CARMELITA V. LIM AND VICARVILLE REALTY AND DEVELOPMENT CORPORATION, PETITIONERS,VS.HON. BENJAMIN T. VIANZON IN HIS CAPACITY AS THE PRESIDING JUDGE OF BRANCH 1 OF THE REGIONAL TR...

G.R. NO. 137187. August 03, 2006

Ponente: TINGA, J.

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TINGA, J.:

Before us is a Petition[1] for Certiorari under Rule 65 of the 1997 Rules of Civil Procedure filed by Carmelita V. Lim (Lim) and Vicarville Realty and Development Corporation (Vicarville), assailing the Orders[2] dated 3 September; 1998 and 13 November 1998 issued by public respondent Benjamin T. Vianzon of Regional Trial Court (RTC) of Balanga, Bataan, Branch 1 in Civil Case No. 6779, entitled ï¿½Sps. Valentin and Concepcion Garcia v. Carmelita V. Lim and Vicarville Realty and Development Corporation.ï¿½ The assailed orders allegedly denied perfunctorily petitionersï¿½ Motion to Dismiss dated 23 June 1998 and Motion for Reconsideration dated 25 September 1998, respectively.

The antecedents follow.

On 21 November 1997, petitioner Lim filed a Complaint Affidavit[3] before the Office of the Provincial Prosecutor of Balanga, Bataan, docketed as I.S. No. 97-984, against Valentin Garcia (Garcia) for Falsification and Perjury. Lim alleged that Garcia willfully and deliberately asserted a falsehood in an affidavit he had submitted to the Register of Deeds of Balanga, Bataan. In said affidavit, Garcia allegedly stated falsely that he had lost his ownerï¿½s duplicate copy of Transfer Certificate of Title (TCT) No. 107535 after entrusting the same to his agent for purposes of selling the property covered by the title.[4]On 2 February 1998, Garcia filed before the Office of the Provincial Prosecutor a separate Affidavit/Complaint and Counter-Affidavit[5] against petitioner Lim, Villamon Fernandez and Corazon Rueda for Falsification of Public Document and Use of Falsified Document, docketed as I.S. No. 98-095.[6]On 20 February 1998, the Office of the Provincial Prosecutor of Bataan consolidated the complaints in I.S. No. 97-984 and I.S. No. 98-095.[7] And on 17 March 1998, the Provincial Prosecutor issued a Joint Resolution[8] recommending the filing of criminal charges against Garcia and dismissing the charges filed by the latter against petitioner Lim, Fernandez and Rueda.[9] The dispositive portion of the Joint Resolution reads as follows:

> WHEREFORE, premises considered, it is recommended that an information for Violation of Article 183 of the Revised Penal Code be filed against Valentin Garcia, and the dismissal of the charge of Falsification also against Valentin Garcia. And accordingly, the counter charges of Valentin Garcia against Carmelita Lim, Corazon Rueda, and Villamon Fernandez are hereby dismissed.
>
> SO RESOLVED.[10]

On 29 April 1998, Garcia and his wife Concepcion Garcia (private respondents) filed a Complaint[11] before RTC of Balanga, Bataan, Branch 1 for Delivery of The Ownerï¿½s Duplicate Certificate of Title and Damages

involving the same TCT subject of the criminal case. Private respondents principally prayed for the annulment of the alleged Deed of Sale which petitioners claim to be the basis for their custody of the TCT.[12] The case was docketed as Civil Case No. 6779.[13]Attached to private respondentsï¿½ Complaint is a Certification and Verification[14] Garcia had executed which reads in part:

> x x x x
>
> That he is one of the plaintiffs in the foregoing Complaint;
>
> That he has caused the preparation of the said Complaint the allegations of which he has read and found to be true and correct;
>
> That except for the criminal actions which are pending before the Office of the Provincial Prosecutor of Bataan, he has not heretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency and, to the best of his knowledge, no such other action or claim is pending therein;
>
> That if he should thereafter learn that the same or similar action or claim has been filed or is pending, he shall report that fact within five (5) days therefrom to this Honorable Court x x x x[15]

