

Title

Emilio S. Young vs. John Keng Seng (a.k.a John Sy): A Case on Forum Shopping and Procedural Compliance

Facts

The case initiated from a complaint for “accounting of general agency, injunction, turning over of properties, and damages” filed by John Keng Seng (hereafter respondent) against Emilio Young (petitioner) and his wife on September 16, 1996, in the Regional Trial Court (RTC) of Bacolod City, Branch 53, designated as Civil Case No. 96-9508. The petitioner filed a Motion to Dismiss on the grounds of lack of cause of action, which the RTC granted on March 6, 1997. The respondent’s Motion for Reconsideration was subsequently denied on April 2, 1997.

On June 23, 1997, the respondent filed a second complaint for accounting and damages against the petitioner in the same court but in a different branch (Branch 44), labeled as Civil Case No. 97-9830. This time, the petitioner filed a Motion to Dismiss, citing failure to state a cause of action and a violation of the rule against forum shopping due to a deliberate submission of a false certification under oath. Initially, the Motion for Reconsideration was granted on September 23, 1997, by RTC Branch 44, dismissing the Second Case (Civil Case No. 97-9830). However, upon re-affle to RTC Branch 54 due to Judge Lobaton’s inhibition, the new presiding Judge Magallanes reconsidered the dismissal on December 16, 1998, ruling that the respondent was not guilty of forum shopping. The petitioner’s Motion for Reconsideration was denied on April 23, 1999. The Court of Appeals later affirmed the RTC’s decision, leading to the present Petition for Review under Rule 45.

Issues

1. Whether the petitioner can still invoke the violation of the rule on non-forum shopping when it was not cited as a ground in his initial motion to dismiss in the trial court.
2. Whether the Court of Appeals erred in ruling that the respondent had not committed forum shopping.
3. Whether the alleged violation of the rule on forum shopping warrants the automatic dismissal of the Second Case.

Court’s Decision

The Supreme Court denied the petition, upholding the decisions of the lower courts but clarifying the rationale. The Court ruled that:

1. The petitioner is barred from raising forum shopping at appellate stages given his failure

to invoke such ground in his initial Motion to Dismiss, emphasizing the doctrine that defenses not raised timely are deemed waived.

2. Despite finding inaccuracies in the respondent's certification against forum shopping, the Court decided to focus on the merits due to the nature of the dismissal of the First Case (Civil Case No. 96-9508) for lack of cause of action, meaning it didn't preclude the refile of a similar case.

3. The Court iterated that forum shopping occurred, given the misrepresentation in the certification by the respondent. However, it stressed that substantial justice necessitates that cases be resolved on their merits, whenever possible.

Doctrine

- The violation of the rule on forum shopping must be raised at the earliest opportunity, and failure to do so can result in waiver of that defense.
- Forum shopping is adjudged based on whether there is identity of parties, causes of action, and reliefs sought in multiple actions, and its presence can justify summary dismissal except where substantial justice mandates otherwise.

Class Notes

1. **Forum Shopping**: The act of a party seeking a favorable opinion in another court after receiving an adverse decision from one forum, involving the same parties, rights, and reliefs sought.
2. **Waiver of Defense**: Defenses and objections not pleaded either in a motion to dismiss or in the answer are considered waived (Rule 9, Section 1 of the Rules of Court).
3. **Non-forum Shopping Certification Requirement**: A mandatory requirement under Rule 7, Section 5, designed to prevent multiple petitions or complaints involving the same issue across different courts. A false certification is grounds for dismissal of the case and may constitute indirect contempt of court.

Historical Background

The prohibition against forum shopping in the Philippine judiciary system underscores the courts' intent to streamline the judicial process, discourage multiplicity of suits, and foster efficient administration of justice. The evolution of this principle into a stringent rule reflects the judicial commitment to integrity, orderliness, and speedy disposition of cases. Through cases like *Emilio S. Young vs. John Keng Seng*, the Supreme Court has held firm on the principles governing forum shopping, demonstrating its pivotal role in upholding judicial efficiency and litigant responsibility.