

ASSET POOL A (SPV-AMC), INC. PETITIONER, VS. HON. OMAR T. VIOLA IN HIS CAPACITY AS THE PRESIDING JUDGE OF REGIONAL TRIAL COURT, ANGELES CITY, BRANCH 57, ET AL., RESPONDENTS.

Ponente: SADANG, J.

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SADANG, J.:

For our consideration are petitioner Asset Pool A (SPV-AMC) Inc.'s Motion for Reconsideration[1] of the Decision dated June 18, 2013, to which respondent Clark Development Corporation filed a Comment[2] dated on February 5, 2014, and Motion to Suspend Proceedings[3] (In Deference to Pending Supreme Court cases G.R. No. 205915, under the principle of Judicial Courtesy).

In its Motion for Reconsideration, petitioner raises these grounds: a) the Supplemental Complaint actually provided an additional cause of action which the injunctive reliefs were also based; b) raising a new cause of action in the Supplemental Complaint may now be allowed following the recent decisions of the Supreme Court; c) petitioner APA is not guilty of forum shopping; d) petitioner APA has right in esse entitled to judicial protection; e) the non-presentation of sampling evidence to prove petitioner APA's right in esse was brought about by RTC's violation of its right to procedural due process; f) petitioner APA has sufficiently justified its position that a motion for reconsideration is no longer needed before filing the instant Petition.

Considering that the foregoing are a mere rehash of the arguments that have already been extensively discussed and ruled upon in the decision, the motion must be denied.

In its motion for suspension of proceedings petitioner alleges that it filed a petition for review on certiorari before the Supreme Court, entitled "Asset Pool A (SPV-AMC), Inc. v. Clark Development Corporation," docketed as G.R. No. 205915, pertaining to Civil Case No. 13926. Petitioner argues that said petition involves questions of law and fact that are identical and intertwined with the issues involved in the present case, hence, under the principle of judicial courtesy, the proceedings before this Court should be suspended until the Supreme Court resolves the petition in G.R. No. 205915.

The motion must be denied considering that this Court had already rendered its decision in this case. At this point, the matter of suspension of the proceedings before the lower in view of G.R. No. 205915 is better addressed to the lower court.

It is appropos to state that there are instances where, even if there is no writ of preliminary injunction or temporary restraining order issued by a higher court, it would be proper for a lower court or court of origin to suspend its proceedings on the precept of judicial courtesy.[4] Judicial Courtesy applies where there is a strong possibility that the issues before the higher court would be rendered moot and moribund as a result of the continuation of the proceeding in the lower court (or court of origin).[5] However, in *De Leon v. Public Estates Authority*[6] the Supreme Court emphasized that the principle of judicial courtesy remains to be the exception rather than the rule.[7] It should not be applied indiscriminately and haphazardly.[8]

WHEREFORE, premises considered, petitioner's Motion for Reconsideration and Motion for Suspension of Proceedings are DENIED for lack of merit.

SO ORDERED.

Librea-Leagogo, J., Chairperson, and Diamante, JJ., concur.

[1] Rollo pp. 1045-1065.

[2] Id., pp. 1161-1167.

[3] Id., pp. 1125-1129.

[4] Republic v. Sandiganbayan, G.R. No. 166859, June 26, 2006, 492 SCRA 747, 752.

[5] Id.

[6] G.R. No. 181970, August 3, 2010.

[7] Id.

[8] Go v. Abrogar, 446 Phil. 227, 238 (2003).

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