ERLINDA REYES AND ROSEMARIE MATIENZO, PETITIONERS, VS. HON. JUDGE BELEN B. ORTIZ, PRESIDING, BRANCH 49, METROPOLITAN TRIAL COURT, CALOOCAN CITY; SPOUSES BERNARD AND FLORENCIA PE...

G.R. No. 137794. August 11, 2010

Ponente: LEONARDO-DE CASTRO, J.

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LEONARDO-DE CASTRO, J.:

The instant cases are consolidated Petitions[1] for Declaratory Relief, Certiorari, and Prohibition. The petitioners in G.R. No. 137794 seek to declare null and void the proceedings in Civil Case No. 23477, an ejectment case, before the Metropolitan Trial Court (MeTC), Caloocan City, Branch 49, and Civil Case No. C-17725, a complaint for Recovery of Possession and Ownership, filed with the Regional Trial Court (RTC), Caloocan City, Branch 124;[2] while the petitioners in G.R. No. 149664 pray for the nullity of the following ejectment proceedings before the different branches of the Caloocan City MeTC: (1) Civil Case No. 99-25011, Branch 52; (2) Civil Case No. 22559 and Civil Case No. 18575, Branch 49 and its appeal to the RTC, Branch 131; (3) Civil Case No. 00-25892, Branch 51; and (4) Civil Case No. 00-25889, Branch 51.[3] G.R. No. 149664 was considered closed and terminated by the Court's Resolution dated August 30, 2006.[4]

The parcels of land which are the subject matter of these cases are part of the Tala Estate, situated between the boundaries of Caloocan City and Quezon City and encompassing an area of 7,007.9515 hectares more or less.[5]

In G.R. No. 137794, respondents Segundo Bautista and spouses Bernard and Florencia Perl sought the ouster from the contested lots of Erlinda Reyes, spouses Rene and Rosemarie Matienzo and Sergio Abejero, who are occupants of separate home lots in Camarin, Caloocan City.

The first case was commenced on December 11, 1996, by respondent Segundo Bautista, a registered owner of the parcel of land occupied by spouses Rene and Rosemarie Matienzo. The case was a complaint for Recovery of Possession and/or Ownership of Real Property (Recovery case) against the latter spouses with the RTC Caloocan City, Branch 124.[6] This was docketed as Civil Case No. C-17725.[7]

Shortly thereafter, a separate but related action, was initiated by the Republic of the Philippines, represented by the Director of Lands on December 27, 1996, before the Quezon City RTC, Branch 85 (re-raffled to Branch 93).[8] This was a complaint for Annulment of Title/Reversion (Annulment/Reversion case) against Biyaya Corporation and the Register of Deeds of the Cities of Pasig, Caloocan, and Quezon, the City of Manila, and the Administrator of the Land Registration Authority involving the Tala Estate. The case, docketed as Civil Case No. Q-96-29810, sought to declare null and void the transfer certificates of title issued in the name of Biyaya Corporation, and all derivative titles emanating therefrom, and to declare the land in suit to be reverted to it as part of the patrimonial property of the State, and the same be awarded to the actual occupants. One of the intervenors therein is Samahan ng Maliliit na Magkakapitbahay (SAMAKABA) of which petitioners Erlinda Reyes and Rosemarie Matienzo are members.[9]

On May 28, 1997, the Quezon City RTC in the Annulment/Reversion case issued a Preliminary Injunction (Injunction) freezing all ejectment cases involving the Tala Estate pending in the MeTCs of Quezon City and Caloocan City.[10]

Believing that the Injunction issued by the Quezon City RTC can be beneficial to them in the Recovery case pending before the Caloocan City RTC, on June 27, 1997, spouses Rene and Rosemarie Matienzo filed a motion to suspend the proceedings of the Recovery case.[11] On December 8, 1997, the Caloocan City RTC, Branch 124 denied said motion.[12] Spouses Matienzo moved for the reconsideration of the motion, but the same was denied on May 14, 1998.[13] The spouses received the order denying their motion for reconsideration on June 9, 1998.[14] Trial on the merits started on December 2, 1998.[15]

