

THIRD DIVISION

[G.R. No. 182886, March 09, 2015]

SPOUSES SALVADOR P. NORBERTE, JR. AND ELIZABETH S. NORBERTE, PETITIONERS, VS. SPOUSES FELICISIMO G. MEJIA AND ELVIRA C. MEJIA AND/OR THEIR HEIRS, REPRESENTED BY ALEXIS MEJIA-QUERUBIN, RESPONDENTS.

D E C I S I O N

PERALTA, J.:

Before the Court is a Petition for Review under Rule 45 of the Rules of Court which petitioners spouses Salvador P. Norberte, Jr. and Elizabeth S. Norberte filed, assailing the Decision^[1] of the Court of Appeals (CA), dated September 21, 2007, and its Resolution^[2] dated May 14, 2008 in CA-G.R. SP No. 91926. The CA remanded the case to the Regional Trial Court (RTC) of Caloocan City, Branch 129 for further proceedings.

The antecedents of the instant case are as follows:

The subject property in the case at bar is a 160-square-meter parcel of land located in the Calaan District, Caloocan City which was previously owned by Edgardo Ongsiaco. It appeared that Ongsiaco allowed Dativa Gonzales, mother of respondent Felicisimo G. Mejia, to occupy said lot and build a house thereon. However, Ongsiaco later sold the same land to the spouses Carlos and Josefina Legaspi (*the Spouses Legaspi*), who caused the registration of the property in their names. Thus, the Spouses Legaspi filed an action for ejectment against Gonzales.

On March 28, 1988, the Spouses Legaspi executed a Deed of Conditional Sale over the subject lot in favor of petitioners spouses Salvador and Elizabeth Norberte (*the Spouses Norberte*). As consideration for the sale, the parties agreed on P160,000.00 as the amount of the purchase price. After the Spouses Norberte paid the downpayment in the amount of P20,000.00, the deed of conditional sale was duly notarized and annotated at the back of the property's title.

However, on July 6, 1990, the Spouses Legaspi again sold the same property, this time to respondents spouses Felicisimo and Elvira Mejia (*the Spouses Mejia*). This transaction resulted in the execution of a compromise agreement between them, leading to the dismissal of the ejectment case earlier filed against Gonzales. This prompted the Spouses Norberte to file an action to annul said sale to the Spouses Mejia and successfully obtained a judgment in their favor.

On June 6, 2003, upon payment of the balance of the purchase price, the wife and the children of the then deceased Carlos Legaspi finally executed a Deed of Absolute Sale in favor of the Spouses Norberte. Thus, the Norbertes made a demand to vacate against the Mejias. Since the demand was left unheeded, the Spouses

Norberte filed a complaint for ejectment on November 6, 2003 before the Caloocan Metropolitan Trial Court (*MeTC*), Branch 49. The case was docketed as Civil Case No. 03-27540.

On December 22, 2004, the Caloocan MeTC dismissed^[3] the complaint for lack of jurisdiction since, under the circumstances, the summary action for unlawful detainer was no longer available and the proper action should have been *accion publiciana*. The Spouses Norberte then brought the case to the RTC and likewise filed a motion to cite in contempt of court the counsel of the Mejias, Atty. Nancy Quimpo, for failure to furnish the court the names and addresses of the legal representatives of the Spouses Mejia, who both died during the course of the proceedings. Atty. Quimpo, on the other hand, contended that the action for ejectment had been effectively extinguished by the death of her clients.

The RTC, thereafter, affirmed *in toto* the decision of the MeTC in a very brief Order dated April 29, 2005, the full text of which reads:

Above captioned case is an appeal interposed by the herein Plaintiffs-Appellants from the Decision of the Court *a quo*, the dispositive portion of which states the following:

WHEREFORE, for lack of jurisdiction this case is hereby dismissed.

For lack of basis, the Counterclaim is likewise dismissed.

SO ORDERED.

This Court, in the exercise of its appellate jurisdiction, hereby AFFIRMS the Decision of the Court below *in toto* for being in accord with the facts and the law of the case.

SO ORDERED.^[4]

It also denied the motion to cite Atty. Quimpo in contempt of court.

The Spouses Norberte thus elevated the case to the CA, seeking the reversal of the rulings of the courts below. On September 21, 2007, the appellate court ruled:

WHEREFORE, premises considered, the case is REMANDED to Branch 129 of the Regional Trial Court of Caloocan City for further proceedings.

Atty. Nancy Quimpo is, on the other hand, REPRIMANDED for her failure and/or refusal to completely perform her duties under Section 16, Rule 3 of the 1997 Rules of Civil Procedure. She is further warned that a repetition of similar act or omission will be dealt with more severely.

SO ORDERED.^[5]

The Norbertes then filed a Motion for Reconsideration, but the same was also denied. Hence, the present petition.

The Spouses Norberte mainly argue that their action is one for unlawful detainer