

ALICIA JIMENEZ RIVERO, ANA JIMENEZ GACUTAN, AMELIA JIMENEZ GABUAT, PRECILA JIMENEZ RAGADI, AVENIA JIMENEZ VALDEZ, ARSENIA JIMENEZ VALDEZ, PEDRO MODESTO JIMENEZ AND AZCELA JIMENE...

Ponente: SALAZAR-FERNANDO, J.

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SALAZAR-FERNANDO, J.:

On June 26, 2013, this Court received a Petition for Annulment of Judgment with Urgent Prayer for the Issuance of Temporary Restraining Order and/or Writ of Preliminary Injunction dated June 25, 2013 which was docketed as CA-G.R. S.P. No. 130468.[1] This petition was outrightly dismissed by this Court in its Minute Resolution dated October 2, 2013.[2] Unfortunately, petitioners did not file a motion for reconsideration of the October 2, 2013 resolution, allowing the same to lapse into finality. Consequently, on June 3, 2014, this Court through a Minute Resolution issued an Entry of Judgment relative to this case.[3]

However, on June 20, 2014, petitioners filed another petition which was docketed as CA-G.R. S.P. No. 133593.[4] On even date, a Resolution[5] was issued by this Court requiring counsel for petitioners to rectify a pair of formal deficiencies in the petition and also to explain why the said petition should still be entertained since they had earlier filed an identical petition for annulment of judgment which was outrightly dismissed.

On July 9, 2014, a Compliance[6] with the abovesited resolution was filed by petitioners' counsel stating among others that since the first petition was dismissed outright, this Court “was not given the opportunity to study much closely the case and discern that the contested decision of the RTC was a void judgment”.

While the dismissal of CA-G.R. S.P. No. 130468 was due to technicalities, nonetheless, it is still a dismissal and it is only when persuasive reasons exist that the Rules may be relaxed to spare a litigant of an injustice not commensurate to his failure to comply with the prescribed procedure.[7]

Petitioners are circumventing the law by filing this identical petition for annulment of judgment which is even tantamount to forum shopping. Further, under the doctrine of stare decisis, when the court has once laid down a principle of law as applicable to a certain state of facts, it will adhere to that principle, and apply it to all future cases, where facts are substantially the same, regardless of whether the parties and property are the same.[8]

WHEREFORE, premises considered, petitioners' rationale in their Compliance for filing this petition as well as the petition itself are hereby DENIED for lack of merit.

SO ORDERED.

Garcia, and Bueser, JJ., concur.

[1] See attached CMIS print-out

[2] *supra*

[3] *supra*

[4] Rollo, pp. 3-15

[5] Rollo, p. 37

[6] *id.*, pp. 38-40

[7] *Julian vs. Development Bank of the Philippines*, 661 SCRA 745

[8] *Ty vs. Banco Filipino Savings and Mortgage Bank*, 675 SCRA 339

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