



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 09 March 2022 which reads as follows:

“G.R. No. 256713 (Trinidad Bautista Vda. De Suarez, Heirs of Fabian B. Suarez namely: Rowena Suarez and Jhacelle Rhobie Suarez, Paulino B. Suarez, Other Surviving Heirs of the Late Fausto B. Suarez, Proceso B. Suarez, Raymundo C. Suarez, and/or All Persons Claiming Rights under them vs. Sps. Isidro B. Suarez and Crisanta Moraga-Suarez (Deceased) represented by their heirs namely: Charles M. Suarez, Aurelio M. Suarez and Brian M. Suarez). – This Petition for Review on Certiorari (Petition)¹ seeks the reversal of the Decision² dated 10 March 2020 and the Resolution³ dated 11 March 2021 of the Court of Appeals (CA) in CA-G.R. CV No. 112645, which affirmed *in toto* the Decision⁴ dated 26 October 2018 issued by Branch 9, Regional Trial Court (RTC) of Malolos City, Bulacan in Civil Case No. 628-M-2008.

After a judicious perusal of the case, the Court resolves to **DENY** the present Petition for failure of Trinidad Bautista Vda. De Suarez, Heirs of Fabian B. Suarez namely: Rowena Suarez and Jhacelle Rhobie Suarez, Paulino B. Suarez, Other Surviving Heirs of the Late Fausto B. Suarez, Proceso B. Suarez, Raymundo C. Suarez, and/or All Persons Claiming Rights under them (petitioners) to sufficiently show that the CA committed any reversible error in the assailed Decision and Resolution. It is emphasized that as a general rule, only questions of law may be raised in a Rule 45 petition.⁵ While there are exceptions to the rule,⁶ none obtains in this case. Further, factual findings of the RTC, as affirmed by the CA, are final and conclusive on this Court.⁷

¹ *Rollo*, pp. 22-59.

² *Id.* at 70-82; penned by Associate Justice Danton Q. Bueser and concurred in by Associate Justices Geraldine C. Fiel-Macaraig and Louis P. Acosta of the Sixteenth (16th) Division, Court of Appeals, Manila.

³ *Id.* at 84-90.

⁴ *Id.* at 296-328; rendered by Presiding Judge Veronica A. Vicente-De Guzman.

⁵ Section 1, Rule 45, Rules of Court.

⁶ See *Unera v. Shin Heung Electro Digital, Inc.*, G.R. No. 228328, 11 March 2020 [Per J. Zalameda].

⁷ See *Bangis v. Heirs of Adolfo*, 687 Phil. 437, 446-447 (2012) [Per J. Perlas-Bernabe].

However, the amount of the reasonable rentals awarded to Sps. Isidro B. Suarez and Crisanta Moraga-Suarez (Deceased) represented by their heirs namely: Charles M. Suarez, Aurelio M. Suarez and Brian M. Suarez (respondents) does not appear to have basis. The RTC merely granted the amount of rent prayed for by respondents, who presented no basis or evidence for such amount. We have previously held that “while the courts may fix the reasonable amount of rent for the use and occupation of a disputed property, they could not simply rely on their own appreciation of land values without considering any evidence. The reasonable amount of any rent could not be determined by mere judicial notice but by supporting evidence.”⁸ Accordingly, the award of reasonable rentals must be deleted.

WHEREFORE, the instant Petition is **DENIED**. The Decision dated 10 March 2020 and the Resolution dated 11 March 2021 of the Court of Appeals in CA-G.R. CV No. 112645 are **AFFIRMED** with **MODIFICATION** that the award of rentals is **DELETED**.

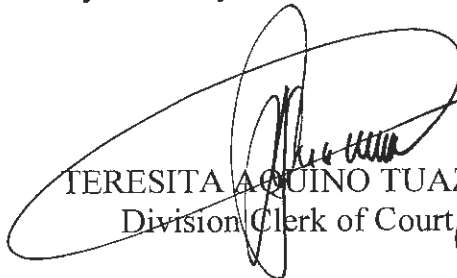
The Court further resolves to:

1. **GRANT** petitioners’ fist motion for extension and supplemental motion for extension of thirty (30) days from the expiration of the reglementary period within which to file a petition for review on *certiorari*; and

2. **INFORM** petitioners that they or their authorized representative may personally claim from the Cash Disbursement and Collection Division of this Court the excess payment of the prescribed legal fees in the amount of ₱470.00 under O.R. No. 0293660 dated 29 June 2021.

SO ORDERED.” (Perlas-Bernabe, *SAJ.*, on official business leave; Hernando, J. designated as Acting Chairperson per Special Order No. 2872 dated 04 March 2022.

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court 7/24

⁸ *Bunyi v. Factor*, 609 Phil. 134, 145 (2009) [Per J. Quisumbing].

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 9
Malolos City, Bulacan
(Civil Case No. 628-M-2008)

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Supreme Court, Manila

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Supreme Court, Manila

COURT OF APPEALS (x)
Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. CV No. 112645

*For this resolution only
**with a copy of the CA Decision dated March 10, 2020
Please notify the Court of any change in your address.
GR256713. 3/9/2022(83)URES 