

Title: Jorgenetics Swine Improvement Corporation vs. Thick & Thin Agri-Products, Inc.

Facts:

On November 10, 2008, Thick & Thin Agri-Products, Inc. (TTAI) filed a complaint for replevin with damages against Jorgenetics Swine Improvement Corporation (Jorgenetics), seeking the possession of 4,765 heads of hogs, held as collateral under a chattel mortgage. TTAI alleged that Jorgenetics defaulted on its obligation under an agreement to supply feeds and supplies worth Php 20,000,000.00. The Regional Trial Court (RTC) of Quezon City, Branch 92, initially handled the case and issued a writ of replevin the next day, which was served on Jorgenetics' farm.

On May 29, 2009, the writ was executed, and hogs seized. Jorgenetics moved to dismiss the case, arguing invalid service of summons. The case was re-raffled to Branch 93 and later to Branch 75, where Judge Alexander Balut ordered the dismissal on February 4, 2010, for lack of jurisdiction due to improper service. Following this, TTAI challenged the dismissal through a Petition for Certiorari under Rule 65 against Judge Balut.

While proceedings continued, TTAI initiated extrajudicial foreclosure on the chattel mortgage, won the auction, and obtained a certificate of sale for the hogs. Jorgenetics sought a writ of execution and damages against TTAI for wrongful seizure and moved for the return of the hogs. Proceedings jumped between several trial courts, with conflicting orders, until the CA annulled the initial dismissal and reinstated TTAI's complaints in a March 29, 2011 decision.

Jorgenetics filed a petition for review on April 29, 2011, CA-G.R. SP No. 130075 addressed Judge Balut's conduct. Thereafter, Jorgenetics' motions and repeated filings against reinstating TTAI's complaint kept the judicial debate ongoing across different trial court branches. The CA maintained the reinstatement of TTAI's complaint and pursued solidifying its decisions further in an October 29, 2014 resolution.

Issues:

1. ****Mootness****: Whether the cases are mooted by the final decision on the merits in Civil Case No. Q-08-63757.
2. ****Verification and Certification****: Whether Jorgenetics properly complied with rules on verification and certification of non-forum shopping.
3. ****Finality of February 4, 2010 Order****: Whether the February 4, 2010 Order dismissing the replevin complaint became final and executory.

4. ****Jurisdiction****: Whether Jorgenetics' actions post-dismissal amounted to a voluntary submission to the court's jurisdiction.
5. ****Return of Hogs****: Whether the order to return the hogs seized by virtue of the writ of replevin was proper.

Court's Decision:

Mootness:

The Supreme Court ruled the petitions were not moot despite the final and executory nature of the main decision favoring TTAI. It held that even with a decisive judgment on the replevin case, a favorable ruling could declare previous proceedings, including the said decision, void due to lack of jurisdiction.

Verification and Certification:

The Supreme Court affirmed that corporate officials like the chairman and president do not need a board resolution to sign verification and certification. Subsequent ratification validates the action. The variance in the date of the verification with the date of the petition was trivial and did not contravene the purpose of good faith and veracity in pleadings.

Finality of February 4, 2010 Order:

The Court agreed with the CA that the appropriate remedy against a dismissal order for lack of jurisdiction is a certiorari under Rule 65, not Rule 41. This ensured that the February 4, 2010 Order did not attain finality, as TTAI's filing of a motion for reconsideration and subsequent Rule 65 petition prevented this.

Jurisdiction:

The Court found that Jorgenetics submitted to the jurisdiction by actively participating in proceedings and seeking reliefs such as motions for damages and writs. This negated their lack-of-jurisdiction argument.

Return of Hogs:

Given the main decision favoring TTAI had become final, debated intricacies of the writ of replevin and its execution were rendered irrelevant. Therefore, any discussion regarding the writ was moot.

Doctrine:

1. ****Certiorari as a Remedy****: An order dismissing an action without prejudice for lack of jurisdiction over a party is properly assailed by certiorari under Rule 65, not appealable

under Rule 41.

2. **Voluntary Submission to Jurisdiction**: Active participation in the proceedings, such as filing motions seeking affirmative relief, constitutes voluntary submission to the jurisdiction of the court.

Class Notes:

- **Replevin**: Legal action for retrieving personal property wrongfully held by another. It can serve as a primary action or as a provisional relief during litigation.
- **Jurisdiction**: Requires proper service of summons unless waived. Voluntary involvement in seeking court decisions post-summon waives objections.
- **Certiorari vs Appeal**: Certiorari (Rule 65) corrects jurisdictional errors; direct appeals handle matters of merits.
- **Finality of Orders**: Orders without jurisdiction do not attain finality and can be challenged despite procedural lapses.

Historical Background:

This case illustrates the procedural intricacies and jurisdictional nuances that can extend litigation significantly. It highlights the impact of corporate actions in adjudicating complex commercial disputes and reaffirms principles of procedural fairness and court authority delineation in the Philippines judicial system.