The second case, an ejectment complaint, was commenced by spouses Bernard and Florencia Perl on June 25, 1997, against Erlinda Reyes before the Caloocan City MeTC, Branch 49.[16] It was docketed as Civil Case No. 23477. Shortly thereafter, on July 8, 1997, spouses Perl filed the third case, an ejectment action against Sergio Abejero. The case, which was raffled off to Branch 49 of the Caloocan City MeTC, was docketed as Civil Case No. 23519.[17] Subsequently, these two ejectment cases were consolidated (Ejectment cases).[18] In her Answer and during the preliminary conference, Erlinda Reyes moved for the suspension of the proceedings and/or for the dismissal of these cases citing the Injunction issued in Civil Case No. Q-96-29810.[19] In its Order[20] dated January 22, 1999, the MeTC did not entertain Reyes's motion, instead, it required her to submit a position paper. Erlinda Reyes received the order on March 11, 1999.[21] On April 16, 1999, the trial court issued a Decision ordering Erlinda to vacate the contested property.[22]

The Recovery case and the Ejectment cases converged when petitioners Rosemarie Matienzo and Erlinda Reyes, joined on March 25, 1999 in filing directly with this Court the instant petition denominated as "Declaratory Relief, Certiorari, and Prohibition," mainly assailing the denial of their respective motions for suspension.[23] Petitioners Matienzo and Reyes asked that the proceedings in the Ejectment cases and the Recovery case be declared null and void for violating the Injunction order of the Quezon City RTC. This case is docketed as G.R. No. 137794.

During the pendency of G.R. No. 137794, certain events supervened when the Ejectment cases ran their course and petitioner Reyes appealed the MeTC decision to the RTC. In the RTC, the Ejectment cases were docketed as Civil Cases Nos. C-18904-05.[24] Apparently, respondent-spouses Perl moved for the execution of the MeTC decision pending appeal, which the RTC granted as the Writ of Execution was thereafter issued on October 20, 2000.[25] Petitioner Erlinda Reyes and company, thus, filed with this Court a motion to suspend the proceedings in the RTC. [26] On October 25, 2000, this Court issued a Temporary Restraining Order restraining the implementation of the said writ of execution.[27]

G.R. No. 149664, on the other hand, emanated from four distinct ejectment complaints filed against petitioners Corazon Laurente, spouses Alberto and Lourdes Embores, spouses Roberto and Evelyn Palad, and Dennis Henosa.[28] The parcels of land from which petitioners were sought to be evicted were located in Camarin, Caloocan City and within the Tala Estate.[29] Petitioners were members of Alyansa Ng Mga Naninirahan Sa Tala Friar Lands (ALNATFRAL), an intervenor in the Reversion case.[30] These ejectment cases were all filed after the Injunction order was issued on May 28, 1997 by the Quezon City RTC in the Annulment/Reversion case. Thus, petitioners separately invoked the said injunction in seeking the dismissal or suspension of the four ejectment cases. Petitioners' motions for suspension were dismissed and the trial court proceeded to render judgments on these cases. Petitioners resorted directly to this Court in seeking the declaration of nullity of the proceedings of these ejectment cases for violating the prevailing injunction issued by the Quezon City RTC.

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Meanwhile, on March 4, 2003, the petitioners in G.R. No. 149664 filed a motion for consolidation asking that the said case be consolidated with G.R. No. 137794.

On April 28, 2003, this Court resolved to consolidate the two cases.

On July 28, 2006, petitioners in G.R. No. 149664 filed a Motion to Withdraw and/or Dismiss Instant Petition[31] stating that since a decision in the Annulment/Reversion case (Civil Case No. Q-96-29810) was already issued (although they did not attach a copy thereof), the petition is therefore rendered moot and academic as the injunction order was effective only pending determination of the merits.

On August 30, 2006, the Court granted the motion to withdraw petition in G.R. No. 149664 and considered the same closed and terminated.[32] On October 11, 2006, G.R. No. 149664 became final and executory.

What remains to be resolved, therefore, are the issues raised in G.R. No. 137794.

