

## **FIRST DIVISION**

**[ G.R. No. 192217, March 02, 2011 ]**

**DANILO L. PAREL, PETITIONER, VS. HEIRS OF SIMEON PRUDENCIO, RESPONDENTS.**

### **D E C I S I O N**

**VELASCO JR., J.:**

This Petition for Review on Certiorari under Rule 45 assails the February 4, 2010 Decision<sup>[1]</sup> and April 22, 2010 Resolution<sup>[2]</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 105709, which affirmed the Orders dated February 15, 2008 and July 31, 2008, respectively, of the Regional Trial Court (RTC), Branch 60 in Baguio City, in Civil Case No. 2493-R for recovery of possession and damages.

#### **The Facts**

A complaint for recovery of possession and damages was filed by Simeon Prudencio (Simeon) against Danilo Parel (Danilo) with the RTC in Baguio City.

Simeon alleged that he was the owner of a two-story house at No. 61 Forbes Park National Reservation in Baguio City. Simeon allowed Danilo and his parents to live on the ground floor of the house since his wife was the elder sister of Danilo's father, Florentino.<sup>[3]</sup>

In November 1985, Simeon needed the whole house back and thus informed Danilo and his parents that they had to vacate the place. Danilo's parents acceded to Simeon's demand. Danilo, however, remained in the house with his family despite repeated demands on him to surrender the premises. This development drove Simeon to institute an action for recovery of possession and damages.<sup>[4]</sup>

Danilo offered a different version of events. He maintained that the land on which Simeon's house was constructed was in his father Florentino's name. He explained that his father Florentino, who had by then passed away, did not have enough funds to build a house and thus made a deal with Simeon for them to just contribute money for the construction of a house on Florentino's land. Florentino and Simeon were, thus, co-owners of the house of which Simeon claims sole ownership.<sup>[5]</sup>

#### **The Ruling of the Trial Court**

On December 15, 1993, the RTC ruled in favor of Danilo. The dispositive portion of the RTC Decision reads:

WHEREFORE, premises considered, the Court hereby declares that the house erected at [No.] 61 DPS Compound, Baguio City is owned in

common by the late Florentino Parel and herein plaintiff Simeon Prudencio and as such the plaintiff cannot evict the defendant as heirs of the deceased Florentino Parel from said property, nor to recover said premises from herein defendant.

Likewise, the plaintiff is ordered to:

- (a) pay the defendant in the total sum of P20,000.00 for moral and actual damages;
- (b) pay the defendant P20,000.00 in Attorney's fees and P3,300 in appearance fees;
- (c) pay the costs of this suit.

SO ORDERED.<sup>[6]</sup>

### **The Ruling of the Appellate Court**

On March 31, 2000, the CA, on Simeon's appeal, rendered a Decision<sup>[7]</sup> reversing the RTC Decision as follows:

WHEREFORE, the decision appealed from is hereby SET ASIDE and a new one is entered declaring plaintiff-appellant as the new owner of the residential building at 61 Forbes Park National Reservation, near DPD Compound, Baguio City; appellee is ordered to surrender possession of the ground floor thereof to appellant immediately.

Further, appellee is hereby ordered to pay appellant P2,0000/month [sic] for use or occupancy thereof from April 1988 until the former actually vacates the same, and the sum of P50,000.00 as attorney's fees. And costs of suit.

SO ORDERED.

Danilo challenged the CA Decision before this Court via an appeal by certiorari under Rule 45 of the Rules of Court.

On April 19, 2006, this Court issued its Decision<sup>[8]</sup> in G.R. No. 146556, affirming the CA Decision.

On May 9, 2007, Simeon sought to enforce this Court's April 19, 2006 Decision and thus filed a Motion for Issuance of Writ of Execution.<sup>[9]</sup>

On June 19, 2007, Danilo filed his Comment<sup>[10]</sup> on Simeon's Motion for Issuance of Writ of Execution. He prayed that the PhP 2,000 monthly rental he was ordered to pay be computed from April 1988 to March 1994 only since he had vacated the premises by April 1994.

