

THIRD DIVISION

[G.R. No. 129750, December 21, 1999]

LEONARDO T. REYES, PETITIONER, VS. COURT OF APPEALS, EL CID PAGURAYAN, ANTONIO SOLOMON, ANGELITO RANOSA, VILMA RAMOS, AND THE ALLEGED "TENANTS, OCCUPANTS AND BUILDERS IN GOOD FAITH" LISTED IN THE "LIST OF MOVANTS-INTERVENORS" ATTACHED AS ANNEX B^[1]

ZONE 2- MILAGROS M. ASIDO, MARILYN S. BASSIG, FEDERICO S. BULANADI, BIENVENIDO A. BUNAGAN, JR. CANDIDA A. BUNAGAN, MANUEL M. DE LA CRUZ, RAINERIO V. DE LEON, RICARDO M. DE LEON, ROMEO M. DE LEON, FERMIN A. GAMMAD, GERONIMO S. GAMMAD, PETRA C. GAMPONIA, PEDRO C. MALLILLIN, MARCIAL B. PAGADDUAN, LARRY O. MOORE, MELCHOR S. ONDIVILLA, ELCID D. PAGURAYAN, LAGRIMAS B. PALEG, ELENA P. DE POLONIA, JIMMY M. QUINTO, WOODRO S. QUINTO, VILMA C. RAMOS, ELEUTERIO G. ROLLOQUE, JOSE G. ROLLOQUE, JR., JOVEN C. RAMOS, FE BASILIO SEVILLEJA, JOSE D. TARUN, GEORGE F. ADDATU, WARLES A. MANDING, RANDY D. RAMOS, EMMANUEL GUZMAN, CARMELITA G. CORPUZ, FEDERICO L. VILLAMOR, EVA S. BATALLA, MARINA MARCOS, DIGNA O. GARO, VENUS P. REMIGIO AND CHAVE P. DELA CRUZ. ZONE 2-B- JULO S. BALORAN VICTORIANO D. BUNCAG, ARTEMIO T. CABARUAN, FLORENTINO A. CASTRO, BERNARDO R. COSILET, PEDRO D. DAMMAY, ARSENIO D. DERAY, NORMA M. DERAY, PILAR M. ESPADA, DOMINGO A. GALVEZ, DOMINADOR A. LACAMBRA, CERELINA A. LAZO, ANGEL C. MALLILLIN, REY C. MAPPATAO, GREG T. MARAMAG, MAXIMO MARCOS. ZONE 3- DONATO E. ALAGAO, MARCIANO L. BALIGA, JOSE D. BAGUIRAN, GILBERT P. BORDEY, ROSENILLA P. BORDEY, ANGELITA S. CABALZA, CARIDAD T. CASTANEDA, HERMINIA T. DALIUAG, MARCELINO C. FLORES, DOMINADOR B. GARCIA, ROGER A. GUIYAB, TERESITA C. INAN, JONATHAN D. MABASA, ALEJANDRA M. MACATUGGAL, ARMAND A. MARTINEZ, GREGORIO F. MARTINEZ, ILUMINADO F. MARTINEZ, EMMANUEL M. MAYOYO, ANGELITO G. RENOSA, ANTONIO D. SALOMON, ROLANDO C. SALOMON, ORLANDO E. VALERA, EDISON C. VENTURA, PERFECTA G. VENTURA, ROMEO M. VILLAVARDE AND ERNESTO YABUT. 1 TO THE PETITION IN CA-GR SP NO. 44378 OF THE HONORABLE COURT OF APPEALS, RESPONDENTS.

D E C I S I O N

GONZAGA-REYES, J.:

Before us is a petition for certiorari under Section 1 of Rule 65 which seeks to annul the Resolution^[2] of respondent court (Fourteenth Division) dated July 2, 1997, which is hereunder quoted in full:

"It appearing that the threatened execution of the writ of demolition against the petitioners will cause irreparable injury and will work injustice to them and there being a need to maintain the status quo further while this petition has not been resolved, let a writ of preliminary injunction issue upon the filing by the petitioners of a bond in the sum of P200.000.00, enjoining the respondents from implementing the Resolution dated May 26, 1997 and the alias Writ of Demolition dated May 30, 1997 in Civil Case No. 3039. (sic)

The motion of the respondents that this case be consolidated with CA-G.R. SP No. 42725 is denied, it appearing that this case can be decided independently of the question of ownership of the land.

This petition is hereby set for hearing at 10:30 A.M. on July 29, 1997 at the Moran Hall, Court of Appeals Main Building, Ermita, Manila at which time and date the parties may argue their respective positions.

SO ORDERD."

The antecedents material to the instant petition are:

Petitioner Leonardo T. Reyes is the plaintiff in Civil Case No. 2136 entitled Leonardo Reyes vs. Daniel Soriano et al. for Specific Performance and Damages which was decided on June 5, 1975 in favor of the plaintiff. To satisfy the judgment, the Deputy Provincial Sheriff of Cagayan levied on three (3) parcels of land belonging to Daniel, Diosdado, Damaso, Domingo, Jr., Dominador and Domitila, all surnamed Soriano. The levied properties were sold at public auction wherein petitioner Leonardo T. Reyes was the sole and highest bidder. Upon expiration of the one year period for the judgment debtor to exercise his right of redemption, the deed of absolute sale covering the properties was issued in favor of Reyes.

It appears that earlier, the judgment debtor had filed a case, Civil Case No. 3093, to annul the auction sale and certificate of sale in favor of Reyes. This case was decided in favor of Reyes. The Court of Appeals affirmed the decision with modification; Petition for Review on Certiorari was denied by the Supreme Court and the denial became final on July 27, 1992 per entry of judgment.

After attempts by the Sorianos to stop the execution of the judgment declaring the sale in favor of petitioner Reyes valid, had failed, a writ of execution was issued on November 26, 1996 directing the provincial sheriff "to enforce the Writ of Execution and to deliver the Writ of Possession to petitioner Reyes, commanding that Reyes be placed in possession of the Lots 3-A, 3-B, 3-E, 3-H and 3447-C-1, and to "eject the lessees and those acting in their behalf for the land subject of this unit." As a consequence, Lots 3-A 3-B, 3-E and 3-H (except Lot 3747-G-1) are now titled in the name of petitioner Reyes. The Sorianos and occupants (herein private respondents) refused to vacate the property, and a writ of demolition was issued upon motion.

The Sorianos and the private respondents herein, who claim to have been in the