

CRISOSTOMO PURIFICACION, ROMEL ROLLAN, RENATO MALABANAN AND JOVENCITO MALABANAN, PETITIONERS, V. PEOPLE OF THE PHILIPPINES AND HONORABLE CAROLINA C. ICASIANO-SISON, PRESIDING JU...

Ponente: BARRIOS, M. M., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/0cd656d1fea7/>

BARRIOS, M. M., J.:

On 25 February 2014, petitioners filed the instant Petition for Certiorari and Prohibition (with Application for Temporary Restraining Order and/or Writ of Preliminary Injunction) assailing the two (2) Orders dated 25 November 2013 and 03 February 2014 of public respondent Regional Trial Court, Branch 18, Manila (RTC) which denied their Omnibus Motion to dismiss the criminal case for double murder against them.

It is relevant to state that petitioners have earlier filed a Demurrer to Evidence, but which was denied by the RTC and this Order is now subject of an earlier petition also before this court under CA-GR No. 130894.

In the instant petition, petitioners principally assert that the public respondent RTC has no jurisdiction to hear and try the criminal case for the double murder of Salvador 'Bubby' Dacer and Emmanuel Corbito since none of the elements of said crime was committed within the territorial jurisdiction of Manila. It was asseverated that the intersection of Osmeña Highway and Zobel Roxas Street – the place where Dacer and Corbito was supposedly abducted on 24 November 2000 – is actually part of Makati City, and not of the City of Manila, as shown by the Certifications and Verification Survey Report of the Urban Planning Development of Makati City and Department of Engineering and Public Works of Manila, respectively. Petitioners posit that since the initial abduction of the victims occurred in Makati City and the slaying happened in Indang, Cavite, then the Information should have been lodged in the proper court of Makati City or Indang, Cavite. Hence, the case filed in Manila should be dismissed for lack of jurisdiction.

At the onset, We immediately take note that the above arguments were already raised by petitioners in the other Petition for Certiorari and Prohibition[1] aforementioned earlier filed before this Court on 12 July 2013 assailing the Orders dated 17 December 2012 and 30 April 2013 of the public respondent RTC which dismissed their Demurrer to Evidence. Notably, said petition is also mainly premised on the same issue of lack of jurisdiction of the trial court to try the case on the notion that the crime did not take place in Manila.

It is, therefore, clear that petitioners are guilty of forum shopping. Forum shopping exists when a party seeks to obtain remedies in an action in one court that had already been solicited, and in other courts and other proceedings in other tribunals.[2] There is also forum shopping when a party institutes two (2) or more actions based on the same cause on the expectation that one or the other court might look with favor on the party.[3] To sustain the assertion of forum shopping, the following must exist in a case pending before the court and another one, viz: a) identity of parties, or at least such parties as represent the same interests in both actions; b) identity of rights asserted and relief prayed for, the relief being founded on same facts; and c) the identity of the two (2) preceding particulars is such that any judgment rendered in the other action would, regardless of which party is successful,

amount to res judicata in the action under consideration.[4]

In the case at bar, the parties in the two (2) Petitions for Certiorari and Prohibition filed before this Court are one and the same. Petitioners similarly advanced in both petitions the lack of jurisdiction of public respondent trial court to try the case on the assumption that none of the elements of murder occurred in Manila, and that on account thereof, they prayed for the dismissal of the criminal case. Further, the resolution of the issues in one of the petitions would necessarily affect, if not render moot and academic, the determination of the issues in the other. Of no doubt, petitioners committed forum shopping, the practice of which, the law and the Rules abhor. It is axiomatic that forum shopping is a deplorable practice of the litigants of resorting to two different fora for the purpose of obtaining the same relief, to unduly increase their chances of obtaining favorable judgment.[5] The grave evil sought to be avoided by the rule against forum shopping is the rendition by two competent tribunals of two separate and contradictory decisions.[6] By resorting to forum shopping, the dismissal of the petition is in order. A party's willful and deliberate act of forum shopping is punishable by summary dismissal of the actions filed.[7]

WHEREFORE, premises considered, the instant Petition for Certiorari and Prohibition is DISMISSED.

SO ORDERED.

Reyes, Jr., (Chairperson) and Corales,[*] JJ., concur.

[*] Acting Junior Member, per Office Order No. 291-14-ABR dated 19 June 2014.

[1] Docketed as CA-G.R. SP No. 130894.

[2] Balite vs. Court of Appeals, G.R. No. 140931, November 26, 2004.

[3] Heirs of Vda. De Roxas vs. Court of Appeals, G.R. No. 138660, February 5, 2004.

[4] Korea Exchange Bank vs. Gonzales, G.R. Nos. 142286-87, April 15, 2005.

[5] Guevara vs. BPI Securities Corp., G.R. No. 159786, August 15, 2006.

[6] Guevara vs. BPI Securities Corp., supra.

[7] Municipality of Taguig vs. Court of Appeals, G.R. No. 142619, September 13, 2005.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.