BARANGAY BLUE RIDGE “A” OF QUEZON CITY, REPRESENTED IN THIS SUIT BY ITS PUNONG BARANGAY AND SANGGUNIANG BARANGAY, WHO ALSO ARE SUING IN THEIR PERSONAL/INDIVIDUAL CAPACITIES AS B...

G.R. No. 111854. November 24, 1999

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

On March 2, 1992, petitioners filed a complaint for injunction plus damages against private respondent,[1] Pilipinas Shell Petroleum Corporation in the Regional Trial Court of Quezon City.[2] On March 20, 1992, private respondent filed a motion to dismiss the petition on the ground that the complaint failed to state a cause of action.[3] The trial court granted the motion to dismiss on January 6, 1993[4] and denied petitioners' motion for reconsideration on June 3, 1993.[5]

Alleging grave abuse of discretion on the part of the trial court judge, petitioners filed a petition for certiorari with the Court of Appeals and prayed for the annulment of the trial court orders of January 6, 1993 and June 3, 1993.[6] Petitioners also prayed for the inhibition of respondent judge on the grounds of "unmistakable bias, prejudice and hostility."[7]

In a resolution dated July 26, 1993, the Fifth Division of the Court of Appeals denied the petition on the ground that the proper remedy was appeal under Rule 41, Section 2 of the Rules of Court and not a special civil action for certiorari and prohibition under Rule 65.[8]

Subsequently, the Court of Appeals, in a Resolution dated September 13, 1993, denied petitioners' motion for reconsideration for lack of merit.[9] The Court of Appeals went so far as to describe the petition as a "patay na kabayo" (dead horse). As held by the Court of Appeals, "If we are to give in to such argument (i.e. that under the facts, ordinary appeal is not a plain, speedy or adequate remedy), we might as well abolish appeal as a remedy."[10]

Aggrieved, petitioners appealed under Rule 45 of the Revised Rules of Court.[11] The sole question is whether or not the Court of Appeals erred when it denied the petition. We find that it did not. Accordingly, the petition must be denied.

A basic requisite for the special civil action of certiorari to lie is that "there be no appeal nor plain, speedy and adequate remedy in the ordinary course of law."[12] Certiorari is a remedy of last recourse and is a limited form of review.[13] Its principal function is to keep inferior tribunals within their jurisdiction.[14] It cannot be used as a substitute for a lost appeal.[15] It is not intended to correct errors of procedure or mistakes in the judge's findings or conclusions.[16]

In resolving the motion to dismiss, the trial court enumerated and discussed the elements of a cause of action.[17] As regards the first cause of action, the trial court held that while plaintiffs had a clear legal right created by law,

defendant Pilipinas Shell Petroleum Corporation was covered by the exception provided for by MMA Ordinance No. 81-01.[18] Anent the second element, the trial court ruled that defendant "was not remiss in its obligation to respect the right of plaintiffs under MMA Ordinance No. 81-01" as the records showed that defendant fell under the ordinance's exception.[19] Having discussed the first two elements and having decided that their concurrence in this case was not established by plaintiffs, the trial court saw no need to discuss the last element of a cause of action.[20]

In resolving petitioners' motion for reconsideration, the trial court held that while it "recognized the rules mentioned by plaintiff x x x the court doubts their absolute application in the case at bar. Indeed, while correct as general rules, they are not without exceptions."[21]

Jurisprudence provides that there is grave abuse of discretion where the power is exercised in an arbitrary or despotic manner by reason of passion, prejudice, or personal hostility amounting to an evasion of positive duty or to a virtual refusal to perform the duty enjoined or to act in contemplation of law.[22] Not every error in proceeding, or every erroneous conclusion of law or of fact, is abuse of discretion.[23]

In any case, if ever there was any error committed, such was error of judgment and not of jurisdiction.

Well settled is the rule that "jurisdiction" is the authority to hear and determine a cause. It is the right to act in a particular case. Its existence does not depend upon the regularity of its exercise or upon the correctness or righteousness of the decision or ruling made by the court.[24] Any error that the court may commit in the exercise of its jurisdiction is merely an error of judgment which should be reviewed by ordinary appeal.

WHEREFORE, the petition is DENIED and the resolutions of the Court of Appeals dated July 26, 1993 and September 13, 1993 are AFFIRMED.

Without costs.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Pardo, JJ., concur.

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[1] Court of Appeals Records, p. 23.

[2] The complaint filed in the Regional Trial Court of Quezon City pleaded that the construction by private respondent, Pilipinas Shell Petroleum Corporation, of a gasoline filling service station in petitioners' residential subdivision violated certain barangay ordinances and resolutions.

[3] Court of Appeals Records, p. 33.

[4] Rollo, p. 86.

[5] Rollo, p. 113.

[6] Court of Appeals Records, p. 6.

[7] Court of Appeals Records, p. 15.

[8] Rollo, pp. 132-133.

[9] Rollo, pp. 147-148.

[10] Rollo, p. 148.

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[11] Rollo, p. 7.

[12] Cochingyan, Jr. v. Cloribel, 76 SCRA 361 (1977); Building Care Corporation v. National Labor Relations Commission, 268 SCRA 666 (1997).

[13] Bernardo v. Court of Appeals, 275 SCRA 413 (1997).

[14] Lalican v. Vergara, 276 SCRA 518 (1997).

[15] Esguerra v. Court of Appeals, 267 SCRA 380 (1997).

[16] Ilacad v. Court of Appeals, 78 SCRA 301 (1977).

[17] To wit: (1) a right in favor of the plaintiff by whatever means and under whatever law it arises or is created; (2) an obligation on the part of the named defendant to respect or not to violate such right; (3) an act or omission on the part of such defendant violative of the right of the plaintiff or constituting a breach of the obligation of the defendant to the plaintiff (Court of Appeals Records, p. 451, citing ACCFA v. Alpha Insurance and Surety Co., Inc., 24 SCRA 151).

[18] The Comprehensive Zoning Ordinance, March 18, 1981.

[19] Court of Appeals Records, p. 70.

[20] Ibid.

[21] Court of Appeals Records, p. 105.

[22] People v. Marave, 11 SCRA 618 (1964); Maritime Co. of the Phils. v. Paredes, 19 SCRA 569 (1967); Panaligan v. Adolfo, 67 SCRA 176 (1975).

[23] Villa Rey Transit, Inc. v. Bello, 7 SCRA 735 (1963)

[24] Palma v. Q.S, Inc., 17 SCRA 97 (1966).

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