

## FIRST DIVISION

[ G.R. No. 112948, April 18, 1997 ]

### **PURIFICACION CHUA, PETITIONER, VS. COURT OF APPEALS AND MARILU SAMACO, RESPONDENTS. D E C I S I O N**

#### **BELLOSILLO, J.:**

PUBLIC POLICY dictates that unlawful detainer cases be resolved with the least possible delay and judgments in favor of plaintiff are executed immediately.<sup>[1]</sup> The beneficence of this rule however continues to elude the prevailing party in the bizarre turns and twists in this ejectment suit. We must succor.

Andres S. Flores and Ligaya Flores were the registered owners of a parcel of land, together with the improvements thereon, located along Milagros Street, Sta. Cruz, Manila. On this property stood an apartment building consisting of four (4) units, one of which was occupied by petitioner Purificacion Chua under a lease agreement with Ligaya Flores who personally or through her authorized representative Consolacion Protacio collected the monthly rentals from the lessee. Sometime in 1976 Ligaya sold her share in the property to Andres S. Flores and Mariano Flores Jr. who caused the title to be transferred in their names. In 1979 Andres and his wife Josefina sold their share in the property to Mariano Jr. and his wife Luz who eventually sold the entire property to private respondent Marilu Flores - Samaco. A new title was thereafter issued in the name of Marilu and her husband Reynaldo Samaco. Thereafter, beginning 1980 Consolacion Protacio was authorized by the new owners to continue collecting rentals on the apartment in their behalf. In 1989 Consolacion stopped collecting rentals and respondent Marilu Samaco herself approached petitioner who refused to pay her rent.

On 13 February 1989 petitioner filed with the Metropolitan Trial Court of Manila an action for consignation of rentals. The case was docketed as Civil Case No. 127777 entitled "*Purificacion Chua v. Marilu Samaco, In Trust for the Heirs of Ligaya Flores Collantes.*" On 27 February 1989 private respondent Marilu Samaco filed an action<sup>[2]</sup> for the ejectment of petitioner Purificacion Chua from the apartment for non-payment of rentals, subleasing without authority and termination of the month-to-month lease contract. Although the case for consignation of petitioner Chua bore a lower docket number, it was consolidated with the later ejectment suit.

Applying the rule on summary procedure, the trial court rendered judgment in both cases against petitioner who appealed the consolidated decision to the Regional Trial Court of Manila.<sup>[3]</sup> While the case was pending appeal, petitioner filed a "Motion To Set Aside Judgment and/or Motion for Leave to Cross-Examine Adverse Witnesses," alleging that since the question of ownership was raised in the lower court, this effectively removed the case from the coverage of the Rule on Summary Procedure. The Regional Trial Court denied the motion, hence, petitioner filed with the Court of Appeals a petition for certiorari<sup>[4]</sup> under Rule 65 of the Rules of Court. The Court of

Appeals dismissed the petition. Still not satisfied, petitioner elevated the case to this Court<sup>[5]</sup> which denied the petition on 28 February 1990, ruling that -

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Deliberating on the instant Petition for Review, the Court considers that petitioner has not shown any reversible error on the part of the Court of Appeals in rendering its decision dated 22 December 1989 in CA-G.R. SP No. 19002. As the Court of Appeals pointed out, the RTC is still seized of the petitioner's appeal from the MTC judgment, and the RTC has yet to render judgment on the merits. In the interest of orderly procedure, petitioner must wait until the RTC has rendered judgment both on the question of applicability of the Rule on Summary Procedure and on the merits of the consolidated cases. The recourse taken by petitioner to the Court of Appeals and to this Court can only prolong the litigation.