In their bid to declare null and void the proceedings in the Recovery case and the Ejectment cases, petitioners argued that the Caloocan City MeTC, where the Ejectment cases were filed, and the Caloocan City RTC where the Recovery case was pending, were divested of jurisdiction since the Quezon City RTC acquired jurisdiction over the subject matter.[33] Petitioners specifically alleged that the MeTC's refusal to suspend the Ejectment cases despite the Injunction order is tantamount or amounting to lack of or excess of jurisdiction. As to the Caloocan City RTC, its desistance to heed the Injunction is unjustified and contrary to well-settled jurisprudence.[34] Petitioners were of the view that the interference by the Quezon City RTC was justified since no third-party claim is involved.[35]

The Office of the Solicitor General (OSG) adopts the position of petitioners in praying that the orders denying the motion to suspend proceedings and the proceedings that transpired in the Ejectment cases be set aside for having been issued with grave abuse of discretion.[36] Citing Honda Giken Kogyo-Kabushiki Kaisha v. San Diego,[37] where it was held that a writ of injunction may be issued to a court by another court superior in rank, the OSG maintains that the Injunction issued by the Quezon City RTC in Civil Case No. Q-96-29810 covers all metropolitan trial courts including the Ejectment cases in Caloocan City MeTC, Branch 49.[38] The OSG also maintains that the Injunction was in accordance with the settled jurisprudence where the reversion case is being filed by the State.

Respondent Segundo Bautista contends that petitioners resorted to a wrong remedy. He argues that the action for declaratory relief can only prosper if the statute, deed, or contract has not been violated.[39] Hence, where the law or contract has already been breached prior to the filing of the declaratory relief, courts can no longer assume jurisdiction since this action is not geared towards the settling of issues arising from breach or violation of the rights and obligations of the parties under a statute, deed, and contract, but rather it is intended to secure an authoritative statement for guidance in their enforcement or compliance of the same.[40] Since the Injunction order of the Quezon City RTC had already been violated as early as December 8, 1997 by the Caloocan City RTC in the Recovery case, or before the filing of this instant petition, resort to Rule 63 of the Rules of Court would not lie. Respondent Bautista insists that the instant recourse of petitioner Matienzo was resorted to as a ploy to substitute the filing of certiorari under Rule 65, which she already lost since the 60-day period had already expired.[41] Respondent points out that direct resort to this Court violates the rule on the hierarchy of courts. Since it was the Caloocan City RTC which denied petitioner Matienzo's motion to suspend proceedings, the petition for declaratory relief should have been filed with the Court of Appeals. Direct filing with this Court is not justified as, other than making motherhood statements, petitioner Matienzo failed to state clearly the exceptional and compelling circumstances to justify the exercise of this Court's primary jurisdiction.[42] He likewise contends that the Caloocan City RTC did not err in not suspending the proceedings in the Recovery case, notwithstanding

the Injunction issued by the Quezon City RTC, since the said injunction applied only to the MeTCs of Quezon City and Caloocan City so the RTC was excluded from the injunction order. He avers that it is the Caloocan City RTC which is vested with the jurisdiction to hear and decide the case until its final conclusion since it had acquired the same ahead of the Quezon City RTC. He states that being co-equal, the Quezon City RTC had no authority to stop by injunction the Caloocan City RTC and even though there are instances where another court may exercise coordinate jurisdiction in cases where there are justifiable grounds, here, petitioner Matienzo has not alleged any of those circumstances.

Petitioners insist that this is mainly a petition for declaratory relief. Section 1, Rule 63 of the 1997 Rules of Court provides:

> SECTION 1. Who may file petition. -- Any person interested under a deed, will, contract or other written instrument, or whose rights are affected by a statute, executive order or regulation, ordinance, or any other governmental regulation may, before breach or violation thereof, bring an action in the appropriate Regional Trial Court to determine any question of construction or validity arising, and for a declaration of his rights or duties, thereunder.
>
> An action for the reformation of an instrument, to quiet title to real property or remove clouds therefrom, or to consolidate ownership under Article 1607 of the Civil Code, may be brought under this Rule.

The foregoing section can be dissected into two parts. The first paragraph concerns declaratory relief, which has been defined as a special civil action by any person interested under a deed, will, contract or other written instrument or whose rights are affected by a statute, ordinance, executive order or regulation to determine any question of construction or validity arising under the instrument, executive order or regulation, or statute and for a declaration of his rights and duties thereunder. The second paragraph pertains to (1) an action for the reformation of an instrument; (2) an action to quiet title; and (3) an action to consolidate ownership in a sale with a right to repurchase.[43]

The first paragraph of Section 1 of Rule 63 enumerates the subject matter to be inquired upon in a declaratory relief namely, deed, will, contract or other written instrument, a statute, executive order or regulation, or any government regulation. This Court, in Lerum v. Cruz,[44] declared that the subject matters to be tested in a petition for declaratory relief are exclusive, viz:

> Under this rule, only a person who is interested "under a deed, will, contract or other written instrument, and whose rights are affected by a statute or ordinance, may bring an action to determine any question of construction or validity arising under the instrument or statute and for a declaration of his rights or duties thereunder." This means that the subject matter must refer to a deed, will, contract or other written instrument, or to a statute or ordinance, to warrant declaratory relief. Any other matter not mentioned therein is deemed excluded. This is under the principle of expressio unius est exclussio alterius. (Emphasis supplied.)

