

CEBU WOMAN'S CLUB, PETITIONER, VS. HON. LORETO D. DE LA VICTORIA, IN HIS CAPACITY AS PRESIDING JUDGE OF RTC, BR. 6, CEBU CITY, CAMSAC INTERNATIONAL, INC. & PHANUEL SEÑORON, RESP...

G.R. No. 120060. March 09, 2000

Ponente: BUENA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-120060/>

BUENA, J.:

Petitioner seeks to set aside the Orders of the Regional Trial Court (RTC), dated March 9, 1995 and April 11, 1995, in Civil Case No. CEB-17126, which dismissed its complaint for interpleader and damages against private respondent CAMSAC International Inc. (hereinafter referred to as "CAMSAC"), Arc Asia Philippines, Inc., Triple A Marketing Development Corporation, Trinidad Patigayon, Signal trading Corporation and Malayan Insurance Co., Inc., due to the pendency of two other cases.

The present controversy started with the construction of the Cebu School of Midwifery Building owned by petitioner. In a bidding held on January 7, 1994, the construction of the building was awarded by petitioner to respondent CAMSAC represented by its President/General Manager, architect Catalino M. Salazar. The corresponding construction contract was executed between the parties on January 26, 1994 with a stipulation on retention fee of ten (10%) percent to be deducted by petitioner from all progress payments to the contractor, herein respondent CAMSAC, which shall be released thirty (30) calendar days after inspection and acceptance by petitioner of the project and the submission of a sworn statement by respondent CAMSAC that all obligations, including but not limited to salaries, materials used and taxes due in connection with the construction have been duly paid.

On February 4, 1994, respondent CAMSAC entered into a "Sub-Contract Agreement" with respondent Señoron to undertake the construction of the subject building. After one year, respondent Señoron filed a complaint for "sum of money with application for a writ of preliminary injunction" against petitioner and respondent CAMSAC anchored on the "Sub-Contract Agreement" he entered with the latter. Respondent Señoron sought to prevent petitioner from paying or releasing any amount to respondent CAMSAC relative to the construction of the subject building in the event that petitioner heeds CAMSAC's request for the release of the retention fee.

In the meantime, petitioner allegedly received demand-letters from the suppliers-creditors as well as from respondent CAMSAC for the release of the 10% retention fee, hence, on February 22, 1995, it filed before the trial court a complaint for interpleader and damages against respondent CAMSAC, Arc Asia Philippines, Inc., Triple A Marketing Development Corporation, Trinidad Patigayon, Signal Trading Corporation and Malayan Insurance Co, Inc., in order for them to interplead with one another to determine their respective rights and claims on the retention fee.

On February 23, 1995, respondent CAMSAC filed an action for sum of money and damages against petitioner[1] for failure of the latter to release the 10% retention fee. On March 9, 1995, the trial court issued the first assailed

Order dismissing the complaint for interpleader to prevent multiplicity of suits, as there are pending cases before the respondent court filed by respondent Señoron for sum of money against petitioner and respondent CAMSAC which also involved the ten (10%) retention fee. The trial court held:

"As herein before-stated, there is already a pending case by Senoron against the herein plaintiff, Camsac International Inc., and Catalino M. Salazar, as president of the Camsac and in his personal capacity. Consequently, to give due course to this present action would indeed result in a multiplicity of suits. Plaintiff's proper move here would be to file an answer, - which it has not yet done up to this point in time although it managed to file this complaint posthaste – assert a counterclaim and/or a cross claim, etc in Civil Case No. CEB-17079. The other defendants herein may intervene therein if they so desire to protect their respective interest in the same way that one of them, Arc Asia Phil. Inc., had already filed its motion for intervention, dated March 6, 1995, in order that all their claims, may be tried and decided in one proceeding.

WHEREFORE, the complaint for interpleader is hereby denied due course, and the same should be, as it is hereby ordered dismissed.

SO ORDERED."[2]

Petitioner filed a motion for reconsideration which was denied in the second assailed Order dated April 11, 1995. Hence, petitioner's immediate resort to this Court by a petition for review on certiorari raising the following issues:[3]

- Respondent court acted with grave abuse of discretion, as it had no jurisdiction, to exercise "due course" authority and to motu proprio dismiss petitioner's action for interpleader.
- Respondent court erred when it correlated the "allegation of fact" between the petitioner's complaint in Civil Case No. CEB-17126 with that of the complaint in Civil Case No. CEB-17079, and to thereafter issue baseless and unwarranted conclusions patently adverse to petitioner.
- Although no hearing has as yet been conducted and in what may amount to be a judgment on the pleadings, respondent court's 9 March 1995 Order is replete with "conclusions of fact and Law" which, if allowed to remain unchallenged, may amount to a pre-judgment of certain issues of fact and law that are yet to be substantiated.

