

SECOND DIVISION

[CA-G.R. SP NO. 84066, August 03, 2006]

**ALLEGRO RESOURCES CORPORATION, PETITIONER, VS.
MELINDA S. TOLENTINO, ET AL., RESPONDENTS.**

**WILLIAM LIM, PETITIONER, VS. ALLEGRO RESOURCES
CORPORATION, RESPONDENT.**

D E C I S I O N

ENRIQUEZ, JR., J.:

These are consolidated petitions for review under Rule 42 of the 1997 Rules of Civil Procedure, as amended, seeking to set aside the Order dated April 27, 2004 issued by the Regional Trial Court (RTC), Branch 71, Pasig City, in SCA Nos. 2433 to 2478, the pertinent portion of which reads:

"The motion for reconsideration filed by Atty. Leonardo, for all defendants except Lim, insofar as the issue of the excessiveness of the awarded back rentals, with its merit, is hereby GRANTED. The supplemental motion for reconsideration filed by Atty. Vicente, for defendant Lim, is also ALLOWED.

The questioned decision is hereby modified insofar as the award of damages or back rentals, attorney's fees, interest and VAT is involved.

The dispositive portion of the Decision dated November 28, 2003 is, as MODIFIED, read (sic) as follows:

"WHEREFORE, judgment is hereby ordered (rendered) in favor of plaintiff and against the defendants:

1. SETTING ASIDE the Consolidated Decision dated March 7, 2003, with costs of suit.
2. ORDERING defendants and all persons claiming rights under them to vacate the respective stalls/premises they are occupying and to restore the peaceful possession to plaintiff.
3. ORDERING the defendants to pay plaintiff the amount of P10,000.00 EACH, as and by way of attorney's fees.
4. ORDERING the following defendants to pay plaintiff the back rentals as of August 31, 2002 including the monthly rentals beginning September 1, 2002, without VAT, until they shall vacate the stalls/premises, thus:

1. MELINDA TOLENTINO – P120,000.00 plus P10,000.00 per month beginning September 1, 2002.
2. CORAZON REYNOSO – P120,000.00 plus P10,000.00 per month beginning September 1, 2002.
3. MA. THERESA JAURIGUE – P180,000.00 plus P15,000.00 per month beginning September 1, 2002.
P120,000.00 plus P10,000.00 per month beginning September 1, 2002 until April 30, 2003 when she vacated the stalls.
4. ZENAIDA SANANDANAN – P90,000.00 plus P7,500.00 per month beginning September 1, 2002 until April 30, 2003 when she vacated the stalls.
5. LORNA BULANADI – P270,000.00 plus P22,500.00 per month beginning September 1, 2002.

P180,000.00 plus P15,000.00 per month beginning September 1, 2002.

P300,000.00 plus P25,000.00 per month beginning September 1, 2002.

P330,000.00 plus P27,500.00 per month beginning September 2002 plus 5% VAT.
6. ANNIE MACEDA – P725,753.67 plus P55,000.00 per month beginning September 1, 2002 plus P11,113.49 for unpaid utilities from February 16-May 15.
7. AILEEN LOPEZ – P270,000.00 plus P22,500.00 per month beginning September 1, 2002.
8. MA. THERESA SEKINE – P210,000.00 plus P22,500.00 per month beginning September 1, 2002.
9. TAN KIN GUAN – P270,000.00 plus P22,500.00 per month beginning September 1, 2002.
10. GREGORIA GOCHUICO – P90,000.00 plus P7,500.00 per month beginning September 1, 2002.
11. MANUEL ANGELES – P80,000.00 per month beginning September 1, 2002 until December, 2002 when he vacated the stalls.
12. CONCEPCION GOHU – P240,000.00 plus P20,000.00 per month beginning September 1, 2002.
13. BELINDA PAMINTUAN – P120,000.00 plus P10,000.00 per month beginning September 1, 2002.

14. MARIANO PACIOLES, JR. – P330,000.00 plus P27,500.00 per month beginning September 1, 2002.
15. CARLA CASTAÑEDA – P240,000.00 plus P20,000.00 per month beginning September 1, 2002 until April 30, 2003 when she vacated the stalls.
16. JEAN YAO – P170,000.00 plus P10,000.00 per month beginning September 1, 2002.
17. LEOPOLDO MANGUBAT – P371,976.17 plus P25,000.00 per month beginning September 1, 2002.
18. MELVIN BALCITA – P330,000.00 plus P27,500.00 per month beginning September 1, 2002.
19. LOURDES VILLARAZA – P120,000.00 plus P10,000.00 per month beginning September 1, 2002.
20. MARYANN HERNANDEZ – P120,000.00 plus P10,000.00 per month beginning September 1, 2002.
21. CRISTINA YU – P150,000.00 plus P12,500.00 per month beginning September 1, 2002.
22. ROSARIO (sic) APOLONIO – P120,000.00 plus P10,000.00 per month beginning September 1, 2002.
23. MICHAEL MARTINEZ – P120,000.00 plus P10,000.00 per month beginning September 1, 2002.
24. ARIEL MARALIT – P120,000.00 plus P10,000.00 per month beginning September 1, 2002.
25. ARTHUR PAMINTUAN – P150,000.00 plus P10,000.00 per month beginning September 1, 2002.
26. ALBERTO FRANCISCO – P150,000.00 plus P12,500.00 per month beginning September 1, 2002 until April 30, 2003 when she vacated the stalls.
27. JENNIFER ENRIQUEZ – P330,000.00 plus P27,500.00 per month beginning September 1, 2002.
28. JULIET PAMINTUAN – P150,000.00 plus P2,500.00 per month beginning September 1, 2002.
29. ANNA LAO – P15,000.00 for two (2) months as she vacated the premises in October, 2001.

