

## **[SYLLABUS]**

**[ G.R. No. 116665, March 20, 1996 ]**

**MELQUIADES D. AZCUNA, JR., PETITIONER, VS. COURT OF APPEALS, ET AL., RESPONDENTS.**

### **D E C I S I O N**

**FRANCISCO, J.:**

Under a one (1) year lease contract commencing on July 1, 1992 and ending on June 30, 1993 but renewable upon agreement, herein petitioner Azcuna, Jr., as lessee, occupied three (3) units (C, E and F) of the building owned by private respondent Barcelona's family. Came expiration date of the lease without an agreed renewal thereof and coupled by petitioner's failure to surrender the leased units despite private respondent's demands, private respondent filed before the Municipal Trial Court an ejectment case against petitioner. Judgment of that inferior court, affirmed in its entirety by the Regional Trial Court and herein public respondent Court of Appeals on subsequent appeals taken by petitioner, favored private respondent, the decretal portion of which reads:

"PREMISES CONSIDERED, judgment is hereby rendered in favor of the plaintiff, Ernesto E. Barcelona, ordering the defendant Melquiades D. Azcuna, Jr., and all persons claiming rights under him to vacate the premises known as Units C, E and F, in the building owned by plaintiff's family located along Congressional Avenue, Quezon City. Defendant is likewise ordered to pay the following:

"1. The sum of P25,000.00 monthly as rental for continued use by defendant of the three (3) units of leased premises in question starting July 1, 1993 less the amount that have been deposited or given by the defendant to the plaintiff up to such time the defendant and all persons claiming rights under him finally vacate the aforesaid premises;

"2. The further sum of P3,000.00 per day, by way of damages for his failure to turn over peacefully the three (3) commercial spaces to the plaintiff from July 1, 1993 until such time the defendant and all persons claiming rights under him vacate the premises;

"3. The further sum of P5,000.00 by way of attorney's fees; and,

"4. The cost of this suit.

"The counter-claim of the defendant is hereby Dismissed, for lack of merit.

"SO ORDERED."