along with three (3) apartment units standing thereon, was inherited by respondent Marilyn from her deceased parents.

One of the apartments, Unit No. 2-B-2 or 27-C, is occupied by petitioners-spouses by way of lease from the parents of respondent Marilyn - Carmen and Gabriel Matriz - who, incidentally, died in 2000 and 2004. However, petitioner Marilou Bonga continued to stay on the subject unit even though no new lease agreement was executed in her favor by respondent Marilyn nor any of the Matriz' heirs.

After registering the inherited property in her name in the year 2008, respondent Marilyn informed petitioner Marilou that she is now the exclusive owner of subject apartment unit and asked the latter to vacate the premises on three (3) grounds, viz: a) that the latter had no more right to stay in the subject unit after Gabriel Matriz died in 2004; b) that the latter never paid rentals since 1998; and c) that as owner, the former now wish to use the subject unit. However, petitioner Marilou refused to heed the order, contending that the subject unit was donated to her by the late Gabriel Matriz.

As a consequence, respondent Marilyn referred the dispute to the Barangay Council in their area for conciliation, but sadly, no amicable settlement was reached by the

parties. This prompted respondent Marilyn to serve several demand letters to petitioner Marilou – the last of which was sent on 14 September 2009 - directing the latter to vacate the premises within fifteen (15) days from receipt. However, despite notice, petitioner Marilou remained defiant.

On 05 July 2010, respondent Marilyn filed the instant case for unlawful detainer against petitioner Marilou and all persons claiming rights under her before the Metropolitan Trial Court (MeTC) of Quezon City praying that the latter vacate subject premises and turn-over possession to her, and for the latter to pay reasonable rental fees until they actually leave subject apartment unit.

At first, petitioner Marilou filed a Motion to Dismiss for lack of jurisdiction over the subject matter of the complaint. By way of opposition, respondent Marilyn countered that the motion should not be entertained and denied outright for failure of petitioner Marilou's counsel to comply with the Mandatory Continuing Legal Education (MCLE) requirements.

In an Order dated 01 December 2010, MeTC, Branch 32 of Quezon City expunged from the records the motion to dismiss on the ground that the counsel of petitioner Marilou – Atty. Eliseo P. Pitargue - failed to comply with Bar Matter No. 1922 that mandates him to indicate his MCLE Certificate of Compliance Number for the immediately preceding compliance period. Although the rules provide that said pro forma motion is a mere scrap of paper which did not interrupt the running of the reglementary period to file a responsive pleading, in the interest of justice and equity, the MeTC still afforded petitioner Marilou a fresh period of five (5) days to file her Answer. However, in the Answer filed, the same Atty. Pitargue – as counsel - did not again declare such MCLE Certificate of Compliance Number, and thus, prompted the MeTC to expunge the Answer from the records per Order dated 26 April 2011.

On 17 June 2011, the MeTC rendered a Decision in favor of respondent Marilyn, the decretal portion of which reads:

"x. x. x.

WHEREFORE, judgment is rendered in favor of the plaintiff, Marilyn Matriz-Lacap. The defendant, Marilou Roncales-Bonga and all persons claiming right under her are directed to vacate and surrender the premises to the plaintiff. The defendant is further directed to pay the plaintiff P20,000.00 as attorney's fees."

On 19 July 2011, petitioner Marilou appealed to the RTC of Quezon City. Meanwhile, respondent Marilyn moved to execute the decision of the court *a quo* pending appeal due to the failure of petitioner Marilou to post a bond to stay the same. In the Order dated 16 January 2012, RTC, Branch 87, Quezon City granted the motion, and ordered the issuance and implementation of the Writ of Execution. Petitioner Marilou moved for a reconsideration, but the same was denied in the Order dated 23 February 2012.

After evaluating the parties' respective Memoranda, the RTC rendered the now assailed Decision dated 28 February 2012 denying the appeal and affirming in full the decision of the MeTC. It opined that respondent Marilyn is entitled to the relief of unlawful detainer for she sufficiently proved that petitioner Marilou unlawfully withheld from her the possession and use of subject properties, and that the complaint was filed within the one-year (1) reglementary period.