30. WILHELMINA ALCANTARA – P90,000.00 plus P7,500.00 per month beginning September 1, 2002.
31. ELIZABETH PAMINTUAN – P270,000.00 plus P22,500.00 per month beginning September 1, 2002.
32. EDUARDO ONG – P180,000.00 plus P15,000.00 per month beginning September 1, 2002.
33. FLOREN REYES – P120,000.00 plus P10,000.00 per month beginning September 1, 2002.
34. FLORITA PAMINTUAN – P150,000.00 plus P12,500.00 per month beginning September 1, 2002.
35. ZENAIDA YUMANG – P240,000.00 plus P20,000.00 per month beginning September 1, 2002.
36. WILLIAM LIM – P103,511.20 as he already vacated his stall as of February 26, 2002.

Counterclaims are hereby DISMISSED for lack of merit.

SO ORDERED.”

The facts of the case as culled from the records are as follows:

Ortigas & Company Limited Partnership (hereafter Ortigas) is the owner of a commercial building known as the Greenhills Shoppesville Arcade (GSA) situated at Greenhills, San Juan, Metro Manila.

On September 3, 2001, Allegro Resources Corporation (hereafter Allegro) and Ortigas entered into a contract of lease involving the entire GSA. Said contract of lease has a term of three (3) years from September 1, 2001 until December 31, 2004.

Pursuant to the said lease contract, Ortigas informed the stallholders who are members of Greenhills Shoppesville Unit Lessees Association, Inc. (GSULAI) that it was awarding the lease to Allegro. The herein 36 stallholders (collectively referred to as private respondents) refused to recognize Allegro as the new lessee and likewise refused and failed to pay their monthly rentals to Allegro.

In view thereof, Allegro demanded private respondents to vacate the leased premises and to pay the sub-lease rentals. Said demand was unheeded with the private respondents remaining in possession of the leased premises. As such, a complaint for ejectment was filed against them. In its complaint, Allegro sought the eviction of herein private respondents, payment of unpaid sub-lease rentals plus 10% VAT and attorney's fees.

The several ejectment cases were consolidated before the Metropolitan Trial Court (MeTC), Branch 57, San Juan, Metro Manila. After due proceedings, on March 7,

2003, the MeTC rendered its consolidated decision, the dispositive portion of which reads:

“**WHEREFORE**, viewed from the foregoing premises, judgment is hereby rendered **DISMISSING** the above-entitled cases.

The counterclaims of defendants are likewise dismissed for failure to prove the same.

No pronouncement as to costs.

SO ORDERED.”

On appeal, the RTC-Branch 71, Pasig City, rendered its decision dated November 28, 2003, the dispositive portion of which reads:

“WHEREFORE, judgment is hereby ordered in favor of plaintiff and against the defendants:

1. SETTING ASIDE the Consolidated Decision dated March 7, 2003, with costs of suit.
2. ORDERING defendants and all persons claiming rights under them to vacate the respective stalls/premises they are occupying and to restore the peaceful possession to plaintiff.
3. ORDERING the defendants to pay plaintiff the amount of P50,000.00 EACH, as and by way of attorney’s fees.
4. ORDERING the following defendants to pay plaintiff the enumerated back rentals as of AUGUST 2002 with 12% legal rate of interest per annum from November 28, 2003 including the monthly rentals/charges plus 5% VAT beginning SEPTEMBER 2002 until they finally vacate the premises, thus:
 1. MELINDA TOLENTINO - P297,580.94 plus P20,000.00 per month beginning September, 2002 plus 5% VAT.
 2. CORAZON REYNOSO – P297,580.94 plus P20,000.00 per month beginning September, 2002 plus 5% VAT.
 3. MA. THERESA JAURIGUE – P297,580.94 plus P20,000.00 per month beginning September, 2002 plus 5% VAT.

P446,371.42 plus P20,000.00 per month beginning September, 2002 plus 5% VAT.
 4. ZENAIDA SANANDANAN – P223,185.71 plus P15,000.00 per month beginning September, 2002 plus 5% VAT.
 5. LORNA BULANADI – P613,313.77 plus P45,000.00 per month beginning September, 2002 plus 5% VAT.