

## SECOND DIVISION

[ G.R. NO. 142664, October 05, 2005 ]

**LEONCIO HO AND WAYNE HOSIN CHAM, PETITIONERS, VS.  
PEDRO S. LACSA, RESPONDENT.**

### D E C I S I O N

**AUSTRIA-MARTINEZ, J.:**

This is a petition for review on *certiorari* questioning the Decision<sup>[1]</sup> dated January 17, 2000 of the Court of Appeals (CA) in CA-G.R. SP No. 50066, dismissing petitioners' special civil action for *certiorari*; and Resolution dated March 29, 2000, denying petitioners' motion for reconsideration.

The antecedents of this petition are as follows:

On January 31, 1994, the Metropolitan Trial Court of Manila (MTC), Branch 21, rendered a Joint Decision in Civil Case Nos. 142495-CV and 142496-CV, which are actions for unlawful detainer and ejectment filed by respondent Pedro S. Lacsa against petitioners Leoncio Ho and Wayne Hosin Cham. The MTC rendered judgment in favor of respondent, the dispositive portion of which reads:

In view of the foregoing, and considering that the purpose of the action is to terminate the lease by reasons of (a) expiry of the term which is on a month-to-month basis and (b) for failure to pay the rentals or comply with the terms of the contract, and considering, further, that demand had been made on time and that the same was coursed thru the Barangay for conciliation, as provided for by law but no amicable settlement was reached, judgment is rendered in favor of the plaintiff and against the defendants, Leoncio Ho and Wayne Hosin Cham who are ordered:

1. That they and all other persons claiming rights under them, if any to vacate the respective premises in question and surrender peaceful possession thereof, voluntarily to, plaintiff;
2. To pay to plaintiff the amount of P6,000.00 and P9,000.00 per month respectively plus interest thereon at the rate of 24% per annum from September 1992 up to the date of compliance of this Decision; and
3. To pay plaintiff the reduced sum of P10,000.00 each as attorney's fees and the costs of this suit.

SO ORDERED.<sup>[2]</sup>

Petitioners appealed from the MTC Decision, and on June 21, 1995, the Regional Trial Court of Manila (RTC), Branch 39, through Judge Francisco X. Velez, issued a

Joint Decision affirming *in toto* the Joint Decision of the MTC, with costs against petitioners.

Petitioners filed a Motion for Reconsideration and/or Set Aside Decision, stating, *inter alia*, that a copy of the decision was received on July 17, 1995.<sup>[3]</sup> Respondent filed an opposition claiming that the motion was filed out of time since at the time the same was filed on August 3, 1995, the 15-day period had already lapsed, as the motion should have been filed on August 1, 1995.<sup>[4]</sup>

Petitioners filed an Urgent Ex-parte Manifestation stating that there was a typographical error in the motion for reconsideration and the date July 17, 1995 should have been July 19, 1995.<sup>[5]</sup>

On May 31, 1996, the RTC, this time, through Judge Benjamin A.G. Vega, issued an order granting petitioners' motion for reconsideration, setting aside the Joint Decision dated June 21, 1995, and denying respondent's previously-filed motion for execution.<sup>[6]</sup>

Thereafter, or on June 4, 1996, Judge Vega rendered a Decision, the decretal portion of which reads:

WHEREFORE, judgment is hereby rendered after the decision of this Court dated June 21, 1995 has been earlier reconsidered and set aside, hereby reversing the joint decision dated February 4, 1994 in Civil Case No. 142495-CV entitled "Pedro S. Lacsa versus Leopoldo Ho" and in Civil Case No. No. 142496-CV entitled "Pedro S. Lacsa versus Wayne Hosin Cham." Finding the herein plaintiff-appellee to have the propensity in filing cases without a real cause of action against the defendants, taking undue advantage of judicial processes even if he has no more right in the premises in question, this Court hereby orders him to pay:

1. In Civil Case No. 94-69470, to the defendant-appellant Leoncio Ho (a) moral damages in the amount of Ten Thousand (P10,000.00); (b) exemplary damages in the amount of Two Thousand (P2,000.00) Pesos; (c) the reasonable attorney's fees in the amount of Five Thousand (P5,000.00) Pesos and (d) costs; and

2. In Civil Case No. 94-69471, to the defendant-appellant Wayne Hosin Cham (a) moral damages in the amount of Ten Thousand (P10,000.00); (b) exemplary damages in the amount of Two Thousand (P2,000.00) Pesos; (c) the reasonable attorney's fees in the amount of Five Thousand (P5,000.00) Pesos and (d) costs.

SO ORDERED.<sup>[7]</sup>

Respondent filed a motion for reconsideration of the foregoing decision and a motion for inhibition. Consequently, pending resolution of the motion for reconsideration, Judge Vega inhibited himself per his Order dated November 12, 1996 and ordered the re-raffle of the case for further consideration.<sup>[8]</sup>

On June 9, 1998, Judge Romulo A. Lopez issued an Order granting respondent's

motion for reconsideration and reinstating the June 21, 1995 Joint Decision rendered by Judge Velez. The dispositive portion of the Order reads:

WHEREFORE, premises considered the motion for reconsideration is hereby granted. The questioned decision dated June 4, 1996 is hereby set aside. The decision dated June 21, 1995 is reinstated.

Accordingly, as the decision in these cases have long become final and executory on August 2, 1995, the Officer in Charge is hereby directed to enter the decision in the book of judgment of this Court and to immediately remand the record of these cases to the Court A Quo for further proceeding.

SO ORDERED.<sup>[9]</sup>

Petitioners did not appeal from the RTC Order dated June 9, 1998 and instead, filed on December 28, 1998, a special civil action for *certiorari* with the CA, docketed as CA-G.R. SP No. 50066. On January 17, 2000, the CA rendered the assailed Decision dismissing the petition. Petitioners' motion for reconsideration having been denied per CA Resolution dated March 29, 2000, they filed the present petition for review.

Petitioners argue that:

The Court of Appeals erred in concluding:

I- that the Motion for Reconsideration of defendant tenants of the Decision dated June 21, 1995 of Assisting Judge of Branch 39 was filed out of time; and

II- that even if the said Decision is not yet final, nevertheless the Motion for Reconsideration cannot be allowed without violation of the rule disauthorizing a tenant from disputing the title of his landlord as a conclusive presumption.<sup>[10]</sup>

The petition must be dismissed.

First, a reading of the CA's decision shows that it did not, in any way, rule that the motion for reconsideration from the RTC Decision dated June 21, 1995 was filed out of time, or that the motion cannot be allowed without violating the rule "disauthorizing a tenant from disputing the title of his landlord as a conclusive presumption."

As defined by the CA, the main contention in the petition filed before it is whether the RTC had jurisdiction to set aside its own Order dated May 31, 1996, and to render the Decision dated June 4, 1996.<sup>[11]</sup> In resolving such contention in the affirmative, the CA aptly ruled that:

... It is clear from the records that Judge Vega of the Regional Trial Court of Manila, Branch 39, after he had rendered a decision setting aside its earlier joint decision in which it had affirmed in toto the Metropolitan Trial Court decision, inhibited himself from further proceeding with the case on appeal. Consequently, the appealed cases had to be re-raffled to another Branch which shall then resolve the pending motion for reconsideration of