The foregoing holding was reiterated in Natalia Realty, Inc. v. Court of Appeals,[45] wherein this Court stressed that court orders or decisions cannot be made the subject matter of a declaratory relief, thus:

> Judge Querubin's query is not an action for declaratory relief. Section 1 of Rule 64 [now Rule 63] of the Rules of Court provides the requisites of an action for declaratory relief. In interpreting these requisites, the Court has ruled that:
>
> x x x x
>
> The letter of Judge Querubin pertained to final orders and decisions of the courts that are clearly not the proper subjects of a petition for declaratory relief. Thus, the requisites prescribed by the Rules of Court in an action for declaratory relief are not applicable to the letter of Judge Querubin.[46] (Emphasis supplied.)

Then again in a recent ruling of this Court, it was emphasized:

> A petition for declaratory relief cannot properly have a court decision as its subject matter. In Tanda v. Aldaya [98 Phil. 244 (1956)], we ruled that:
>
> [A] court decision cannot be interpreted as included within the purview of the words "other written instrument," as contended by appellant, for the simple reason that the Rules of Court already provide for the ways by which an ambiguous or doubtful decision may be corrected or clarified without need of resorting to the expedient prescribed by Rule 66 [now Rule 64].[47] (Emphasis supplied.)

In the instant case, petitioners Erlinda Reyes and Rosemarie Matienzo assailed via Declaratory Relief under Rule 63 of the Rules of Court, the orders of the trial courts denying their motions to suspend proceedings. This recourse by petitioners, unfortunately, cannot be countenanced since a court order is not one of those subjects to be examined under Rule 63.

The proper remedy that petitioner Erlinda Reyes could have utilized from the denial of her motion to suspend proceedings in the Caloocan City MeTC was to file a motion for reconsideration and, if it is denied, to file a petition for certiorari before the RTC pursuant to Rule 65 of the Rules of Court. On the other hand, petitioner Matienzo should have filed a special civil action on certiorari also under Rule 65 with the Court of Appeals from the denial of her motion by the Caloocan City RTC. The necessity of filing the petition to the RTC in the case of Erlinda Reyes and to the Court of Appeals in the case of Matienzo is dictated by the principle of the hierarchy of courts.[48] Both petitions must be filed within 60 days from the receipt or notice of the denial of the motion to suspend proceedings or from the denial of the motion for reconsideration. Section 4 of Rule 65 partly provides:

> Sec. 4. When and where to file the petition. - The petition shall be filed not later than sixty (60) days from notice of the judgment, order or resolution. In case a motion for reconsideration or new trial is timely filed, whether such motion is required or not, the petition shall be filed not later than sixty (60) days counted from the notice of the denial of said motion.
>
> If the petition relates to an act or an omission of a municipal trial court x x x, it shall be filed with the Regional Trial Court exercising jurisdiction over the territorial area as defined by the Supreme Court. It may also be filed with the Court of Appeals or with the Sandiganbayan, whether or not the same is in aid of the court's appellate jurisdiction.

Despite this procedural remedy available to them, petitioners, under the pretext that they were in a quandary as to their rights under the Injunction order of the Quezon City RTC, directly filed the instant case here. Petitioners did not bother to proffer a compelling reason for their direct resort to this Court. This procedural faux pas proves fatal. The Court's exhortation against taking a procedural shortcut cannot be overemphasized. In Ortega v. The Quezon City Government, [49] the Court accentuated:

> At all events, even if this petition delves on questions of law, there is no statutory or jurisprudential basis for according to this Court original and exclusive jurisdiction over declaratory relief which advances only questions of law.
>
> Finally, while a petition for declaratory relief may be treated as one for prohibition if it has far reaching implications and raises questions that need to be resolved, there is no allegation of facts by petitioner tending to show that she is entitled to such a writ. The judicial policy must thus remain that this Court will not entertain direct resort to it, except when the redress sought cannot be obtained in the proper courts or when exceptional and compelling circumstances warrant availment of a remedy within and calling for the exercise of this Court's primary jurisdiction. (Emphasis supplied.)

