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bit their ignoring, in the termination of the contract of lease the person with whom they actually contracted. Consequently, the "agreement," whether or not the signature thereto of Marta Hernandez was genuinely executed or forged, could not possibly be a ground for the early termination of the contract of lease and neither could it extend the lease beyond 1987 or up to 1992.

WHEREFORE, the petition is GRANTED; the orders of the respondent court dated September 8, 15, and 16, 1982 are hereby ANNULLED and SET ASIDE and the order to restore the petitioners to the possession of the leased premises and to refrain from molesting or disturbing the petitioners' possession issued by this Court on January 24, 1983 is made PERMANENT. Civil Cases Nos. A-1378 and A-1379 are ordered DISMISSED. Costs against the private respondents.

SO ORDERED.

Melencio-Herrera, Plana, Relova, De la Fuente, and *Alampay, JJ.*, concur.

Teehankee (Chairman), J., took no part.

FIRST DIVISION

[G.R. No. 62091. July 29, 1985]

FE MADRIDEO and NARCISO MATURGO, *petitioners*, *vs.* **HONORABLE COURT OF APPEALS, ANTONIO LLORENTE, MATILDE GENTLE, ONISIMO LLORENTE, ANTONIA TAMBOR, LUISA LLORENTE, JOSE LLORENTE, DOLORES MILLAMENA, FE LLORENTE, ARTURO BAJARO, EUTIQUIO LLORENTE and CONSOLACION BERMEJO**, *respondents.*

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SYLLABUS

REMEDIAL LAW; CIVIL PROCEDURE; APPEAL; AN APPELLEE WHO HAS NOT HIMSELF APPEALED CAN ONLY MAINTAIN THE JUDGMENT OF THE TRIAL COURT; HE CANNOT ASK THAT THE JUDGMENT BE MODIFIED OR REVERSED.— It is quite clear that respondent Court had no jurisdiction to reverse the finding of the trial Court in favor of the Spouses Maturgo and against the Llorente Group, considering that the latter had not appealed from that finding. "It is a well-settled rule in this jurisdiction that whenever an appeal is taken in a civil case an appellee who has not himself appealed cannot obtain from the appellate court any affirmative relief other than the ones granted in the decision of the court below." In the case of *Aparri v. Court of Appeals*, 13 SCRA 611, 616-617, the following was said: "the principle is that while an appellee who is not an appellant, may assign errors in her brief, she may do so only to maintain the judgment on other grounds, but not to have the judgment modified or reversed, for, in such case she must appeal." The Llorente Group, as appellee, can only maintain the judgment of the trial Court; they cannot ask that the judgment be modified or reversed. There was no valid justifiable issue in the Alcala appeal between the Llorente Group and the Spouses Maturgo who were not parties in the appeal. Respondent Court acted without jurisdiction in making a ruling in favor of the Llorente Group and against the Spouses Maturgo in deciding the Alcala Group appeal.

APEARANCES OF COUNSEL

Jose S. Santos & Associates for petitioners.
Reginaldo Torres for private respondents.

D E C I S I O N

MELENCIO-HERRERA, *J.*:

This *Certiorari* proceeding is in relation to a Civil Case involving three parties who may hereinafter be referred to as the Spouses Maturgo, the Llorente Group, and the Alcala Group.

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the act of an individual included in any of the two groups being deemed to be the act of the group. The case started on January 18, 1972, when the Llorente Group filed before the Court of First Instance of Albay a Complaint docketed as Civil Case No. 4564. Named defendants were the Alcala Group and the Spouses Maturgo. A statement of the facts and of the case may be made as follows:

1. There are two cadastral lots situated in Daraga, Albay, which used to be covered by Original Certificates of Title Nos. RO-15434 (17622) and RO-15435 (2270), issued in the names of predecessors-in-interest of the Llorente Group.

2. Upon petition filed in the cadastral case, the OCT's were cancelled in 1971, and replaced by Transfer Certificates of Title Nos. T-29762 and T-29763 in the name of the Alcala Group, based on the finding that the predecessors-in-interest of the Llorente Group had previously sold the two lots to the Alcala Group. Thereafter, the Alcala Group sold the two lots to the Spouses Maturgo, who were then issued TCT's Nos. 30744 and T-30746.

3. In their Complaint, the Llorente Group alleged that there was fraud committed by the Alcala Group when the latter had the OCT's cancelled, and new TCT's issued in their name; and that there was fraud also in the transfer of the two lots to the spouses Maturgo.

4. The trial Court ruled that (a) the Spouses Maturgo were purchasers in good faith, such that they could retain their titles to the two lots; and (2) that the Llorente Group was unlawfully divested of their ownership of the two lots by the Alcala Group, with the latter, *inter-alia*, being ordered to pay the Llorente Group the then actual market value of the two lots.

