

THIRD DIVISION

[G.R. NO. 157866, February 14, 2007]

**AUGUSTO MANGAHAS AND MARILOU VERDEJO, PETITIONERS,
VS. HON. JUDGE VICTORIA ISABEL PAREDES, PRESIDING
JUDGE, BR. 124, REGIONAL TRIAL COURT, CALOOCAN CITY;
SHERIFF ERLITO BACHO, BR. 124, REGIONAL TRIAL COURT,
CALOOCAN CITY; AND AVELINO BANAAG, RESPONDENTS.**

D E C I S I O N

CHICO-NAZARIO, J.:

This petition for Declaratory Relief, *Certiorari*, Prohibition With Prayer For Provisional Remedy filed by petitioners Augusto Mangahas and Marilou Verdejo seeks to nullify and set aside the 14 February 2003 Order^[1] of the Regional Trial Court (RTC), Branch 124, Caloocan City, denying their Motion to Suspend Execution in Civil Case No. C-19097.

The instant controversy arose from a verified complaint for Ejectment filed by private respondent Avelino Banaag on 31 January 1997 before the Metropolitan Trial Court (MeTC), Branch 49, Caloocan City, against petitioners. Private respondent alleged that he is the registered owner of the disputed property identified as Lot 4, Block 21, located in Maligaya Park Subdivision, Caloocan City, as evidenced by Transfer Certificate of Title (TCT) No. 196025 of the Registry of Deeds of Caloocan City. Private respondent averred that petitioners constructed houses on the property without his knowledge and consent and that several demands were made, but the same fell on deaf ears as petitioners refused to vacate the premises. This prompted private respondent to refer the matter to the Lupon Tagapayapa for conciliation. The recourse proved futile since the parties were not able to settle amicably. Private respondent then filed an ejectment suit before the MeTC.

On 23 April 1997, petitioners filed their answer denying having unlawfully deprived private respondent possession of the contested property. Petitioners claimed that they have resided in the subject lot with the knowledge and conformity of the true owner thereof, Pinagkamaligan Indo-Agro Development Corporation (PIADECO), as evidenced by a Certificate of Occupancy signed by PIADECO's president in their favor.

On 10 July 1997, petitioners filed a Manifestation And Motion To Suspend Proceedings on the ground that the subject property is part of the Tala Estate and that the RTC of Quezon City, Branch 85, in Civil Case No. Q-96-29810 issued a Writ of Preliminary Injunction dated 10 November 1997, enjoining the MeTCs of Quezon City and Caloocan City from ordering the eviction and demolition of all occupants of the Tala Estate. They posited that the injunction issued by the Quezon City RTC is enforceable in Caloocan City because both cities are situated within the National Capital Region.

In an order dated 7 August 1997, the MeTC denied said manifestation and motion. It ratiocinated that the injunction issued by the Quezon City RTC has binding effect only within the territorial boundaries of the said court and since Caloocan City is not within the territorial area of same, the injunction it issued is null and void for lack of jurisdiction.

For failure of the parties to arrive at a compromise agreement during the preliminary conference, they were required to submit their respective position papers containing their positions on the following issues: (a) whether or not the torrens title of private respondent is a valid basis of his right to eject petitioners, (b) whether the MeTC has jurisdiction to hear and decide the case, and (c) whether either the private respondent or petitioners are entitled to their respective claims for damages.

In their position paper, petitioners insisted that they are entitled to the possession of the land because they have been occupants thereof as early as 1978, long before the property was acquired by private respondent. Since they possessed the property for that long, the MeTC has no jurisdiction to hear and decide the case as ejectment suit applies only to instances where possession of the land lasted for a period of not more than one year. In addition, they claimed that private respondent has not proffered any evidence that he has prior physical possession over the property. Petitioners reiterated their posture in the motion to suspend proceedings wherein they urged the MeTC to respect the Writ of Preliminary Injunction issued by the Quezon City RTC. They also alleged that private respondent's certificate of title originated from a fictitious title.