Thereafter, Garcia filed before the Office of the Provincial Prosecutor a Petition for Suspension of Criminal Action Based Upon The Pendency of A Prejudicial Question.[16] Garcia prayed that the criminal action before said office be suspended pending the resolution of Civil Case No. 6779. This petition was later denied by the Office of the Provincial Prosecutor on 13 October 1998.[17]On 24 June 1998, the petitioners filed before the RTC of Balanga, Bataan, Branch 1 a Motion to Dismiss raising the following grounds: a) private respondents violated the rule against forum-shopping in that they failed to state in the Verification and Certification attached to the Complaint that there is an earlier case filed by petitioners (sic) against them (sic) not only involving the same issues but also the same set of facts; and b) the claim set forth in private respondentsï¿½ Complaint had been extinguished by the previous sale of the property to the petitioners.[18]Public respondent then issued the assailed Order[19] dated 3 September 1998 denying the petitionersï¿½ Motion to Dismiss in this wise:

> Finding the Motion to Dismiss filed by the defendants and the grounds relied upon to be unmeritorious, the same is DENIED.
>
> WHEREFORE, the Motion to Dismiss is hereby DENIED for the lack of merit.
>
> SO ORDERED.[20]

Petitioners filed their Motion for Reconsideration on 25 September 1998 which public respondent likewise denied in an Order[21] dated 13 November 1998. A portion of said Order reads as follows:

> x x x x
>
> That the courtï¿½s order dated September 3, 1998 is a mere interlocutory order and not a final judgment or decision where there is a need for the court to state clearly the facts and the law relied upon by it;
>
> That as correctly pointed out by the plaintiffï¿½s counsel, for forum shopping to be present, both actions must raise identical causes of action, subject matter and issues and there can be no forum-shopping in the instant civil case because as a civil action, it has a different cause of action from a criminal action instituted by the defendants;[22]

Meanwhile, on 13 October 1998, an Information was filed by the Provincial Prosecutor against Garcia before the Municipal Trial Court of Balanga, Bataan, Branch 1 for Violation of Article 183 of the Revised Penal Code. The case is entitled ï¿½People of the Philippines v. Valentin Garcia,ï¿½ docketed as Criminal Case No. 7266.[23]In

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their Memorandum[24] dated 29 June 2002, petitioners allege that public respondent gravely abused his discretion when he denied the motion to dismiss per his Order dated 3 September 1998, without stating therein clearly and distinctly the reasons therefor. Petitioners also assert that the private respondents violated the rule against forum-shopping for failing to state that they had previously filed a case involving the same facts, issues and parties and that there is an earlier criminal case filed by petitioner Lim against respondent Garcia also involving the same issues and facts. Petitioners likewise state that the claim set forth in private respondentsï¿½ Complaint has been extinguished by the previous sale of the property to them.[25]In their Memorandum[26] dated 30 November 2001, private respondents point out that petitioners failed to attach the pleadings and documents required by Section 1, Rule 65 of the 1997 Rules of Civil Procedure. They enumerated the pleadings or documents, copies of which petitioners failed to attach or incorporate, to wit: (a) Motion to Dismiss dated 23 June 1998; (b) Opposition to the Motion to Dismiss dated 13 July 1998; (c) Reply dated 27 July 1998; (d) Rejoinder dated 31 August 1998; (e) Motion for Reconsideration dated 25 September 1998; and (f) Opposition dated 26 October 1998.[27]; Citing Santiago, Jr. v. Bautista,[28] private respondents maintain that such failure is fatal to petitionersï¿½ cause.[29]Moreover, private respondents maintain that they are not guilty of forum-shopping because the cause of action of the civil action they instituted is different from that of a criminal action.[30]We dismiss the petition.

On the procedural aspect, we find that petitioners disregarded the doctrine of judicial hierarchy which we enjoin litigants and lawyers to strictly observe. The Courtï¿½s original jurisdiction to issue writs of certiorari, as in the case at bar, prohibition, mandamus, quo warranto, habeas corpus and injunction is shared by this Court with the Regional Trial Courts and the Court of Appeals. A direct invocation of the Supreme Courtï¿½s original jurisdiction to issue these writs should be allowed only when there are special and important reasons therefor, clearly and specifically set out in the petition. This is an established policy necessary to avoid inordinate demands upon the Courtï¿½s time and attention which are better devoted to those matters within its exclusive jurisdiction, and to preclude the further clogging of the Courtï¿½s docket.[31]In the instant petition, petitioners failed to show any compelling reason why they filed it before us instead of the Court of Appeals. For this reason, among others, the petition must fail. We recall our ruling in Vergara, Sr. v. Suelto,[32] thus:

