

THIRD DIVISION

[G.R. No. 180568, July 13, 2009]

LYDIA MONTEBON, A.K.A. JINGLE MONTEBON, PETITIONER, VS. THE HONORABLE COURT OF APPEALS, THE HON. SILVINO PAMPILO, JR., IN HIS CAPACITY AS PRESIDING JUDGE OF BRANCH 26, REGIONAL TRIAL COURT OF MANILA, CARLOS P. BAJAR, IN HIS CAPACITY AS BRANCH-SHERIFF OF BRANCH 26, RTC-MANILA, AND JOSE RIZAL LOPEZ, AS REPRESENTED BY EDWIN PASTOR, RESPONDENTS.

RESOLUTION

NACHURA, J.:

This is a petition for review on *certiorari* of the Court of Appeals (CA) Decision^[1] dated May 9, 2007 and Resolution dated November 13, 2007, which dismissed a petition for *certiorari* for lack of merit. Petitioner questions the respondent court's issuance of a writ of execution pending appeal of a decision, the dispositive portion of which contained an incorrect address of the subject property.

The facts of the case are as follows:

On July 4, 2004, private respondent Jose Rizal Lopez, represented by Edwin Pastor who lives at 1457 Paz St., Paco Manila, instituted an action for ejectment and damages against petitioner, Lydia Montebon. Private respondent alleged that he is the owner of a residential/commercial unit located at 1459 Paz St. Paco, Manila, which he leased to petitioner for a monthly rental of P20,000.00. When petitioner defaulted in the payment of the monthly rentals, private respondent made several demands on the petitioner for the payment of the accumulated rentals due, amounting to P384,900.00, but petitioner refused to pay. When his final demand remained unheeded, private respondent filed the ejectment case against petitioner.

On December 27, 2005, the Metropolitan Trial Court (MeTC) ruled in favor of private respondent. The dispositive portion of the MeTC Decision reads:

WHEREFORE, judgment is hereby rendered in favor of herein plaintiff and against defendant, ordering the latter and all persons claiming rights under her:

1. To vacate the subject premises located at 1457 Paz Street, Paco, Manila and peacefully surrender possession thereof to plaintiff;
2. To pay plaintiff the amount of Php384,900.00 representing the back rentals as of May 2004;
3. To pay plaintiff the amount of Php20,000.00 as current rental, beginning June 2004 until the premises had been fully vacated;

4. To pay plaintiff the amount of Php10,000.00 for and as attorney's fees; and
5. To pay the costs of suit.

SO ORDERED^[2]

On January 3, 2006, petitioner filed a Notice of Appeal,^[3] but she failed to file a supersedeas bond. On account of this, private respondent filed a Motion for Issuance of Writ of Execution pending appeal before the Regional Trial Court (RTC). On March 30, 2006, the RTC issued an Order^[4] granting the Motion for Issuance of Writ of Execution. A writ of execution was issued subsequently.^[5]

Noticing the erroneous address indicated in the MeTC Decision, private respondent filed a Manifestation and Motion^[6] before the RTC asking that the address found in the Writ of Execution be changed from 1457 Paz Street, Paco, Manila to 1459 Paz Street, Paco, Manila, the latter being the correct address of the subject premises. The RTC granted the motion in an Order dated June 13, 2006.^[7]

On June 15, 2006, the RTC issued the assailed Alias Writ of Execution Pending Appeal^[8] with the correct address. Implementation of the writ was suspended pending petitioner's offer of an amicable settlement.^[9]

For failure of the petitioner to submit a written proposal on how to liquidate her past due rentals, the RTC issued an Order^[10] dated October 27, 2006, granting private respondent's motion and implementing the Alias Writ of Execution. Accordingly, Sheriff Carlos P. Bajar issued the assailed Notice to Vacate Premises.^[11]

Aggrieved, petitioner filed a petition for *certiorari* with the CA, assailing the (1) March 30, 2006 Order, (2) June 13, 2006 Order, (3) Alias Writ of Execution Pending Appeals, (4) October 27, 2006 Order, and (5) Notice to Vacate Premises.

On May 9, 2007, the CA dismissed the petition.^[12] The CA later denied the petitioner's motion for reconsideration.

In this petition, petitioner submits the following issues:

A.

THE HONORABLE COURT OF APPEALS COMMITTED AN ERROR OF LAW WHEN IT ISSUED THE DECISION DATED MAY 09, 2007 AND SUBSEQUENT DENIAL OF THE MOTION FOR RECONSIDERATION DATED NOVEMBER 13, 2007 AND RULED THAT THE HONORABLE REGIONAL COURT DID NOT COMMIT GRAVE ABUSE OF DISCRETION WHEN IT GRANTED THE MOTION TO CORRECT THE ADDRESS INDICATED IN THE DECISION OF THE HONORABLE METROPOLITAN TRIAL COURT AND SUBSEQUENTLY ISSUING AN ALIAS WRIT OF EXECUTION PENDING