In a decision dated 5 October 1999, the MeTC ruled for private respondent. It opined that TCT No. 196025 in private respondent's name was an indefeasible proof of his ownership of the lot and his inherent right to possess the same. This title entitled private respondent better right to possess the subject property over petitioners' Certificate of Occupancy executed in their favor by PIADECO. It held that it has jurisdiction over the controversy since private respondent filed the case within one year from the time the demand to vacate was given to petitioners. The decretal portion of the decision reads:

Wherefore, judgment is hereby rendered for the plaintiff, ordering defendants Augusto Mangahas, Victor Solis, Elisa M. Dionila, Joselito Mangahas and Rogelio Verdejo and all persons claiming right under them as follows:

- 1) To vacate the lot in question by removing their houses erected thereat and restore possession of the lot to the plaintiff;
- 2) To pay plaintiff a reasonable compensation for their use of the premises for the period from August, 1996 until the property is vacated at the rate of two thousand (P2,000.00) pesos per month;
- 3) To reimburse to plaintiff the sum of ten thousand (P10,000.00) pesos as and for attorney's fees; [and]
- 4) To pay the costs of this suit.^[2]

On 2 December 1999, petitioners appealed to the RTC, which case was docketed as Civil Case No. C-19097. In a Decision dated 16 November 2000, the trial court affirmed *in toto* the MeTC decision. It ruled that the MeTC was correct in denying petitioners' motion to suspend proceedings anchored on the Writ of Preliminary Injunction issued by the Quezon City RTC reasoning that the writ of the latter court is limited only to its territorial area, thus, the same has no binding effect on the MeTC of Caloocan City. It sustained the MeTC's ruling that the latter court has jurisdiction over the case as the same has been filed within the reglementary period from the date of demand to vacate. Furthermore, the RTC stated that the validity of private respondent's title cannot be assailed collaterally in the instant case.

On 18 December 2000, petitioners filed a motion for reconsideration which the RTC denied in a resolution dated 1 June 2001.

Unfazed, petitioners appealed the ruling of the RTC to the Court of Appeals on 6 June 2001 which was docketed as CA-G.R. SP No. 65076.

In a Decision^[3] dated 25 April 2002, the Court of Appeals affirmed the ruling of the RTC. Petitioners' Motion for Reconsideration was, likewise, denied in a Resolution dated 20 November 2002.

The decision of the Court of Appeals became final and executory on 13 December 2002.

Meanwhile, on 11 December 2000, private respondent filed with the RTC a motion for execution pending appeal which was opposed by petitioners. In an order dated 12 September 2001, the RTC granted the motion.

To implement and enforce its decision, the same court on 27 September 2001 issued a Writ of Execution. On 28 September 2001, petitioners filed a Motion to Reconsider Order dated 12 September 2001 which was denied in an order dated 5 February 2002.

On 17 January 2003, petitioners filed a Motion to Suspend Execution before the RTC. Said motion was denied in an order dated 14 February 2003. On 05 March 2003, Sheriff Erlito Bacho implemented and enforced the writ of execution.

Hence, the instant recourse.

At the outset it must be pointed out that petitioners' direct recourse to this Court *via* petition for Declaratory Relief, *Certiorari*, Prohibition With Prayer For Provisional Remedy is an utter disregard of the hierarchy of courts and should have been dismissed outright. This Court's original jurisdiction to issue writs of *certiorari*, prohibition, *mandamus*, *quo warranto*, *habeas corpus* and injunction is not exclusive.^[4] It is shared by this Court with the Regional Trial Courts and the Court of Appeals.^[5] Such concurrence of jurisdiction does not give the petitioners unbridled freedom of choice of court forum.^[6] A direct recourse of the Supreme Court's original jurisdiction to issue these writs should be allowed only when there are special and important reasons therefor, clearly and specifically set out in the petition.^[7]