

FIRST DIVISION

[G.R. No. 107640, January 29, 1996]

**FAUSTINA PUNCIA AND DOMINGO BALANTES, PETITIONERS, VS.
HON. ANTONIO N. GERONA, ACTING PRESIDING JUDGE OF THE
REGIONAL TRIAL COURT, BRANCH 27, NAGA CITY AND ROBERTO
ROCO, RESPONDENTS.**

D E C I S I O N

VITUG, J.:

Petitioners Faustina Puncia and Domingo Balantes were the lessees of a 105-square-meter portion of a 215-square-meter lot in Zone 4, Mabini Interior, San Francisco, Naga City, registered in the name of private respondent Roberto Roco.

On 03 August 1977, private respondent filed a complaint for unlawful detainer against petitioners in the Municipal Trial Court ("MTC") of Naga City, Branch I, praying for the latter's eviction from the land for their continued failure to pay the agreed monthly rentals (Civil Case No. 8339). After more than 10 years, or on 30 March 1988, the court finally rendered a decision ordering petitioners to vacate the premises, to remove the residential houses they had constructed thereon, and to restore the possession of the land to private respondent. Petitioners were also ordered to pay unpaid due rentals, attorney's fees and costs of litigation.

Petitioners appealed the decision to the Regional Trial Court ("RTC") in Naga City. On 27 March 1990, the RTC affirmed in toto the MTC decision.

Displeased with the outcome of the case which remained pending for close to 13 years, petitioners took the RTC decision to the Court of Appeals alleging: (1) that private respondent violated the notice required under Sec. 5(c) of B.P. Blg. 25; (2) that there was a failure of compliance with Sec. 6 of P.D. No. 1508; and (3) that the Rule on Summary Procedure was misapplied since the issue of ownership was raised before the MTC. Finding no merit in the petition, the appellate court, in its decision of 06 July 1990, dismissed the appeal.

Petitioners elevated the case to this Court via a petition for review on certiorari (UDK-10039). On 05 September 1990, the Court dismissed the petition for non-compliance with requirements No. 1 and No. 4 of Circular No. 1-88 and for being insufficient in form. After an entry of judgment was made, the records were remanded to the court a quo.

In due time, writs of execution were issued by the MTC. After petitioners had failed to have their houses removed from the premises, private respondent filed a motion for demolition which, on 20 November 1991, the MTC granted. Petitioners filed a petition for certiorari before the RTC of Naga City, Branch 19, charging the MTC with grave abuse of discretion in issuing the writ of demolition and in denying their

motion for reconsideration. On 30 March 1992, the RTC, through Judge Gregorio E. Manio, Jr., declared null and void the 20th November 1991 order of demolition and enjoined the MTC from issuing further writs of demolition. Private respondent filed a motion for reconsideration. In a resolution, dated 14 April 1992, Judge Manio reconsidered and set aside his own decision of 30 March 1992 and ordered the dismissal of the petition for certiorari.

Undaunted, petitioners again went to this Court in a petition that alleged grave abuse of discretion on the part of Judge Manio (docketed G.R. No. 105386). The petition was denied on 15 June 1992 for non-compliance this time with requirement No. 2 of Revised Circular No. 1-88. Two months later, or on 19 August 1992, MTC Judge Ocampo III, upon motion of private respondent, opposed by petitioners, issued an order of demolition. Petitioners returned to the RTC of Naga City, Branch 27, via a petition for *certiorari*/prohibition assailing the order of demolition for allegedly having been issued in violation of due process. Apparently, on 02 September 1992, pursuant to the 19th August 1992 order of Judge Ocampo III, the residential house(s) involved were totally demolished and the questioned land ultimately surrendered to private respondent. On 16 September 1992, RTC Judge Antonio N. Gerona dismissed the petition for *certiorari*/prohibition. Petitioners, unbelievably, elevated anew the case to this Court (docketed G.R. No. 106589). In a Resolution, dated 12 October 1992, the Court held:

"In the ejectment case filed by private respondent(s) against herein petitioner(s), the trial court ruled in favor of private respondent(s). The lower court's decision was affirmed by the Regional Trial Court on appeal. When elevated to the Court of Appeals, the decisions of the two lower courts were sustained.

"A careful consideration of this petition indicated a failure of the petitioner(s) to show why the actions of the three courts which have passed upon the same issue should be reversed. Petitioner(s) failed to show that these courts' factual findings are not based on substantial evidence or that their decisions are contrary to applicable law and jurisprudence.

"CONSIDERING the failure of the petitioners to show any reversible error in the decisions of the three courts below and it appearing that this petition is purely dilatory, the Court Resolved to DENY the petition."^[1]

Petitioners moved for a reconsideration but, on 13 January 1993, the motion was denied with finality. Entry of judgment was made on 29 January 1993 and the records of the case were, once again, transmitted below on 31 May 1993.

In the meantime, petitioners, on 23 October 1992 or a few days after the issuance of the 12 October 1992 resolution in G.R. No. 106589, sent by mail the instant "petition for *certiorari*" (docketed G.R. No. 107640) questioning the order, dated 16 September 1992, dismissing the petition for *certiorari*/prohibition before Judge Gerona, as well as the order of demolition issued on 19th August 1992 by Judge Ocampo III. The gist of the 5-page petition was encapsulized in paragraph 8 thereof