> The Supreme Court is a court of last resort, and must so remain if it is to satisfactorily perform the functions assigned to it by the fundamental charter and immemorial tradition. It cannot and should not be burdened with the task of dealing with causes in the first instance. Its original jurisdiction to issue the so-called extraordinary writs should be exercised only where absolutely necessary or where serious and important reasons exist therefor. Hence, that jurisdiction should generally be exercised relative to actions or proceedings before the Court of Appeals, or before constitutional or other tribunals, bodies or agencies whose acts for some reason or another, are not controllable by the Court of Appeals. Where the issuance of an extraordinary writ is also within the competence of the Court of Appeals or a Regional Trial Court, it is in either of these courts that the specific action for the writï¿½s procurement must be presented. This is and should continue to be the policy in this regard, a policy that courts and lawyers must strictly observe.[33]

Moreover, the instant petition is procedurally flawed as it is not accompanied by copies of relevant pleadings mandated by the second paragraph of Section 1, Rule 65 of the 1997 Rules of Civil Procedure. Said provision reads as follows:

> SECTION 1. Petition for certiorari. When any tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and there is no appeal, nor any plain, speedy, and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered annulling or modifying the proceedings of such tribunal, board or officer, and granting such incidental reliefs as law and justice may require.

> The petition shall be accompanied by a certified true copy of the judgment, order or resolution subject thereof, copies of all pleadings and documents relevant and pertinent thereto, and a sworn certification of non-forum shopping as provided in the third paragraph of Section 3, Rule 46. (Emphasis supplied.)

Specifically, as pointed out by respondents, the instant petition is not accompanied by copies of the Motion to Dismiss and Motion for Reconsideration that petitioners filed with the trial court. These are documents important for the Courtï¿½s appraisal, evaluation and judicious disposition of the case. Failing to fully apprise the Court of the relevant details of the case, we find this egregious error a sufficient cause for the dismissal of the instant petition. As held in Santiago, Jr. v Bautista,[34] to wit:

> x x x the lower courtï¿½s holding that appellantï¿½s failure to accompany his petition with a copy of the judgment or order subject thereof together with copies of all pleadings and documents relevant and pertinent thereto ï¿½is fatal to his causeï¿½ is supported not only by the provision of that Rule but by precedents as well.[35]

A party who seeks to avail of the extraordinary remedy of certiorari must observe the rules laid down by law, and non-observance of the said rules may not be brushed aside as mere technicality.[36]In any case, even on the substantive aspect, the petition fails to persuade us. While we agree with petitionersï¿½ lament that the Order dated 3 September; 1998 is defective as it did not state clearly and distinctly the reasons for the denial of petitionersï¿½ Motion to Dismiss, it is noteworthy, however, that public respondent corrected his error in the Order dated 13 November 1998 denying petitionersï¿½ motion for reconsideration. There is no objection to a judge correcting or altogether altering his case disposition on a motion for reconsideration, it being the purpose of such recourse to provide the court an opportunity to cleanse itself of an error unwittingly committed, or, with like effect, to allow the aggrieved party the chance to convince the court that its ruling is erroneous. A motion for reconsideration before resort to certiorari is required precisely to afford the public respondent an opportunity to correct any actual or fancied error attributed to it by way of re-examination of the legal and factual aspects of the case.[37]Parenthetically, assuming that the two orders were erroneous, such error would merely be deemed as an error of judgment that cannot be remedied by certiorari.; As long as the public respondent acted with jurisdiction, any error committed by him or it in the exercise thereof will amount to nothing more than an error of judgment which may be reviewed or corrected only by appeal. All errors committed in the exercise of such jurisdiction are merely errors of judgment. Certiorari under Rule 65 is a remedy designed for the correction of errors of jurisdiction and not errors of judgment. Petitionersï¿½ rights can be more appropriately addressed in an appeal.[38]Significantly, even if we accord merit to petitionersï¿½ contention that public respondent denied their Motion to Dismiss perfunctorily, it does not follow that the motion to dismiss should have been granted or that the conclusion should be that public respondent had acted with grave abuse of discretion.

