



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **02 September 2020** which reads as follows:*

“G.R. No. 251957 - (Willie David v. Biyaya Corporation) – This is a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court assailing the July 5, 2019 Decision¹ and February 7, 2020 Resolution² of the Court of Appeals (CA) in CA-G.R. CV No. 110924. The CA affirmed the October 2, 2017 Decision of the Regional Trial Court (RTC), Branch 125 of Calocan City, granting the complaint for recovery of possession filed by respondent Biyaya Corporation (Biyaya) against herein petitioner Willie David (David).

After a careful study of the case, the Court resolves to **DENY** the instant petition for lack of any reversible error on the part of the CA as to warrant the exercise of this Court’s discretionary appellate jurisdiction. Further, the issue submitted by David in his petition is factual in nature and, hence, not proper subjects of an appeal by *certiorari* under Rule 45 of the Rules of Court. The Court has to analyze and re-calibrate the evidence presented by the parties so as to resolve the issue of whether Biyaya has duly proved by preponderance of evidence its ownership of Lot 20, Block 18, a portion of Lot 902 of Tala Estate, situated in Calocan City, and covered by Transfer Certificate of Title (TCT) No. C-40246 and Tax Declaration No. 26-177-68714-F (subject property). We are not a trier of facts. Our power is confined to the review of errors of law that may have been committed in the judgment under review.³

Moreover, the grounds and arguments relied upon in the present petition have already been threshed out and thoroughly passed upon by the CA when it affirmed the RTC’s findings that Biyaya is the duly registered owner of the subject land to

¹ *Rollo*, pp. 29-38; penned by Associate Justice Danton Q. Bueser and concurred in by Associate Justices Mariflor P. Punzalan Castillo and Rafael Antonio M. Santos.

² *Id.* at 40-42.

³ *Far Eastern Surety and Insurance Co., Inc. v. People*, 721 Phil. 760, 769 (2013).

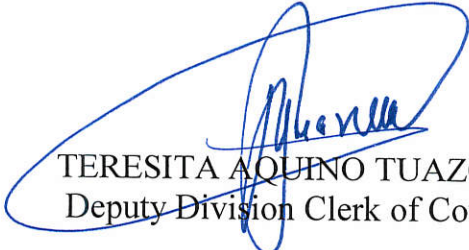
warrant possession thereof. There is dearth of evidence indicating that the CA, in affirming the RTC's judgment, overlooked, misapprehended, or misinterpreted pertinent facts or circumstances that if duly considered, would materially affect the disposition of the case differently.⁴ Neither is there proof of any extraordinary circumstance nor any reversible error committed by the appellate court which would have justified a departure from the established doctrine that findings of fact of the CA are conclusive on the Court and will not be disturbed on appeal.⁵ Thus, the findings of fact of the trial court, especially when affirmed by the appellate court, are given great weight and credit. These are final and conclusive on this Court except if not supported by the evidence on record.

However, we find a need to modify the dispositive portion of the CA Decision by imposing interest on the monthly rentals in accordance with prevailing jurisprudence⁶ and Circular No. 799, series of 2013 of the Banko Sentral ng Pilipinas which took effect on July 1, 2013.⁷ Thus, as modified, the rental shall earn interest at the rate of 12% from date of demand on May 16, 2011 until June 30, 2013; and at the rate of 6% from July 1, 2013 until fully paid.

WHEREFORE, the Petition for Review is **DENIED**. The July 5, 2019 Decision of the Court of Appeals in CA-G.R. CV No. 110924 is **AFFIRMED with MODIFICATION** in that petitioner Willie David is ordered to pay respondent Biyaya Corporation an interest on the monthly rental of ₱3,000.00 at the rate of 12% from date of demand on May 16, 2011 until June 30, 2013; and at the rate of 6% from July 1, 2013 until fully paid.

SO ORDERED." (Baltazar-Padilla, *J.*, on leave)

By authority of the Court:


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *1625 9/23*

⁴ Id.

⁵ *Posiquit v. People*, 679 Phil. 115-122 (2012).

⁶ *Nacar v. Gallery Frames*, 716 Phil. 267, 279-281 (2013).

⁷ *Belo v. Dimas-San Juan*, G.R. No. 242718, February 18, 2019.

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*PUBLIC ATTORNEY'S OFFICE (reg)
Special & Appealed Cases Service
Department of Justice
PAO-DOJ Agencies Building
NIA Road corner East Avenue
1104 Diliman, Quezon City

*ALFA LAW PARTNERS (reg)
Counsel for Respondent
Unit 903, Manila Luxury Suites
Pearl Drive corner Goldloop Ortigas
Center, 1605 Pasig City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 125
Caloocan City
(Civil Case No. C-23173)

JUDGMENT DIVISION (x)
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. 110924

*with copy CA Decision dated 5 July 2019
Please notify the Court of any change in your address.
GR251957. 09/02/2020A(8)URES *1963*