

THIRD DIVISION

[G.R. No. 138377, February 28, 2000]

CONCEPCION V. AMAGAN, JOSEFINA V. AMAGAN AND DINA V. AMAGAN, PETITIONERS, VS. TEODORICO T. MARAYAG, RESPONDENT.

D E C I S I O N

PANGANIBAN, J.:

As a general rule, an ejectment suit cannot be abated or suspended by the mere filing before the regional trial court (RTC) of another action raising ownership of the property as an issue. As an exception, however, unlawful detainer actions may be suspended even on appeal, on considerations of equity, such as when the demolition of petitioners' house would result from the enforcement of the municipal circuit trial court (MCTC) judgment.

The Case

Before us is a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court, assailing the February 9, 1999 Resolution of the Court of Appeals (CA) in CA-GR SP No. 50472,^[1] which disposed as follows:

"It is plain to see that this Court, under its Decision, merely nullified the Order of the Respondent, dated November 26, 1996 granting Private Respondent's 'Motion for Execution Pending Appeal' and denying Petitioners' 'Motion for Reconsideration' [of] its said Order. This Court did not enjoin the Respondent Court from resolving Petitioners' appeal from the Decision of the Municipal [Circuit] Trial Court, on its merits.

"Petitioners' complaint for 'Quieting of Title and Reconveyance in Civil Case No. 1632' filed [at] the Regional Trial Court does not abate the proceeding in Civil Case No. 1671 (TG) before the Respondent Court (*Asset Privatization Trust v. Court of Appeals*, 229 SCRA 627; *Felicidad Javier, et al., versus Hon. Regino T. Veridiano, II, et al.*, 237 SCRA 565.

"In sum, then, the [im]pugned Orders of the Respondent Court are in accord with case law and issued in the exercise of its sound discretion.

"IN THE LIGHT OF ALL THE FOREGOING, the Petition is denied due course and is hereby dismissed. No cost.

"SO ORDERED."^[2]

Also challenged by petitioners is the April 22, 1999 CA Resolution^[3] denying their Motion for Reconsideration.

The Facts

The facts as found by the Court of Appeals are as follows:

"x x x. On June 3, 1996, the private respondent filed a complaint against the petitioners for '*unlawful detainer*' with the Municipal [Circuit] Trial Court in Silang, Cavite. On September 27, 1996, the trial court promulgated a Decision in favor of the private respondent and against the petitioners, the decretal portion of which reads as follows:

'IN VIEW OF THE FOREGOING, this Court finds for the plaintiff and against the defendants ordering the latter as follows:

1. To vacate the property of plaintiff located at San Vicente, Silang, Cavite containing an area of 420 square meters and covered by Tax Declaration No. 13023 and remove their house constructed thereon;
2. To pay plaintiff, jointly and severally, the amount of P10,000.00 starting from June 1, 1996 until the subject premises are fully vacated, as reasonable compensation for their continued unlawful use and occupation of the same and another amount of P50,000.00 as and by way of attorney's fees and other litigation expenses; and
3. To pay the cost of suit.

SO ORDERED.'

"The petitioners appealed to the Regional Trial Court of Cavite from said Decision, which appeal was docketed as Civil Case No. 1671. On November 26, 1996, the private respondent filed a '*Motion for Execution Pending Appeal*' with the Respondent Court which, on November 26, 1996, issued an Order granting said motion, the decretal portion of which reads as follows:

'As prayed for by the plaintiff(s), through (their) counsel, and finding the grounds alleged in their '*Motion for Immediate Exec(u)tion*' to be impressed with merit, the same is hereby GRANTED.

Accordingly, let a writ of execution pending appeal be issued in this case.'

"The Petitioners' '*Motion for Reconsideration*' [of] said Order, was denied by the Respondent Court per its Order dated February 21, 1997.

"In the interim, the petitioners filed, on December 10, 19[96], a complaint against private respondent in the Regional Trial Court for '*Quieting of Title, Reconveyance and Damages*,' entitled '*Concepcion v. Amagan, et al. versus Teodorico Marayag, Civil Case No. 1682 (TG)*.'

"The petitioners filed, a '*Petition for Certiorari*,' in the Court of Appeals, under Rule 65 of the Rules of Court, dated April 28, 1997, against the respondents for the nullification of the aforesaid Orders of the Respondent Court, dated November 26, 1996 and February 21, 1997, in *Civil Case No. 1671*, granting private respondent's '*Motion for Reconsideration*' respectively, which Petition was entitled '*Concepcion v. Amagan, et al., versus Regional Trial Court, et al., CA-G.R. [SP No. 43611]*.' This Court issued a Resolution granting petitioners' plea for a temporary restraining order which expired on June 25, 1997.