The Motion to Dismiss, as earlier noted, is predicated on two grounds, namely: breach of the forum-shopping rule and extinguishment of the cause of action by the previous sale of the property involved to them.

Forum-shopping exists when the elements of litis pendentia are present or where a final judgment in one case will amount to res judicata in another. Litis pendentia requires the concurrence of the following requisites: (1) identity of parties, or at least such parties as those representing the same interests in both actions; (2) identity of rights asserted and reliefs prayed for, the reliefs being founded on the same facts; and; (3) identity with respect to the two preceding particulars in the two cases, such that any judgment that may be rendered in the pending case, regardless of which party is successful would amount to res adjudicata in the other case.[39]What is pivotal in determining whether forum-shopping exists or not is the vexation caused the courts and parties-litigants by a party who asks different courts and/or administrative agencies to rule on the same or related causes and/or grant the same or substantially the same reliefs, in the process creating possibility of conflicting decisions being rendered

by the different courts and/or administrative agencies upon the same issues.[40]On this issue, we hold that private respondents were not mandated to disclose the status of the criminal cases. This is so because, as asserted by private respondents, there is no identity of the causes; of; action, issues and reliefs; prayed; for; in; the criminal cases and the civil case. The; subject; matter; in; I.S. No. 97-984; is; whether
criminal actions for Falsification and Perjury should be instituted against Garcia. The principal issue in I.S. No. 98-095 is similarly whether a criminal complaint for Falsification and Use of A Falsified Document should be filed against Carmelita Lim, Villamon Fernandez and Corazon Rueda. The principal issue raised in Civil Case No. 6779 is the validity of the alleged Deed of Sale which petitioners claim to be the basis for their custody of the subject transfer certificate of title.

Anent the contention that private respondentsï¿½ complaint has been extinguished by their sale of the property to the petitioners, this is a matter best threshed out through a full-blown trial.

In sum, the viability of the instant petitions is irreversibly neutered by the procedural deficiencies thereof and the absence of grave abuse of discretion on public respondentï¿½s part.

WHEREFORE, the petition is DISMISSED Costs against petitioners.

SO ORDERED.

Quisumbing, (Chairperson), Carpio, Carpio Morales and Velasco, Jr., JJ., concur.

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[1] Rollo, pp. 3-22; Dated 3 February 1999.

[2] Id. at 23 and 24.

[3] Id. at 25-26; Dated 21 November 1997.

[4] Id. at; 5.

[5] Id. at 27-30; Dated 2 February 1998.

[6] Id. at; 6.

[7] Id.

[8] Id. at 31-35.

[9] Supra note 6.

[10]Id. at 34-35.

[11] Id. at 36-39.

[12] Id. at 38.

[13] Id. at 7.

[14] Id. at 39.

[15] Id.

[16] Id. at 40; Dated 15 June 1998.

[17] Id. at 118.

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[18] Id. at; 8, 118-119.

[19] Id. at 23.

[20] Id.

[21] Id. at; 24.

[22] Id.

[23] Id. at 8.

[24] Id. at 115-129.

[25] Id. at 120.

[26] Id. at 136-141.

[27] Id. at 137.

[28]143 Phil. 209 (1970).

[29]Rollo, p. 138.

[30] Id.

[31]Yared v. Hon. Ilarde, 391 Phil. 722, 732-733 (2000) citing People v. Cuaresma, G.R. No. 67787, 18 April 1989, 172 SCRA 415, 423-424.

[32] No. L-74766, 21 December 1987, 156 SCRA 753.

[33] Id. at 766.

[34] Santiago, Jr. v. Bautista, supra note 28.

[35] Id. at 221.

[36] Sea Power Shipping Enterprises, Inc. v. Court of Appeals, 412 Phil. 603, 611 (2001).

[37] Sony Music Entertainment (Phils.), Inc. v. Espaï¿½ol, G.R. No. 156804, 14 March 2005, 453 SCRA 360, 377.

[38] Microsoft Corporation v. Best Deal Computer Center Corporation, 438 Phil. 408, 415 (2002).

[39] Rudecon Management Corporation v. Singson, G.R. No. 150798, 31 March 2005, 454 SCRA 612, 632-633.

[40]Id. at 632.

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