

FOURH DIVISION

[CA-G.R. SP NO. 76068, September 07, 2006]

**EDWARD J. HESHAN, PETITIONER, VS. HON. VICENTE Q. ROXAS,
AS PRESIDING JUDGE, RTC OF QUEZON CITY, BRANCH 227 AND
RICARDO DELOS SANTOS, RESPONDENTS.**

D E C I S I O N

BARRIOS, J.:

The petitioner Edward J. Heshan (or Heshan for brevity) was sued by the respondent Ricardo T. delos Santos (or delos Santos) for *Unlawful Detainer* before the Metropolitan Trial Court of Quezon City (or MeTC).

In his complaint, delos Santos alleged that he is the registered owner of a lot under TCT No. N-218351 and the house built thereon at 38 F. Amorsolo Street, Osmeña Avenue, North Susana Subdivision, Executive Village, Commonwealth Avenue, Quezon City. He purchased the property from the former owner Susan Partisala (or Partisala) on October 10, 1997. At the time the house was being occupied by Heshan who was a tenant of Partisala under a contract of lease which had since expired on May 1, 1999.

Sometime in January 2001, delos Santos informed Heshan of his intention to take possession of the property. Heshan countered with an offer to purchase the property for eight million pesos (P8,000,000.00) but this was declined by delos Santos. Heshan then requested that he be allowed to stay until he can find a place to relocate, and to which delos Santos agreed and he allowed Heshan to stay in the house for a couple of months. Then in July 2001 delos Santos again informed Heshan that he has no intention of selling the property. Heshan, on the other hand, requested again to be allowed to stay in the house for a few months more until he could find a suitable house to transfer to. Sensing that Heshan was just using this as a ploy to extend his stay, delos Santos sent him a demand letter dated September 27, 2001 asking that he vacate within a period of sixteen (16) days from notice. In response, Heshan sent a letter to delos Santos dated October 3, 2001 informing that he is still interested in buying the property. Nevertheless on October 22, 2001 delos Santos filed this suit for ejectment against Heshan.

Judgment was rendered adverse to Heshan, the decretal portion of which reads:

WHEREFORE, considering the above-established facts and circumstances, and applying the afore-stated laws and jurisprudence, this Court hereby renders Judgment in favor of the Plaintiff and against Defendant **EDWARD HESHAN** and all persons claiming rights under him, and as a consequence thereof, hereby **ORDERS**, as follows:

1. To vacate the subject property particularly situated at 38 F. Amorsolo Street corner Osmeña Avenue, North Susana Subd. Executive Village, Commonwealth Avenue, Quezon City and to restore Plaintiff of its peaceful possession;

2. To pay Plaintiff the amount of **TEN THOUSAND PESOS (P10,000.00)** per month, as reasonable compensation for his continued use and occupation of the subject premises to be computed from the expiration of the grace period of the last demand, i.e. October 13, 2001, until the property is fully vacated;

3. To pay Plaintiff the amount of **THIRTY THOUSAND PESOS (P30,000.00)**, as and by way of attorney's fees; and

4. To pay costs of suit.

SO ORDERED. (pp. 26-27, rollo)

Heshan appealed this to the Regional Trial Court of Quezon City (or RTC) which however affirmed the appealed Decision.

Hence this Petition for Review where Heshan raises the following issues for consideration:

A.

THE HONORABLE PRESIDING JUDGE VICENTE Q. ROXAS OF THE RTC OF QUEZON CITY, BRANCH 227, GRAVELY ABUSED HIS DISCRETION AMOUNTING TO LACK OF JURISDICTION IN AFFIRMING THE FINDING OF THE METROPOLITAN TRIAL COURT THAT THE MTC HAS JURISDICTION OVER THE SUBJECT MATTER OF THE COMPLAINT AND THAT THE PRIVATE RESPONDENT HAS A VALID CAUSE OF ACTION AGAINST THE PETITIONER.

B.

THE HONORABLE PRESIDING JUDGE VICENTE Q. ROXAS GRAVELY ABUSED HIS DISCRETION AMOUNTING TO LACK OF JURISDICTION IN AFFIRMING THE RULING OF THE METROPOLITAN TRIAL COURT THAT THE PETITIONER IS NOT A BUILDER IN GOOD FAITH IN RELATION TO THE IMPROVEMENTS INTRODUCED BY THE PETITIONER TO THE LEASED PREMISES.

C.

THE HONORABLE PRESIDING JUDGE VICENTE Q. ROXAS GRAVELY ABUSED HIS DISCRETION AMOUNTING TO LACK OF JURISDICTION IN AFFIRMING THE RULING OF THE METROPOLITAN TRIAL COURT THAT PRIVATE RESPONDENT COMPLIED WITH SECTION 408 OF RA 7160. (pp. 8-9, rollo).