

THIRD DIVISION

[G.R. No. 116013, October 21, 1996]

ANANIAS SOCO AND FILEMON SOCO, PETITIONERS, VS. COURT OF APPEALS AND CLEMENTE L. SANTIAGO, RESPONDENTS.

DECISION

PANGANIBAN, J.:

When may a new fact, supervening event or circumstance justify the modification or non-enforcement of a final and executory judgment?

The instant petition for review on certiorari under Rule 45 of the Revised Rules of Court arose from a simple case for ejectment filed with the Municipal Trial Court (MTC) of Malolos, Bulacan, which for thirteen (13) long years had been dragged from one forum to another until it reached this Court. It assails as erroneous the Decision^[1] promulgated on February 16, 1994 and the Resolution^[2] promulgated on June 22, 1994 by the respondent Court of Appeals,^[3] dismissing their petition in CA-G.R. SP No. 32063, and denying their motion for reconsideration, respectively.

The Facts

Pertinent to the issue raised in this appeal, the following facts were presented before the public respondent:^[4]

"Private respondent (one of whom is private respondent Clemente Santiago in this petition) filed Civil Case No. 255, for ejectment, before the Municipal Trial Court on February 7, 1983 against petitioners Ananias and Filemon Soco. After hearing(,) judgment in favor of private respondents was rendered by the MTC on January 21, 1991 (Annex 'C', petition).

On appeal to the Regional Trial Court of Malolos, Bulacan, the MTC decision was affirmed in toto on May 9, 1991 (Annex 'I', Comment); Petitioners motion for reconsideration of the RTC decision was denied on August 21, 1991 on the basis of the ruling in Ramirez vs. Bleza, (106 SCRA 187), the court in part, stating:

'x x. First and foremost, let it be emphasized that the action at hand is for unlawful detainer and the other case for annulment of title pending before another sala of this court will not divest the municipal court of its jurisdiction to try the unlawful detainer case nor will it preclude or bar execution of judgment in the said case where the only issue involved is material possession or possession de facto x x.'

This decision of the RTC became final and executory on account of petitioners' failure to file their projected petition for review before the Court of Appeals, inspite of the fact that their motion for extension of time to file petition for review was duly granted. The decision in Civil Case No. 153-M-91 became final and executory. x x x

Upon motion filed by respondent Clemente Santiago, the presiding judge of the Municipal Trial Court of Malolos, Branch II issued an order giving herein petitioners seven (7) days to vacate otherwise 'this court will be constrained to issue a writ of demolition', dated May 19, 1993. On June 2, 1993, the order of demolition was issued.

To forestall enforcement of the writ of execution and the order of demolition, petitioners filed a petition for certiorari and injunction before the respondent RTC, which case was docketed as Civil Case No. 494-M-93.

After hearing, the respondent Court dismissed Civil Case No. 494-M-93 in an order dated July 20, 1993. The motion for reconsideration filed by petitioners was also denied in the order dated September 8, 1993."

Petitioners brought their cause to the public respondent, alleging among other things that certain facts and events had transpired which purportedly would render the execution of the MTC decision unjust and inequitable. The respondent Court as earlier mentioned decided the case against petitioners. Hence, this appeal.

The Issues

Petitioners submit the following statement-issue:^[5]

"WHETHER OR NOT, the inferior court (MTC of Malolos, Bulacan) can be prevented from issuing writ of execution and demolition in Civil Case 255, not only because of a serious question of ownership but actually a favorable Decision in Civil Case No. 562-M-90 of the RTC, Branch 17, Malolos, Bulacan in favor of petitioners."

The civil case being referred to was an action for inventory and appraisal of the properties, real and personal, of the late Basilio Santiago, as well as for the completion and delivery of the legitimes of the heirs of said decedent. The plaintiffs and defendants therein were relatives of the late Basilio Santiago by various marriages and common-law relationships. Herein petitioners were among several plaintiffs in said case, while herein private respondent was included among the defendants therein. The RTC decision in said case held that the probated will of the decedent violated and impaired the legitimes of the plaintiffs, and thus ordered the completion of their legitimes by, among other things, awarding plaintiffs a portion of the land occupied by them, corresponding to their impaired legitimes. The decision is now on appeal before the Court of Appeals.

Petitioners contend that respondent Court erred in not giving due course to their petition and in not enjoining the MTC from issuing a writ of execution and order of demolition in Civil Case No. 255 when there is (not merely a "serious question of ownership" involved but) actually a "favorable decision" rendered by the Regional

Trial Court in Civil Case No. 562-M-90 awarding in favor of petitioners "the very parcel of land occupied by them and the subject-matter of the ejectment case."^[6]

The Court's Ruling

Petitioners have failed to show that the respondent Court of Appeals committed any reversible error.

Interestingly, petitioners failed to obtain a favorable judgment from respondent Court not only because the above argument is untenable, but also because petitioners availed of the wrong mode of appeal. Instead of merely filing a notice of appeal with the court (RTC) which rendered the decision, a petition for review was availed of. Hence, respondent Court asseverated:^[7]

"This is a petition for review, obviously of the orders dated July 20, 1993 and September 8, 1993 issued by the respondent RTC in Civil Case No. 494-M-93, which is 'a verified petition for certiorari and injunction with prayer for the issuance of a temporary restraining order (to forestall the enforcement of the writ of execution and the order of demolition issued by the MTC) x x.' (Order dated June 25, 1993). The July 20, 1993 Order (Annex 'O') dismissed Civil Case No. 494-M-93. The order dated September 8, 1993 denied the motion for reconsideration of the July 20, 1993 order. In *Heirs of Ildefonso Coscolluela, Sr. vs. Rico General Insurance Corporation*, 179 SCRA 511, it has been ruled that 'a petition for review before the Court of Appeals could have been availed of if what is challenged is an adverse decision of the Regional Trial Court in its appellate capacity affirming, modifying or reversing a decision of a municipal trial court or lower tribunal. (Sec. 22, Batas Pambansa Blg. 129 and Section 22(6) of the Interim Rules). In this case, the petitioner assailed the dismissal order of the Regional Trial Court of a complaint originally filled with it. This adverse order which had the effect of a judgment on the merits, may be appealed to the Court of Appeals by filing a notice of appeal within fifteen (15) days from notice of the order both on question of law and of fact. (Section 39, Batas Pambansa Blg. 129 and Section 19 (a) of the Interim Rules). x x' (pp. 500-521)" (underscoring supplied)

As noted by the respondent Court in the herein-assailed Decision,^[8] the decision in MTC Civil Case No. 255 as affirmed in RTC Civil Case No. 153-M-91 had already become final and executory, due to petitioners' failure to file with the Court of Appeals a petition for review of the RTC decision, in spite of having secured an extension of time to do so. In this jurisdiction, the general rule is when a court's judgment or order becomes final and executory, it is the ministerial duty of the trial court to issue a writ of execution to enforce this judgment. A writ of execution may however be refused on equitable grounds as when there is a change in the situation of the parties that would make execution inequitable or when certain circumstances which transpired after judgment become final, render execution of judgment unjust.^[9]

Petitioners insist that the favorable judgment they obtained in RTC Civil Case No. 562-M-90 yielded a new fact or circumstance that would justify non-enforcement of