5. The Alcala Group took an appeal to respondent Appellate Court. What may be pointed out in connection with the appeal is that the Spouses Maturgo could not be considered neither appellants nor appellees. Their rights having been confirmed by the trial Court, they could not be deemed appellants, together

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with the Alcala Group, in respect of a Decision in their favor. They could not be considered appellees vis-a-vis the Llorente Group, because this group had not appealed. They could not be considered appellees vis-a-vis the Alcala Group because the Alcala Group was the very party who had sold the two lots to them.

6. Respondent Court decided the appeal on July 5, 1979 as follows:

"WHEREFORE, in order to give *complete relief to plaintiffs*, the decision of the lower court, therefore, should be modified and a new one entered by declaring that the titles to the lands in question in the names of any of the defendants are null and void, and reinstating in the records of the Register of Deeds the titles on the lands namely, Original Certificates of Titles Nos. 153134 (17622) and 15435 (2270) [Exhs. A & B]. Defendants are ordered to pay plaintiffs ₱300.00 as attorney's fees and the costs."

It is clear that "relief" had been granted to the Llorente Group, *as appellees*, to the prejudice of the Spouses Maturgo who were really third parties to the appeal, being neither appellants nor appellees.

7. After entry of judgment by respondent Court, and return of the records to the lower Court on May 16, 1980, TCTs Nos. T-30744 and T-30746, in the names of the Spouses Maturgo were cancelled and, on May 11, 1981, TCTs Nos. T-60083 and T-60084 were issued in the names of the Llorente Group, which were simultaneously cancelled and substituted by TCTs Nos. T-60085 and T-60086 in the name of Church Assistance Program, as transferees of the Llorente Group.

8. On April 20, 1982, the Spouses Maturgo filed a Motion before respondent Court to set aside the entry of judgment and to recall records of the case, praying that their titles, TCTs Nos. T-30744 and T-30746, be reinstated; and that TCTs Nos. T-60083, T-60084, T-60085 and T-60086 be cancelled. The Motion was denied by respondent Court on September 22, 1982. The petition for *certiorari* in this case was filed on October 16, 1982. Respondents did not file a memorandum.

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It is quite clear that respondent Court had no jurisdiction to reverse the finding of the trial Court in favor of the Spouses Maturgo and against the Llorente Group, considering that the latter had not appealed from that finding.

"It is a well-settled rule in this jurisdiction that whenever an appeal is taken in a civil case an appellee who has not himself appealed cannot obtain from the appellate court any affirmative relief other than the ones granted in the decision of the court below."[1]

The Llorente Group, as appellee, was granted by the trial Court the right, *inter alia*, to collect from the Alcala Group the reasonable market value of the two cadastral lots. Respondent Court, in the appeal of the Alcala Group, cannot grant the Llorente Group, any other relief; that is, they cannot be made to recover the two cadastral lots from the Spouses Maturgo.

In the case of *Aparri v. Court of Appeals*, 13 SCRA 611, 616-617, the following was said:

"the principle is that while an appellee who is not an appellant, may assign errors in her brief, she may do so only to maintain the judgment on other grounds, but not to have the judgment modified or reversed, for, in such case she must appeal. (2 Moran Comments on the Rules of Court 427-428 [1963]".

The Llorente Group, as appellee, can only maintain the judgment of the trial Court; they cannot ask that the judgment be modified or reversed. There was no valid justifiable issue in the Alcala appeal between the Llorente Group and the Spouses Maturgo who were not parties in the appeal. Respondent Court acted without jurisdiction in making a ruling in favor of the Llorente Group and against the Spouses Maturgo in deciding the Alcala Group appeal.

WHEREFORE, the Decision of respondent Court of July 5, 1979, in its case CA-G.R. No. 61176-R, *Antonio Llorente, et al. vs. Antonia Macinas, et al.*, is hereby SET ASIDE.

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[1] *Dy and Tual vs. Kuizon*, 113 Phil. 592, 594 (1961).

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To terminate the controversy between the Llorente Group and the Alcala Group, the judgment in Civil Case No. 4564 of the then Court of First Instance of Albay is hereby reinstated and affirmed, which would have been the resolution of respondent Court were it is not for its ruling against the Spouses Maturgo.

As an incident in Civil Case No. 4564, the Regional Trial Court to which said case may be assigned shall hold hearings to determine the rights and obligations of the Church Assistance Program.

No costs.

SO ORDERED.

Teehankee (Chairman), Plana, Relova, Gutierrez, Jr., and *De la Fuente, JJ.*, concur.

Alampay,[*] *J.*, took no part.

FIRST DIVISION

[G.R. No. 62251. July 29, 1985]

IRENE TAC-AN DANO, FELIPE G. TAC-AN, DIOSDADO G. TAC-AN and SOCORRO TAC-AN GENOBATEN, *petitioners, vs.* **THE COURT OF APPEALS and ALFONSO G. TAC-AN**, *respondents.*

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[*] Mr. Justice Nestor B. Alampay took no part, having concurred in the judgment of the then Court of Appeals now under review.