

SECOND DIVISION

[G.R. No. 185535, January 31, 2011]

**MANILA INTERNATIONAL AIRPORT AUTHORITY, PETITIONER,
VS. REYNALDO (REYMUNDO^[1]) AVILA, CALIXTO AGUIRRE, AND
SPS. ROLANDO AND ANGELITA QUILANG, RESPONDENTS.**

DECISION

MENDOZA, J.:

This is a petition for review on certiorari under Rule 45 filed by the Manila International Airport Authority (*MIAA*) seeking to reverse and set aside the June 16, 2008 Decision^[2] of the Court of Appeals (*CA*) in CA-G.R. SP No. 97536 which annulled the August 7, 2006^[3] and the November 13, 2006^[4] Resolutions of the Regional Trial Court of Pasay City, Branch 117 (*RTC*), in Civil Case No. 05-0399-CFM.

From the records, it appears that in June 1968, the late Tereso Tarrosa (*Tarrosa*) leased a 4,618 square meter parcel of land located along the MIAA Road in Pasay City from its owner, MIAA. Before the expiration of the lease sometime in 1993, Tarrosa filed a case against MIAA to allow him to exercise his pre-emptive right to renew the lease contract. Finding that Tarrosa violated certain provisions of its contract with MIAA, the trial court dismissed the case. Tarrosa appealed before the CA but to no avail. When Tarrosa passed away, he was substituted by his estate represented by his heirs' attorney-in-fact, Annie Balilo (*Balilo*). On June 9, 1998, the CA decision became final and executory.^[5]

Thereafter, MIAA sent letters of demand to the heirs asking them to vacate the subject land. Unheeded, MIAA instituted an ejectment suit against the Estate of Tarrosa (*Estate*) before the Metropolitan Trial Court of Pasay City, Branch 47 (*MeTC*), docketed as Civil Case No. 64-04-CFM. On February 18, 2005, the MeTC rendered its decision^[6] ordering the Estate and all persons claiming rights under it to vacate the premises, peacefully return possession thereof to MIAA and pay rentals, attorney's fees and costs of suit.

The Estate, through Balilo, appealed the case to the RTC, where it was docketed as Civil Case No. 05-0399-CFM. In its July 22, 2005 Decision,^[7] the RTC gave due course to the appeal and affirmed the MeTC decision *in toto*.

The Estate then filed a motion for reconsideration while MIAA sought the correction of a clerical error in the MeTC decision as well as the issuance of a writ of execution. On September 20, 2005, the RTC issued an omnibus order^[8] denying the Estate's motion for reconsideration, granting MIAA's motion to correct a clerical error and granting the motion for the issuance of a writ of execution.

On the strength of the writ of execution issued by the RTC, a notice to vacate was

served on the occupants of the subject premises. The RTC Sheriff partially succeeded in evicting the Estate, Balilo and some other occupants. Still, others remained in the premises.^[9]

Among the remaining occupants were respondents Calixto E. Aguirre (*Aguirre*), Reymundo Avila (*Avila*), and spouses Rolando and Angelita Quilang (*Quilangs*), who filed separate special appearances with motions to quash the writ of execution.^[10] In essence, all of them interposed that they were not covered by the writ of execution because they did not derive their rights from the Estate since they entered the subject premises only after the expiration of the lease contract between MIAA and Tarrosa. They further stated that the subject premises had already been set aside as a government housing project by virtue of Presidential Proclamation No. 595 (*Proclamation No. 595*).^[11]

On May 5, 2006, the RTC granted the motion to quash filed by the remaining occupants, including Avila and the Quilangs.