On February 15, 2008, the RTC ruled as quoted below:

WHEREFORE, premises considered, let a Writ of Execution be issued to enforce the decision of the Court in the above-entitled case.<sup>[11]</sup>

A Motion for Reconsideration of the February 15, 2008 RTC Order was filed by Danilo.

On July 31, 2008, the RTC issued another Order<sup>[12]</sup> denying the motion. The dispositive portion of the Order is quoted below:

WHEREFORE, premises duly considered, the Motion for Reconsideration is hereby denied for lack of merit. Let a Writ of Execution be issued to enforce the decision of the Court in the above-entitled case.

SO ORDERED.

On February 5, 2009, the RTC ordered the following:

Furthermore, the decision in the above-entitled case has already become final and executory. To reiterate, this Court, much less the defendant, cannot modify the decision of the higher courts which has now become final and executory. The defendant is bound by the said decision and he cannot alter the same nor substitute his own interpretation thereof.

WHEREFORE, the foregoing premises considered, the Motion filed by the defendant is DENIED. The Court reiterates its order dated July 31, 2008 for the issuance of a Writ of Execution to enforce the decision of the Court in the instant case.

SO ORDERED.<sup>[13]</sup>

On February 23, 2009, Danilo filed a Supplemental Petition with Urgent Motion for Issuance of Temporary Restraining Order and/or Writ of Preliminary Injunction to enjoin the RTC from enforcing the judgment against Danilo for him to pay Php 2,000 in monthly rentals from April 1994 onwards.

On August 23, 2010, this Court issued a Resolution requiring Simeon to file his Comment on Danilo's Petition for Review on Certiorari.

On October 28, 2010, Simeon filed his Comment before Us. He argued that the RTC and CA correctly ruled that the prayer for a reduction of back rentals should be denied, since Danilo never turned over possession of the subject premises to him.

### **The Issues**

#### **I**

Whether the CA committed an error of law in upholding the RTC Order

dated February 15, 2008.

## II

Whether the Court of Appeals committed an error of law in upholding the RTC Order dated July 31, 2008

### **The Ruling of This Court**

Danilo questions the following order of the CA:

Further, appellee is hereby ordered to pay appellant P2,0000/month [sic] for use or occupancy thereof from April 1988 until the former actually vacates the same, and the sum of P50,000.00 as attorney's fees. And costs of suit.<sup>[14]</sup>

We resolve to grant the petition.

Danilo argues that he vacated the subject premises in April 1994 and claims that he stated this fact in his Comment on Simeon's Motion for Issuance of Writ of Execution dated May 9, 2007 and in his Motion for Reconsideration before this Court on June 12, 2006. He, thus, argues that the monthly rentals he should pay should only be from April 1988 to March 1994. He alleges that the CA committed an error in law in upholding the RTC Orders dated February 15, 2008 and July 31, 2008.

The questioned February 15, 2008 RTC Order stated:

x x x The defendant should have filed his comment on any appropriate pleading before the Court or in the Supreme Court at the time when he actually vacated the premises, but he did not. Perhaps, still hoping that the decision of the higher courts would be in his favor. All told, the defendant never intended to surrender the premises to the plaintiff even after he vacated it in April 1994. For this reason, he should now suffer the consequences.

It must be reiterated that this Court cannot now modify the decision of the higher courts which has now become final and executory.<sup>[15]</sup>

On July 31, 2008, the RTC ruled:

While the alleged supervening facts and circumstances which changed the situation of the parties in the instant case occurred before finality of the judgment, as in *Morta vs. Bagagnan*, the factual backdrop in the aforecited jurisprudence does not call for its application in the present case. In the cited case, the complainants have been ousted from the subject premises pursuant to the decision of the DARAB in two cases involving the same parcel of lot before the decision of the Supreme Court