Petitioner's direct resort to this Court is erroneous. Under the Rules of Court, a party may directly appeal to the Supreme Court from a decision of the trial court only on pure questions of law.[4] The case at bench does not involve pure questions of law as to entitle petitioner to seek immediate redress from this court. A question of law arises when the doubt or difference arises as to what the law is on a certain set of facts as distinguished from a question of fact which occurs when the doubt or difference arises as to the truth or falsehood of the alleged facts.[5]

A scrutiny of the issues raised in this case shows that it includes factual matters. The resolution of the interpleader case necessitates a determination of whether the other pending cases relied upon by the trial court in dismissing the former case involves the same matters covered by the latter cases. There is a need to determine whether the pending civil cases arise out of the same facts and circumstances as those involved in the interpleader case. As such, petitioner's direct resort to this court must fail considering that this court is not a trier of facts.[6] Besides, in a petition for review on certiorari, the trial judge should not even be made a party to the case as petitioner erroneously did.[7]

Petitioner's imputation of grave abuse of discretion to respondent court as alleged in its petition is a vain attempt to justify its erroneous mode of challenging the trial court's decision. There is no question that grave abuse of discretion or errors of jurisdiction may be corrected only by the special civil action of certiorari.[8] Such special

remedy does not avail in instances of error of judgment which can be corrected by appeal or by a petition for review.[9] Since petitioner availed of the remedy under Rule 45, recourse to Rule 65 cannot be allowed either as an add-on or as a substitute for appeal.[10]

Verily, the alleged grave abuse of discretion and lack of jurisdiction raised in the petition is misplaced. First, there is no question that the trial court has jurisdiction over the interpleader case. Second, petitioner's claim that the trial court failed to observe the procedure for an interpleader action does not constitute grave abuse of discretion for the extraordinary writ to issue. It is only an error of judgment correctible by an ordinary appeal. The extraordinary writ does not issue to correct errors of procedure or mistake in the findings and conclusions of the judge.[11] Finally, on the assumption that this is a proper subject of a certiorari case, petitioner should have observed the hierarchy of courts and not seek an immediate recourse to the highest tribunal. The original jurisdiction of the Court of Appeals over special civil actions for certiorari is concurrent with the Supreme Court and the Regional Trial Court.[12]

ACCORDINGLY, the petition is denied for lack of merit.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Quisumbing, and De Leon, Jr., JJ., concur.

[1] Rollo, p. 77.

[2] Rollo, p. 96.

[3] Rollo, p. 281.

[4] Laza, et. al. v. Court Appeals et.al.[1997], 269 SCRA 654.

[5] Dela Torre v. Pepsi Cola Products Phils., Inc.[1998], 298 SCRA 363, 373.

[6] Benitez v. Court of Appeals, 266 SCRA 242 cited in Ceremonia v. Court of Appeals, G.R. No. 103453, September 21, 1999. David-Chan v. Court of Appeals, 268 SCRA 677 cited in Moomba Mining v. Court of Appeals, G.R. No. 108846, October 26, 1999.

[7] Regalado, Remedial Law Compendium, Book I, 5th Revised Edition, 1998, p. 352; Sec 4, Rule 45, 1997 Rules of Civil Procedure.

[8] Pure Blue Industries, Inc. v. NLRC et. al, 271 SCRA 259; See also Philippine Airlines v. NLRC, 276 SCRA 391 and Camlian v. Comelec et. al, 271 SCRA 757.

[9] See Medina et. al. v. City Sheriff, Manila et. al., 276 SCRA 133.

[10] Esguerra v. Court of Appeals, 267 SCRA 380.

[11] Lalican v. Vergara et. al, 276 SCRA 518; Chua v. Court of Appeals, 271 SCRA 546.

[12] Morales v. Court of Appeals et. al., 283 SCRA 211 citing Article VIII, Section 5(1), 1987 Constitution, the Judiciary Act of 1945 and Section 21(1) of Batas Pambansa Blg. 129.

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.