

**MIDAS INTERNATIONAL DEVELOPMENT CORPORATION,
PETITIONER, V. HON. ALEXANDER BALUT, IN HIS CAPACITY AS
PRESIDING JUDGE OF BRANCH 76 OF QUEZON CITY REGIONAL
TRIAL COURT, AND JOSE M...**

Ponente: ELBINIAS, J.

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ELBINIAS, J.:

On November 25, 2011, petitioner Midas International Development Corporation (“Midas International” for brevity) and Midas Development Corporation (“Midas Development” for brevity) filed a “MOTION FOR CONSOLIDATION”[1] of the Petition at bench with a Petition for Review on Certiorari pending before the Former First Division of the Court of Appeals (CA) entitled “Midas Development Corporation v. Hon. Alexander Balut, in his capacity as Presiding Judge of Branch 76 of Quezon City Regional Trial Court, and Jose Marcelo, Jr., as Administrator of the Intestate Estate of Jose Marcelo, Sr.” docketed as CA-G.R. No. 121803.

This Motion was however denied by the Former Fifteenth Division of the CA in its Resolution[2] dated June 19, 2012 stating that, among others:

“On February 3, 2012, private respondent Jose T. Marcelo, Jr. filed a 'MANIFESTATION' stating, among others, the following:

'xxx this Honorable Court (Second Division) in CA-G.R. SP No. 121803 has already rendered its decision dated January 13, 2012 dismissing the petition and affirming the assailed [O]rder dated February 9, 2011 in SP PROC. No. Q-88-1448.'

This is confirmed by the following developments as disclosed from the records of CA G.R. SP No. 121803, which We take judicial notice of:

1. On January 13, 2012, a Decision was rendered by the Court of Appeals (Second Division), which dismissed Midas Development's Petition, and affirmed the assailed Order dated February 9, 2011 in Special Proceedings No. Q-88-1448;
2. On February 8, 2012, Midas Development filed its Motion for Reconsideration of the Decision of January 13, 2012;
3. On April 30, 2012, a Resolution was issued by the Court of Appeals (Second Division), which denied Midas Development's Motion for Reconsideration, and;
4. On May 23, 2012, Midas Development filed a Petition for Review on Certiorari from the Decision of January 13, 2012 to the Supreme Court.”[3] (Emphasis was made in the original)

In the same Resolution, the Former Fifteenth Division of the CA directed the parties to “within ten (10) days from notice, submit their respective positions on how the Decision dated January 13, 2012 of the Court of Appeals (Second Division) and Midas Development's Petition for Review on Certiorari to the Supreme Court in CA G.R. SP No. 121803 will affect the resolution and outcome of the Petition at bench xxx.”[4]

In its Manifestation,[5] petitioner Midas International averred the following:

“In compliance with the Resolution dated June 19, 2012 of this Honorable Court (xxx), petitioner, by counsel, respectfully manifests its agreement that this case be archived pending determination by the Supreme Court of the Petition for Review on Certiorari, docketed as G.R. No. 201753, filed by Midas Development Corporation against the Decision dated January 13, 2012 and Resolution dated April 30, 2012 of the Second Division of this Honorable Court in CA-G.R. No. 121803.”[6]

On the other hand, private respondent Jose T. Marcelo, Jr., in his Compliance[7] dated July 4, 2012, manifested that, among others:

“xxx [T]he private respondent humbly submits that the instant petition be ordered dismissed outright, in view of the resolution rendered by this same court (Second Division) in CA-G.R. SP No. 121803 dismissing the petition and affirming the assailed Order dated February 9, 2011 in S.P. PROC. No. Q-88-1448.

xxx

xxx To emphasize, both Petitions (CA-G.R. SP No. 121803 and CA-G.R. SP No. 121825) assail the Order dated February 9, 2011 issued by public respondent. Considering however, that this Honorable Court (Second Division) has already rendered its decision relative to the aforesaid assailed Order, it is imperative in light of the doctrine of non-interference and/or judicial stability and orderly administration of justice that the petition at bench be dismissed.

xxx Said doctrine is regarded as highly important whereby the judgment of a court of competent jurisdiction may not be opened, modified or vacated by any court or tribunal of a co-equal jurisdiction. Xxx

xxx Considering that this Honorable Court, of another division (Second Division) had already resolved the matter of the assailed Order of public respondent, the same should be respected for otherwise it may result to conflicting decisions over the same which is not allowed or prohibited under the rules.”[8] (Emphasis supplied)

The arguments raised by petitioner Midas International in the Petition before Us had been rendered moot and academic by a supervening event. This event was the rendering by the Second Division of the CA of its Decision dated January 13, 2012 in CA-G.R. SP No. 121803.