On August 4, 2006, the RTC denied the motion to quash filed by Aguirre. In its August 4, 2006 Resolution,^[12] the RTC stated:

It is important to emphasize at this juncture that during the ocular inspection conducted by this court (Thru Presiding Judge, Henrick F. Gingoyon), records reveal that the area occupied by Mr. Calixto Aguirre, as he claimed, is more or less 1,000 square meters. Thus, citing the provision of the law pertaining to qualified occupants or beneficiaries who can avail of the privilege, the area alone possessed by Mr. Calixto Aguirre will not qualify as beneficiary under Republic Act 7279. Moreover, the result of the ocular inspection revealed that the area is used by Mr. Calixto Aguirre as business establishment and in fact some of them were even subject for lease.

Therefore, from the very nature of the utilization of the property the same is beyond doubt not covered and the same is contrary to the letter and spirit of the aforementioned Presidential Proclamation No. 595.

WHEREFORE, premises considered, the instant Motion to Quash Writ of Execution and Set Aside Judgment filed by Mr. Calixto Aguirre is hereby DENIED for lack of merit.

SO ORDERED. (underscoring supplied)^[13]

On August 7, 2006, a similar finding was made with regard to Avila and the Quilangs when the RTC resolved MIAA's motion for reconsideration. In its August 7, 2006 Resolution, the RTC likewise wrote:

Unfortunately, however, the result of the ocular inspection revealed that some of the 28 Oppositors, namely: Mr. REYMUNDO AVILA; SPS. ROLANDO QUILANG AND ANGELITA QUILANG; ROMEO CAGAS; JEANETTE LOPEZ, are using the property subject to this case not as

family dwelling but rather utilized as business establishments. Thus, the said occupancy is not covered under Republic Act 7279 in order to be considered qualified beneficiaries. Relatedly, therefore that the Writ of Execution cannot be implemented against the afore-named persons on the ground that they are qualified beneficiaries under Presidential Proclamation No. 595 in relation to the provision of Republic Act 7279 is unwarranted under the circumstances.

It is important to emphasize at this juncture that during the ocular inspection conducted by this court (Thru Presiding Judge, Henrick F. Gingoyon), records reveal that the area occupied by Mr. REYNALDO (REYMUNDO) AVILA, is occupying more or less 500 square meters and the same is actually use[d] as an apartment for lease/ rent; Sps. ROLANDO AND ANGELITA QUILANG; is occupying the premises by virtue of the rights vested by their father, Calixto Aguirre, and also utilizing the property for rent; ROMEO CAGAS AND JEANNETE LOPEZ are tenants of Calixto Aguirre.

Thus, citing the provision of the law pertaining to qualified occupants or beneficiaries who can avail of the privilege, the area alone possessed by Mr. Reynaldo (Reymundo) Avila; Sps. Rolando and Angelita Quilang will not qualify as beneficiaries under Republic Act 7279. Moreover, the area as shown in the result of the ocular inspection is used by them as business establishment and in fact some of them were even subject for lease.

Therefore, from the very nature of the utilization of the property the same is beyond doubt not covered and the same is contrary to the letter and spirit of the aforementioned Presidential Proclamation No. 595 in relation to Republic Act 7279.

WHEREFORE, premises considered, the Order dated May 5, 2006 is hereby MODIFIED in so far as Oppositors REYNALDO (REYMUNDO) AVILA; Sps. ROLANDO QUILANG and ANGELITA QUILANG; ROMEO CAGAS AND JEANETTE LOPEZ are concerned. Let the corresponding Writ of Execution against the afore-mentioned persons be issued.

SO ORDERED. (underscoring supplied)^[14]

The above findings were reiterated in the assailed RTC's Joint Resolution dated November 13, 2006 which denied the separate motions for reconsideration of the respondents.

On account of this, Aguirre, Avila and the Quilangs went to the CA on certiorari questioning the propriety of the RTC's disposition, more particularly, its finding that they were not qualified beneficiaries under Proclamation No. 595.

On June 16, 2008, the CA rendered the subject decision annulling the RTC resolutions dated August 7, 2006 and November 13, 2006. According to the CA, there was a grave abuse of discretion on the part of the RTC in ruling that respondents could not invoke Proclamation No. 595 because the mandate to