To make matters worse, petitioner Matienzo obviously availed of the instant declaratory relief to substitute for a

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petition for certiorari, a remedy which she sadly lost by inaction. It must be recalled that on December 8, 1997, the Caloocan City RTC, Branch 124 denied Matienzo's motion to suspend proceedings.[50] She moved for reconsideration, but the same was denied on May 14, 1998.[51] She received the Order denying her motion for reconsideration on June 9, 1998.[52] She had 60 days therefrom to question the same before the Quezon City RTC. It was only on March 25, 1999 that petitioner Matienzo assailed the order denying her motion for reconsideration, albeit wrongly before this Court.[53] From this, it can be inferred that petitioner Matienzo's recourse is a belated attempt designed to salvage her lost opportunity to assail the order denying her motion to suspend proceedings.

Also unavailing are the contentions of petitioners that the Caloocan City RTC and MeTC committed grave abuse of discretion when they denied petitioners' motions to suspend proceedings. The pertinent portion of the Injunction order of the Quezon City RTC reads:

> WHEREFORE, premises considered, this Court has to grant, as it hereby grants the application for the issuance of the writ of preliminary injunction. Let a writ of preliminary Injunction be issued ordering defendant representing Biyaya Corporation, its agents, assigns, and transferees, as well as all other persons representing themselves as owners of certain portions of the land in question, otherwise known as the Tala Estate, to immediately cease and desist from doing or causing to do, further acts of disposition of the lots subject of the present complaint, such as the filing of ejectment cases in the Municipal Trial Courts of Quezon City and Caloocan City and, the demolition and ejectment therefrom of the members of the herein Intervenors. Accordingly, the Metropolitan Trial Courts of Quezon City and Caloocan City are specifically ordered to cease and desist from further conducting trials and proceedings in the ejectment cases filed and to be filed involving the lots of the present complaint, until further orders from this Court.[54] (Emphasis supplied.)

The foregoing order is not addressed to the Caloocan City RTC. Neither can it be inferred from the language thereof that the Quezon City RTC intended to enjoin the Caloocan City RTC from further proceeding with the Recovery case. The order merely mentions the Caloocan City MeTCs. Nothing more. But more importantly, the Quezon City RTC could not have validly enjoined the Caloocan City RTC without violating the doctrine that no court has the power to interfere by injunction with the judgments or decrees of a court of concurrent or coordinate jurisdiction.[55] Spouses Ching v. Court of Appeals[56] justifies this rule in this manner:

> Beginning with the case of Orais v. Escaño, down to the subsequent cases of Nuñez v. Low, Cabigao v. del Rosario, Hubahib v. Insular Drug Co., Inc., National Power Corp. v. De Veyra, Luciano v. Provincial Governor, De Leon v. Hon. Judge Salvador, Cojuangco v. Villegas, Darwin v. Tokonaga, we laid down the long standing doctrine that no court has the power to interfere by injunction with the judgments or decrees of a court of concurrent or coordinate jurisdiction. The various trial courts of a province or city, having the same or equal authority, should not, cannot, and are not permitted to interfere with their respective cases, much less with their orders or judgments. A contrary rule would obviously lead to confusion and seriously hamper the administration of justice. (Emphasis supplied.)

In Compania General de Tabacos de Filipinas v. Court of Appeals,[57] two civil cases with identical causes of action were filed in different RTCs, one ahead of the other. The second RTC which acquired jurisdiction over the case issued a preliminary injunction enjoining the proceedings in the RTC which first acquired jurisdiction of the case. Ruling against the injunction issued by the RTC, this Court stressed:

> Hence, nothing can be clearer than that Judge Rapatalo had indeed issued the questioned writ of preliminary injunction with grave abuse of discretion amounting to excess or lack of jurisdiction for the blatant disregard of the basic precept that no court has the power to interfere by injunction with the judgments or orders of a co-equal and coordinate court of concurrent jurisdiction having the power to grant the relief sought by injunction.

