

SOUTHERN NEGROS DEVELOPMENT BANK, INC., PETITIONER, VS. COURT OF APPEALS AND SPOUSES LEONARDO AND MERCEDES YAP, RESPONDENTS.

G.R. No. 112066. June 27, 1994

Ponente: QUIASON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-112066/>

QUIASON, J.:

This is a petition for certiorari, assailing the Resolution of the Court of Appeals dated September 7, 1993 in CA-G.R. CV No. 39966, which denied petitioner's motion to dismiss and required petitioner to file its brief as appellee.

In an Urgent Ex Parte Motion for a Restraining Order filed on March 3, 1994, petitioner sought to enjoin the appellate court from taking further action in the case, following petitioner's receipt of that court's Resolution dated February 4, 1994, where the case was deemed submitted for decision and for raffle to the ponente without petitioner's Appellee's Brief.

We grant the petition.

I

Private respondents filed in the Regional Trial Court, Branch 19, Roxas City, a complaint against petitioner for "Annulment and/or Reformation of Contract with Damages."

Petitioner filed a Motion to Dismiss on the grounds that venue was improperly laid, invoking the stipulation in the Dacion En Pago with Lease-Purchase Agreement, subject of the complaint. In the agreement, the parties stipulated that any action arising therefrom was to be filed only in the municipal or regional trial court in Bacolod City. Private respondents filed their Opposition to the Motion to Dismiss.

In an Order dated August 20, 1992, the trial court granted petitioner's Motion to Dismiss, upholding petitioner's contention as to improper venue and ruling further that petitioner was estopped from questioning the validity of the contract.

Private respondents filed an "Omnibus Motion to Admit Complaint, for Reconsideration," attaching thereto an Amended Complaint.

In the Order dated October 26, 1992, the trial court denied the Omnibus Motion for lack of merit.

On November 4, private respondents filed with the trial court a notice of appeal. Subsequently, private respondents filed in the Court of Appeals their Appellants' Brief.

Petitioner filed a Motion to Dismiss private respondents' appeal. It argued that because private respondents raised purely issues of law in their Appellants' Brief, it was error on their part to appeal to the Court of Appeals by mere notice of appeal. It also argued that private respondents should have filed a petition for review on certiorari with

the Supreme Court. Petitioner insisted that the Court of Appeals was without jurisdiction over the appealed case and should consequently dismiss it.

II

Before us, petitioner reiterates that the Court of Appeals is without appellate jurisdiction over the case, which involved only issues of law.

Petitioner is correct that the proper mode of appeal from judgments of the Regional Trial Court on pure questions of law is a petition for review on certiorari to the Supreme Court in the form and manner provided for in Rule 45 of the Revised Rules of Court.

The Court, in *Atlas Consolidated Mining and Development Corporation v. Court of Appeals*, 201 SCRA 51 (1991) had occasion to pass upon the issue at hand, as follows:

"Under Section 5, subparagraph (2) (e), Article VII of the 1987 Constitution, the Supreme Court is vested with the power to review, revise, reverse, modify, or affirm on appeal or certiorari as the law or the Rules of Court may provide, final judgments and orders of lower courts in all cases in which only an error or question of law is involved. A similar provision is contained in Section 17, fourth paragraph, subparagraph (4) of the Judiciary Act of 1948, as amended by Republic Act No. 5440. And, in such cases where only questions of law are involved, Section 25 of the Interim Rules and Guidelines implementing Batas Pambansa Blg. 129, in conjunction with Section 3 of Republic Act No. 5440, provides that the appeal to the Supreme Court shall be taken by petition for certiorari which shall be governed by Rule 45 of the Rules of Court.

The rule, therefore, is that direct appeals to this Court from the trial court on questions of law have to be through the filing of a petition for review on certiorari.

x x x x x x x x

By way of implementation of the aforestated provisions of law, this Court issued on March 9, 1990, Circular No. 2-90, paragraph 2 of which provides:

2. Appeals from Regional Trial Courts to the Supreme Court. -- Except in criminal cases where the penalty imposed is life imprisonment or reclusion perpetua, judgments of regional trial courts may be appealed to the Supreme Court only by petition for review on certiorari in accordance with Rule 45 of the Rules of Court in relation to Section 17 of the Judiciary Act of 1948, as amended, this being the clear intendment of the provision of the Interim Rules that '(a)ppeals to the Supreme Court shall be taken by petition for certiorari which shall be governed by Rule 45 of the Rules of Court.'"

It is incumbent upon private respondent qua appellants to utilize the correct mode of appeal of the decisions of trial courts to the appellate courts. In the mistaken choice of their remedy, they can blame no one but themselves (*Jocson v. Baguio*, 179 SCRA 550 [1989]; *Yucuanseh Drug Co. v. National Labor Union*, 101 Phil. 409 [1957]).

Private respondents, in their Appellants' Brief filed with the appellate court, raised the following issues: (1) Did the trial court err in dismissing the compliant for improper venue?; (2) Did the trial court err in not admitting the Amended Complaint?; and (3) Did the trial court disregard the rule that in filing a motion to dismiss, petitioner was deemed to have admitted all the allegations in the complaint?

The issue of whether the trial court erred in holding that the venue of an action was improperly laid is a question of law (See *Philippine Banking Corporation v. Hon. Tensuan*, G.R. No. 104649, February 28, 1994).

The second issue likewise involves a question of law. What is called for in the resolution of such issue is the application or interpretation of a provision of law. Petitioner contends that the trial court erred in not allowing him

to amend his complaint as a matter of right pursuant to Section 2, Rule 10 of the Revised Rules of Court.

Anent the third issue raised in their Appellants' Brief, private respondents argue that "the trial court clearly violated the cardinal rule on hypothetical admissions in basing its order of dismissal on estoppel and assuming that the agreement was valid and/or freely, knowingly and voluntarily executed by the plaintiffs-appellants" (At p. 8). Clearly, private respondents were assailing the legal conclusions made by the trial court. A resolution of the issue would not require an examination of the probative value of the evidence of the parties, as in fact none were presented.

Pursuant to Section 4 of Circular No. 2-90, which provides that "[a]n appeal taken to either the Supreme Court or the Court of Appeals by the wrong mode or inappropriate mode shall be dismissed," the only course of action of the Court to which an erroneous appeal is made is to dismiss the same. There is no longer any justification for allowing transfers of erroneous appeals from one court to another (*Quesada v. Court of Appeals*, G.R. No. 93869, November 12, 1990, First Division, Minute Resolution).

WHEREFORE, the petition is GRANTED. The Resolution of the Court of Appeals dated September 7, 1993 is SET ASIDE and the appeal in CA-G.R. CV No. 39966 is DISMISSED.

SO ORDERED.

Cruz, (Chairman), Davide, Jr., Bellosillo, and Kapunan, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.