

**GERARD F. HENSON, PETITIONER, VS. HON. LOUIS P. ACOSTA,
PRESIDING JUDGE OF REGIONAL TRIAL COURT, BRANCH 70,
TAGUIG CITY AND TSUTOMU TAKAHASHI, REPRESENTED BY HIS
SPOUSE RIA RUBI...**

Ponente: CARANDANG, J.

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CARANDANG, J.:

Petitioner seeks to reconsider Our Decision dated August 29, 2014 denying his petition for certiorari filed under Rule 65 of the 1997 Rules of Civil Procedure. After a careful examination of his Motion for Reconsideration[1] and a thorough study of related jurisprudence on notarial practice, We find no justifiable reason to reverse or set aside Our earlier ruling. The issues about the 1] defective jurat of the Verification and Certification of Non-Forum Shopping of private respondents' complaint and 2] defective notarial acknowledgment of the SPA have already been squarely and lengthily discussed in Our Decision.

Besides, We would like to point out that the instant petition must be dismissed outright for not being the proper remedy. An order denying a motion to dismiss is an interlocutory order which neither terminates the case nor finally disposes of it, as it leaves something to be done by the court before the case is finally decided on the merits. The general rule is that the denial of a motion to dismiss cannot be questioned in a special civil action for certiorari under Rule 65 of the Rules of Court which is a remedy designed to correct errors of jurisdiction and not errors of judgment.[2]

As such, an order denying a motion to dismiss may only be reviewed in the ordinary course of law by an appeal from the judgment after trial. The ordinary procedure to be followed is to file an answer, go to trial, and if the decision is adverse, reiterate the issue on appeal from the final judgment.[3]

In exceptional cases, when the denial of the motion to dismiss is tainted with grave abuse of discretion, the Court allows the extraordinary remedy of certiorari assailing the denial of a motion to dismiss. Unfortunately in this case, petitioner failed to convincingly establish his claim of arbitrariness on the part of the presiding judge.

ACCORDINGLY, petitioner's Motion for Reconsideration of Our Decision dated August 29, 2014 is DENIED.

SO ORDERED.

Gonzales-Sison and Sorongon, JJ., concur.

[1] Rollo, pp. 264-275

[2] Spouses Francisco De Guzman, Jr. and Amparo O. De Guzman vs. Cesar Ochoa, et al., G.R. No. 169292, April 13, 2011; Rimbunan Hijau Group of Companies v. Oriental Wood Processing Corporation, G.R. No. 152228, September 23, 2005

[3] Spouses Francisco De Guzman, Jr. and Amparo O. De Guzman vs. Cesar Ochoa, et al., Ibid; Negros Merchants Enterprises, Inc. v. China Banking Corporation. G.R. No. 150918, August 17, 2007, 530 SCRA 478

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