In the Petition filed before the Second Division of the CA and docketed as CA-G.R. SP No. 121803, Midas Development Corporation, petitioner's sister company,[9] assailed the propriety of the Order dated February 9, 2011 of public respondent Regional Trial Court of Quezon City, Branch 76 (“public respondent” for brevity). Eventually, the Second Division of the CA rendered its Decision dated January 13, 2012 affirming the Order dated February 9, 2011 of public respondent.

On the other hand, in the Petition at bench, petitioner also assailed the propriety of the same public respondent's Order[10] dated February 9, 2011, and Order[11] dated August 18, 2011, which Order, in turn, was issued pursuant to public respondent's Order[12] dated February 9, 2011.

Consequently, the issues in the Petition at bench no longer existed for the reason that the propriety of public respondent's Order dated February 9, 2011 had already been resolved by the Second Division of the CA in CA-G.R. SP No. 121803. Thus, there was no longer any controversy, such that any ruling on the issues raised in the Petition at bench would have no operational effect or consequence, especially among the parties.

These circumstances indicate that the case has indeed become moot and academic, as had been similarly pronounced by the Supreme Court in *Galicto v. H.E. Benigno Aquino III*, in his capacity as President of Republic of the Philippines, et al., G.R. No. 193978, February 28, 2012, to wit:

“A moot case is 'one that ceases to present a justiciable controversy by virtue of supervening events, so that a declaration thereon would be of no practical use or value.' '[A]n action is considered 'moot' when it no longer presents a justiciable controversy because the issues involved have become academic or dead[,] or when the matter in dispute has already been resolved and hence, one is not entitled to judicial intervention unless the issue is likely to be raised again between the parties x x x.' Simply stated, there is nothing for the x x x court to resolve as [its] determination x x x has been overtaken by subsequent events.” (Emphasis supplied)

The Court of Appeals (Second Division) had already resolved in its Decision dated January 13, 2012 the matter involving public respondent's assailed Order dated February 9, 2011. Thus, such Decision of the Second Division of the CA should be respected so as to prevent any conflicting decisions that may occur should the Petition pending before this Court be continued. All of these are pursuant to the following pronouncement of the Supreme Court in *Clark Development Corporation v. Mondragon Leisure and Resorts Corporation, et al.*, G.R. No. 150986, March 2, 2007:

“The vexation to the courts in this case is evident. There is a high risk of conflict between the decisions of the RTC Branches 58 and 60 regarding their respective civil cases. A decision by one branch of court will constitute res judicata in the other case pending before the other branch of court. Alternatively, if the RTC Branch 60 exercised its jurisdiction over the petition for declaratory relief, then it would have to restrain the execution proceedings in the RTC Branch 58. Thus, interference with the proceedings in another court would ensue. Under the doctrine of non-interference, 'a trial court has no authority to interfere with the proceedings of a court of equal jurisdiction, much less to annul the final judgment of a co-equal court.' xxx

The consolidation of the two civil cases is also not possible in line with the doctrine on non-interference. As observed by the CA:

In the matter of the consolidation of the two cases, Mondragon should be reminded that the same is addressed to the sound discretion of the courts. Neither of the judges in the two cases can impose upon the other the consolidation of the cases. xxx” (Emphasis supplied)

IN VIEW OF ALL THESE, the Petition is DISMISSED.

SO ORDERED.

Dicdican (Chairperson) and Paredes, JJ., concur.

[1] Rollo, p. 146-149.

[2] Rollo, pp. 286-288.

[3] Rollo, pp. 287-288.

[4] Rollo, p. 288.

[5] Rollo, pp. 289-290.

[6] Rollo, p. 289.

[7] Rollo, pp. 292-295.

[8] Rollo, pp. 292-293.

[9] Rollo, p. 4.

[10] Rollo, p. 7.

[11] Rollo, p. 27.

[12] Rollo, p. 7.

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