Moreover, contrary to the suggestion of petitioner, the mere raising of a question of ownership of the premises involved does not necessarily result in non-applicability of the Rule on Summary Procedure; for the question of possession may well be determinable without deciding the issue of ownership. Finally, the mere raising of the question of ownership does not have the effect of removing the case from the jurisdiction of the MTC (Section 33[2], B.P. Blg. 129; *Bacani v. Hon. Macadaeg, etc., et al.* 105 Phil. 635, 640 [1959]; and *Loo Soo et al. v. Osorio, et al.*, 89 Phil 135, 137 [1951]).<sup>[6]</sup>

Meanwhile, the Regional Trial Court of Manila affirmed the judgment of the Metropolitan Trial Court in the ejectment case. Petitioner assailed the decision before the Court of Appeals and on 31 August 1990 the appellate court rendered judgment reversing the trial court and ordered that the case be remanded to the Metropolitan Trial Court for re-trial under the regular rules on civil procedure. After the case was retried, the trial court rendered a decision<sup>[7]</sup> ordering petitioner to vacate the apartment in question and deliver peaceful possession thereof to private respondent. It also directed petitioner to pay the sum of P40,114.46 representing unpaid monthly rentals minus the total rental amount deposited by petitioner in the consignment case which respondent could withdraw any time, plus P10,000.00 as attorney's fees.

This decision was appealed to the Regional Trial Court of Manila<sup>[8]</sup> which sustained the lower court in a judgment dated 5 January 1993.<sup>[9]</sup> Petitioner prayed for reconsideration of the decision. On 5 March 1993 pending resolution of the motion, at the instance of private respondent, the trial court issued a writ of execution in Civil Cases Nos. 92-61101 and 92-61102.

Petitioner sought to annul the writ of execution by filing a petition for *certiorari*, prohibition and *mandamus*<sup>[10]</sup> with the Court of Appeals. On 15 December 1993 the appellate court dismissed the petition, stating that -

All in all, therefore, We are convinced that the respondent court did not err in affirming the decision of the MTC. By preponderance of evidence,

plaintiffs, herein private respondents, have established their cause of action for the inevitable ejectment of the defendant, herein petitioner, from the leased premises.

Wherefore, the instant petition for review is hereby DISMISSED for lack of merit. The appealed decision of the respondent court in Civil Case No. 92-61101 is hereby affirmed by the Court.<sup>[11]</sup>

Petitioner now lays her cause before us arguing that the appellate court erred in: (a) ignoring the issues raised in the original petition for *certiorari*, prohibition and *mandamus* and in rendering a decision on the merits of the main case which is still pending reconsideration before the Regional Trial Court of Manila; (b) not ruling that the property has long been disposed of and there has been a change in the situation of the parties which makes the execution pending appeal oppressive, unjust and inequitable; and, (c) not resolving the motion for contempt against the Presiding Judge of the Regional Trial Court, his Branch Clerk of Court and the counsel of the adverse party.

In a Resolution dated 7 March 1994 we issued a temporary restraining order enjoining respondents from enforcing the questioned Order and Writ of Execution pending appeal in Civil Cases Nos. 92-61101 and 92-61102 issued by the Regional Trial Court of Manila.

Petitioner contends that in filing with the Court of Appeals an original petition for *certiorari*, prohibition and *mandamus* under Rule 65 of the Rules of Court she only prayed that the order of the Regional Trial Court dated 5 March 1993 for the issuance of the writ of execution be set aside. However instead of resolving this issue, respondent appellate court overstepped its bounds by rendering judgment on the merits of the main cases still pending reconsideration before the Regional Trial Court of Manila.

The doctrine is that *certiorari* will issue only to correct errors of jurisdiction and that no error or mistake committed by a court will be corrected by *certiorari* unless said court acted without jurisdiction or in excess thereof or with such grave abuse of discretion as would amount to lack of jurisdiction. The writ is available only for these purposes and not to correct errors of procedure or mistake in the findings or conclusions of the judge.

Indeed, respondent Court of Appeals acted *ultra jurisdiction* in affirming the judgment rendered by the Regional Trial Court on the ejectment and consignment cases. Elevated by petitioner to the Court of Appeals was only the propriety of the issuance of the writ of execution of the judgment by the trial court. The decision on the merits affirming the judgment of the Metropolitan Trial Court was never appealed, and rightfully so since petitioner earlier filed a motion for reconsideration with the trial court and was awaiting resolution thereof. Therefore, the authority of respondent appellate court was confined only to ruling upon the issue of whether the Regional Trial Court committed grave abuse of discretion in issuing the order directing the issuance of a writ of execution against petitioner. Whether the trial court committed a mistake in deciding the case on the merits is an issue way beyond the competence of respondent appellate court to pass upon in a *certiorari* proceeding.<sup>[12]</sup>