

SECOND DIVISION

[G.R. No. 182547, January 10, 2011]

CHINA BANKING CORPORATION, PETITIONER, VS. ARMI S. ABEL, RESPONDENT.

DECISION

ABAD, J.:

This case is about the trial court's grant of a petition for the issuance of a writ of possession before the possessor of the property could be heard on her opposition and its subsequent denial of her motion for reconsideration.

The Facts and the Case

In a foreclosure sale, petitioner China Banking Corporation (China Bank) acquired title^[1] over respondent Armi S. Abel's property at La Vista Subdivision, Quezon City, she having failed to pay her loan. To enforce its ownership, in January 2003 China Bank filed with the Regional Trial Court (RTC) of Quezon City in LRC Case Q-16014(03) an *ex parte* petition for the issuance of a writ of possession in its favor.

On October 2, 2003 the RTC rendered a decision, granting China Bank's petition and directing the issuance of a writ of possession over the property in its favor. Abel appealed from this decision but lost her appeal^[2] in the Court of Appeals (CA). She filed a petition for review before this Court in G.R. 169229 but this, too, failed. She filed a motion for reconsideration and a second similar motion without success. The Court's judgment became final and executory and, eventually, the record of her case was remanded to the RTC for execution.

China Bank filed a motion for execution with the RTC, setting it for hearing on June 8, 2007. On June 7, 2007 Abel filed a motion to cancel and reset the hearing on the ground that she needed more time to comment on or oppose the bank's motion. On June 8, 2007 the RTC granted her the 10-day period she asked but "from notice."

On June 19, 2007, noting Abel's failure to file her opposition to or comment on the motion for execution, the RTC issued an Order granting China Bank's motion. After being served with the notice to vacate, Abel filed on June 21, 2007 an omnibus urgent motion for reconsideration and to admit her opposition to the bank's motion for execution. She set her urgent motion for hearing on June 29, 2007. On June 22, 2007, however, the day after receiving her motion, the RTC denied the same for lack of merit.

On June 25, 2007 the sheriff implemented the writ against Abel and placed China Bank in possession of the subject property. On even date, Abel filed a petition for *certiorari* with the CA in CA-G.R. SP 99413, assailing the RTC's June 19 and 22, 2007 Orders. On July 2, 2007, a Saturday, Abel took back possession of the