

**\*\*Title:** Ramon Ching and Po Wing Properties, Inc. v. Joseph Cheng, Jaime Cheng, Mercedes Igne and Lucina Santos**\*\***

**\*\*Facts:\*\***

1. Antonio Ching owned significant assets and properties, including Po Wing Properties, Inc.
2. It is alleged that Antonio Ching had children from two women. Ramon Ching claimed to be his only child with his common-law wife, Lucina Santos, while Joseph Cheng and Jaime Cheng claimed to be his children with his housemaid, Mercedes Igne.
3. Upon Antonio Ching's illness in 1996, he allegedly entrusted his estate to Lucina Santos, who then gave the documents to Ramon Ching for safekeeping.
4. Antonio Ching recovered from the illness but was murdered on July 18, 1996. Subsequently, Ramon Ching executed an affidavit of settlement of the estate, declaring himself the sole heir.
5. Mercedes Igne's children alleged that Ramon induced them to sign an agreement and waiver regarding Antonio Ching's estate in consideration of P22.5 million, which they claimed was never paid.
6. Joseph Cheng, Jaime Cheng, and Mercedes Igne filed a complaint on October 7, 1998, for nullity of titles against Ramon Ching (Civil Case No. 98-91046), which was amended on March 22, 1999, to annul various documents and added Po Wing Properties as a defendant.
7. On November 13, 2001, the Regional Trial Court (RTC) of Manila dismissed the case due to lack of jurisdiction over subject matter upon motion by Po Wing Properties.
8. The Chengs and Lucina Santos did not file the required pleading within the granted fifteen (15) days and, instead, filed a new complaint (Civil Case No. 02-103319) on April 19, 2002, which was dismissed without prejudice on November 22, 2002.
9. During the pendency of the motion for reconsideration for the second case, the Chengs and Lucina Santos filed another case (Civil Case No. 02-105251), which resulted in multiple procedural challenges including motions to dismiss and petitions for certiorari.

**\*\*Issues:\*\***

1. Whether the trial court's dismissal of the second case (Civil Case No. 02-103319) operated as a bar to the filing of the third case (Civil Case No. 02-105251), as per the "two-dismissal rule."
2. Whether the respondents committed forum shopping when they filed the third case while the motion for reconsideration of the second case was still pending.

**\*\*Court's Decision:\*\***

1. **\*\*Two-Dismissal Rule:\*\***

- Court interpreted Rule 17 of the Rules of Civil Procedure, emphasizing that the “two-dismissal rule” is applicable only to dismissals at the instance of the plaintiff.
- The dismissal of the first case was on the motion of the defendants (lack of jurisdiction), thus, it does not count for the application of the “two-dismissal rule.”
- The dismissal of the second case was properly classified as a dismissal without prejudice since the court was required to grant such a motion under Rule 17, Section 1, before any responsive pleading was filed by the defendants. Therefore, a third case can legitimately proceed.

## 2. **Forum Shopping:**

- The court found that filing the third case while a motion for reconsideration of the second case was pending constituted forum shopping, as both cases involved the same parties and causes of action.
- This resulted in the potential for vexatious litigation and conflicting judgments, ultimately deemed procedural malpractice.

## **Doctrine:**

- **Two-Dissmissal Rule:** This rule applies only for dismissals initiated by the plaintiff. The court emphasized that dismissals caused by defendants do not count towards the “two-dismissal rule” under Rule 17.
- **Litis Pendentia and Forum Shopping:** Any final judgment in one case would amount to res judicata in another where identity of parties, issues, and reliefs exists. Multiple filings involving the same subject matter are suppressible.

## **Class Notes:**

- **Two-Dissmissal Rule:** Governed by Rule 17 of the Rules of Civil Procedure. This rule prevents plaintiffs from repeatedly dismissing their cases to vex defendants.
- **Res Judicata:** A final judgment prevents the same issue from being litigated again between the same parties.
- **Forum Shopping:** When a party files multiple cases involving the same issue in different courts to get a favorable verdict. Considered malpractice under procedural law.
- **Rule 1, Section 6:** Promotes the liberal interpretation of procedural rules to ensure just, speedy, and inexpensive disposition of every action and proceeding.

## **Historical Background:**

- The complexity of this case is rooted in the distribution of a sizeable estate post the murder of Antonio Ching. Legal battles showcased deep family disputes and attempts by various heirs to claim legitimacy and find favor in the courts. The procedural integrity of the

judiciary was put to the test as multiple cases muddled the search for justice and proper inheritance.