

## THIRD DIVISION

[ G.R. No. 193592, February 05, 2014 ]

**PASIG PRINTING CORPORATION, PETITIONER, VS. ROCKLAND CONSTRUCTION COMPANY, INC., RESPONDENT.**

[G.R. No. 193610]

**REPUBLIC OF THE PHILIPPINES, REPRESENTED BY THE PRESIDENTIAL COMMISSION ON GOOD GOVERNMENT (PCGG) AND MID-PASIG LAND DEVELOPMENT CORPORATION (MPLDC), PETITIONER, VS. ROCKLAND CONSTRUCTION COMPANY, INC., RESPONDENT.**

[G.R. No. 193686]

**MID-PASIG LAND DEVELOPMENT CORPORATION, (MPLDC), PETITIONER, VS. ROCKLAND CONSTRUCTION COMPANY, INC., RESPONDENT.**

## R E S O L U T I O N

**MENDOZA, J.:**

This resolves the motions for reconsideration filed by (1) Pasig Printing Corporation (*PPC*),<sup>[1]</sup> and the (2) Republic of the Philippines represented by the Presidential Commission on Good Government (*PCGG*) and Mid-Pasig Land Development Corporation (*MPLDC*),<sup>[2]</sup> collectively referred herein as movants, seeking reconsideration and/or clarification of the February 2, 2011 Resolution<sup>[3]</sup> rendered by this Court in G.R. No. 193592 and G.R. No. 193610, dismissing the petitions for being moot and academic; and in G.R. No. 193686, declaring it closed and terminated as no petition had been filed within the requested extension time.

In the February 2, 2011 Resolution, the Court dismissed the movants' petition for review on certiorari, which assailed the May 11, 2010 Decision and the August 27, 2010 Resolution (*collectively, issuances*) of the Court of Appeals (*CA*) in CA-G.R. SP No. 101202, in light of its ruling in *Mid-Pasig Land Development Corporation v. Mario Tablante, et al.*<sup>[4]</sup> (*Tablante*). The *CA* held that the issue of possession over the Payanig property or Home Depot property (*subject property*) had become moot and academic considering the expiration of the 3-year extended period of the contract of lease between *MPLDC* and Rockland Construction Company (*Rockland*).

The crux of this controversy is the issue of possession covering the subject property registered in the name of *MPLDC*. This had been the subject of three cases filed with the trial courts.

It all started when *MPLDC* leased the subject property to *ECRM Enterprises (ECRM)*.

Subsequently, ECRM assigned all its rights in the contract of lease including the option to renew to Rockland. Later, Rockland erected a building on the area and subleased certain portions to MC Home Depot. In December of 2000, MPLDC demanded that Rockland vacate the property.

To pre-empt any action by MPLDC, on January 11, 2001, Rockland filed the *first* of the three cases – a civil case for specific performance docketed as Civil Case No. 68213, asking MPLDC to execute a 3-year extended contract of lease in its favor.

To protect its interest, on August 22, 2001, MPLDC filed the *second* case, an unlawful detainer case, before the Metropolitan Trial Court of Pasig City (*MeTC*), where it was docketed as Civil Case No. 8788.

The specific performance case (Civil Case No. 68213) reached its way to the Court when MPLDC filed a petition questioning the CA affirmation of the RTC's denial of its motion to dismiss on account of the subsequent filing of the unlawful detainer case (Civil Case No. 8788) with the MeTC. Before the Court could rule on the merits of the petition with regard to the specific performance case, the separate unlawful detainer case was dismissed by the MeTC on April 29, 2002, reasoning out that the issue sought to be resolved was not one of possession, but an exercise of the option to renew a contract cognizable by the RTC.

On October 8, 2003, the Court granted MPLDC's petition, stating, among others, that the issues in the specific performance case should be addressed in the unlawful detainer proceedings before the MeTC, thus, the specific performance case was dismissed.

At this point, the CA decision in the unlawful detainer case was elevated to the Court as G.R No. 162924, entitled *Mid-Pasig Land Development Corporation v. Mario Tablante (Tablante)*.

On February 4, 2010, in *Tablante*, the Court declared that a remand to the MeTC for the unlawful detainer case would have been proper if not for the circumstances which rendered the issue of possession moot and academic. Hence, the Court declared the case as closed and terminated. The Court disposed:

**WHEREFORE**, the petition is **GRANTED**. The assailed Resolution of the Court of Appeals are **REVERSED** and **SET ASIDE**. However, in view of the developments which have rendered the issue of the right of possession over the subject property moot and academic, the main case is hereby considered **CLOSED AND TERMINATED**.

No pronouncement as to costs.

**SO ORDERED.**<sup>[5]</sup>

Despite its mootness as held in *Tablante*, the issue of possession again surfaced in the *third* case, an indirect contempt case pending before the RTC docketed as SCA Case No. 2673. This was filed against MPLDC for its refusal to reconnect the electric supply in the subject property. On September 17, 2004, this case was dismissed. The RTC, however, awarded the possession to MPLDC with Rockland being ordered to refrain from exercising any possessory rights over the same.

On October 12, 2004, PPC moved to intervene in SCA Case No. 2673, claiming interest over the property based on an alleged option to lease granted to it by MPLDC on March 1, 2004.

On November 12, 2004, the RTC issued the Omnibus Order denying Rockland's motion for reconsideration on the dismissal of the indirect contempt case, granting PPC's motion to intervene, and ordering the immediate implementation of the September 17, 2004 Resolution. As ordered by the RTC:

WHEREFORE, premises considered, the Motion for Reconsideration, dated September 27, 2004, is denied and the dispositive portion of this Court's Resolution, dated September 17, 2004, is hereby reiterated and re-affirmed.

Moreover, the instant Urgent Motion to Intervene, filed by Intervenor Pasig Printing Corporation, is hereby granted. Likewise, the prayer for immediate execution of the Resolution of this Court, dated September 17, 2004, is also hereby granted.

Consequently, pursuant to the Intervenor's prayer, the Court's Sheriff is hereby directed to implement forthwith the subject Resolution, dated September 17, 2004, employing reasonable force, if necessary, including the padlocking of the MC Home Depot premises, located at Ortigas Avenue corner Meralco Avenue, Pasig City, Metro Manila and make the corresponding return thereon immediately. Let the Clerk of Court issue the corresponding Writ of Execution for the implementation of the subject Resolution dated September 17, 2004.

SO ORDERED.<sup>[6]</sup>

On November 16, 2004, the above resolution was implemented by the Sheriff, thus, possession of the subject property was turned over to PPC on the basis of the option to lease agreement with MPLDC.

On appeal, the CA affirmed, in its Decision,<sup>[7]</sup> dated *January 25, 2005*, the dismissal of the indirect contempt case, but annulled the award of possession to MPLDC. The dispositive portion of the said decision reads:

WHEREFORE, the assailed Resolution dated September 17, 2004 and the Omnibus Order dated November 12, 2004 are hereby partially **AFFIRMED**, that is, **only** insofar as they dismissed the charge for indirect contempt against Mid-Pasig Land Development Corporation, Ernesto R. Jalandoni, Manila Electric Company and Alfonso Y. Lacap. The same Resolution and Omnibus Order are **ANNULLED and SET ASIDE** in all other respects, specifically insofar as they 1) declared Mid-Pasig as the rightful possessor of the subject property; 2) ordered Rockland to refrain from exercising any possessory right over the same; and 3) granted Pasig Printing Corporation's Motion to Intervene and for Immediate Execution. Accordingly, the Writ of Execution issued on November 16, 2004, by virtue of which the possession of the subject property was turned over to private respondent Pasig Printing