"On July 7, 1997, the private respondent filed, with the Respondent Court, in *Civil Case No. 1671 (TG)*, an '*Ex-Parte Omnibus Motion to Direct Sheriff To Make a Report And/Or Implement Writ of Execution and Declare the Case Submitted for Decision*' with the parties submitting to the Respondent Court their respective '*Memorandum on Appeal*.' The next day, July 18, 1997, this Court promulgated, in *CA-G.R. [SP No. 43611]*, a Decision in favor of the petitioners and against the respondents therein the decretal portion of which reads as follows:

'WHEREFORE, the Petition for *certiorari* is hereby GRANTED. Accordingly, the Order dated February 21, 1997, *allowing execution pending appeal is REVERSED and SET ASIDE*.'

On July 11, 1997, the Respondent Court issued an Order granting private respondent's *Omnibus Motion*,¹ *supra*. The private respondent likewise filed a '*Petition for Review*' with the Supreme Court, from the Decision of this Court in *CA-G.R. [SP No. 43611]* and its Resolution denying private respondent's '*Motion for Reconsideration*' but the Supreme Court, per its Resolution dated November 12, 1997, issued a Resolution denying private respondents['] '*Petition for Review*.' The Resolution of the Supreme Court became final and executory.

"On December 12, 1997, the private respondent filed with the Respondent Court, in *Civil Case No. TG-1671*, a '*Manifestation and Ex-Parte Motion*' praying that the Respondent Court resolve the case and promulgate its Decision on the merits. However, the petitioners filed an Opposition to private respondent's motion, contending that the proceedings before the Respondent Court, in *Civil Case No. 1671 (TG)*, be suspended pending decision, on the merits, of the Regional Trial Court, in *Civil Case No. 1682 (Quieting of Title, Reconveyance with Damages)*. On April 3, 1998, the Respondent Court issued its Order granting private respondent's motion, declaring that the Court, under its Decision, in *CA-G.R. [SP No. 43611]*, merely nullified its Order granting execution pending appeal but did not enjoin the Respondent Court from hearing and resolving *Civil Case No. 16[7]1* on the merits. The petitioners filed a '*Motion for Reconsideration*' of the aforesaid Order of the Respondent Court but the latter issued an Order dated December 14, 1998 denying petitioners' *Motion for Reconsideration*, in this language:

'Anent the Motion for Reconsideration, movants anchored their arguments that this Court should restrain itself from further proceeding with the appealed case because of the decision, resolution of the Court of Appeals, and resolution of the

Supreme Court. It is worthy to note that [what] was brought up with the higher Courts was the Order of the Court allowing the execution pending appeal, the said Order was reversed and set aside by the Court of Appeals[;] however, there was no permanent injunction that has been issued for this Court to stop from further proceeding with the case. The said motion is, therefore, DENIED for lack of merit.' "

The facts of this case may be simply summarized as follows. The MCTC rendered a Decision granting the ejectment suit filed by respondent against herein petitioners. While an appeal was pending before the RTC, respondent filed a Motion for immediate execution of the MCTC judgment, which was granted. However, the Court of Appeals^[4] later reversed the RTC Order granting the execution pending appeal, a reversal that was subsequently affirmed by the Supreme Court. Meanwhile, petitioners also filed before the RTC a new action for quieting of title involving the same property.

Petitioners thence claimed that the proceedings in the ejectment appeal should be suspended pending final judgment in the quieting of title case. The RTC ruled in the negative.

Ruling of the Court of Appeals

In sustaining the RTC, the CA held in two short paragraphs that its earlier Decision in CA-GR SP No. 43611 enjoined only the execution of the judgment pending appeal. Without discussing petitioners' plea for an exception, it curtly applied the jurisprudential principle that an action for quieting of title would not abate an ejectment suit.

Hence, this Petition.^[5]

The Issue

In their Memorandum, petitioners submitted for the consideration of the Court the following issues:

- I. Whether or not the 8 July 1997 Decision and 23 September 1997 Resolution of the Court of Appeals in CA-G.R. SP No. 43611 (Annex I), as affirmed *in toto* by the Supreme Court, called off and restrained the proceedings in this case;
- II. Whether or not the dispositive portion of the Decision in CA-G.R. SP No. 43611 should be referred to its body and text.
- III. Whether or not the Court of Appeals' Decision having been based on *Vda. de Legaspi vs. Avendano* x x x, is now final and executory as it was upheld by the Supreme Court *in toto*.
- IV. Whether or not *Lao vs. Court of Appeals* [x x x] is applicable to the present case, and
- V. Whether or not the Court of Appeals failed to consider and pass judgment on the exceptional nature of the present case."

^[6]

In the main, the issue is whether the peculiar circumstances of this case justify the suspension of the ejectment proceedings on appeal before the RTC, pending the