> This Court explained in Parco vs. Court of Appeals that:
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> > x x x Jurisdiction is vested in the court not in any particular branch or judge, and as a corollary rule, the various branches of the Court of First Instance of a judicial district are a coordinate and co-equal courts one branch stands on the same level as the other. Undue interference by one on the proceedings and processes of another is prohibited by law. In the language of this Court, the various branches of the Court of First Instance of a province or city, having as they have the same or equal authority and exercising as they do concurrent and coordinate jurisdiction should not, cannot, and are not permitted to interfere with their respective cases, much less with their orders or judgments x x x.
> >
> > Needless to say, adherence to a different rule would sow confusion and wreak havoc on the orderly administration of justice, and in the ensuing melee, hapless litigants will be at a loss as to where to appear and plead their cause.[58] (Emphasis supplied.)

While there are recognized exceptions to the foregoing rule, other than citing said cases, [59] petitioners did not explain the applicability of said exceptional cases to their petition.

Bereft of merit too is petitioners' argument that the Caloocan City MeTC cannot disregard the injunction order of the Quezon City RTC hearing the Annulment/Reversion case. The established rule is that a pending civil action for ownership such as annulment of title shall not ipso facto suspend an ejectment proceeding.[60] The Court explained that the rationale for this is that in an ejectment case, the issue is possession, while in an annulment case the issue is ownership.[61] In fact, an ejectment case can be tried apart from an annulment case.[62] Although there is an exception to this rule, petitioners failed to justify that this case falls within said exception. The words of the Court on this matter are instructive:

> In the absence of a concrete showing of compelling equitable reasons at least comparable and under circumstances analogous to Amagan, we cannot override the established rule that a pending civil action for ownership shall not ipso facto suspend an ejectment proceeding. Additionally, to allow a suspension on the basis of the reasons the petitioners presented in this case would create the dangerous precedent of allowing an ejectment suit to be suspended by an action filed in another court by parties who are not involved or affected by the ejectment suit.[63] (Emphases supplied.)

Hence, petitioners' posture that the Ejectment cases should be suspended due to the pendency of the Annulment/Reversion case is not meritorious.

WHEREFORE, premises considered, the instant petition is hereby DISMISSED. The Temporary Restraining Order dated October 25, 2000 issued by this Court is LIFTED.

SO ORDERED.

Corona, C.J., (Chairperson), Bersamin,[*] Del Castillo, and Perez, JJ., concur.

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[*] Per Special Order No. 876 dated August 2, 2010.

[1] Petitioners in G.R. No. 137794 insist that their petition is mainly a Declaratory Relief. (See rollo, p. 366.)

[2] Rollo (G.R. No. 137794), pp. 3-15.

[3]Rollo (G.R. No. 149664), pp. 3-19.

[4] Id. at 398.

[5] Id. at 45.

[6] Rollo (G.R. No. 137794), p. 543.

[7] Id. at 6.

[8] Id. at 556.

[9] Id. at 299.

[10] The motion for reconsideration of the injunction order was denied on October 21, 1997. Apparently no further actions were taken against the said order. (Rollo [G.R. No. 137794], pp. 35-41.)

[11] Rollo (G.R. No. 137794), p. 546.

[12] Id. at 548.

[13] Id. at 551.

[14] Id. at 15.

[15] Id. at 552.

[16] Id. at 299.

[17] Id. at 299-300.

[18] Id. at 300.

[19] Id. at 112.

[20] Id. at 76.

[21] Id. at 15.

[22] Id. at 112.

[23] Id. at 3.

[24] Id. at 224.

[25] Id. at 284.

[26] Id. at 267-270.

[27] Id. at 283-284.

[28] Rollo (G.R. No. 149664), p. 8.

[29] Id. at 6.

[30] Id. at 40.

[31] Id. at 392.

[32] Id. at 398.

[33] Id. at 12.

[34] Id.

[35] Id. at 13.

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[36] Rollo (G.R. No. 137794), p. 307.

[37] G.R. No. L-22756, March 18, 1966, 16 SCRA 406; rollo (G.R. No. 137794), p. 303.

[38] Rollo (G.R. No. 137794), p. 303.

[39] Id. at 558.

[40] Id.

[41] Id. at 354-355.

[42] Id. at 560-561.

[43] Malana v. Tappa, G.R. No. 181303, September 17, 2009, 600 SCRA 189, 199-200; Atlas Consolidated Mining & Development Corporation v. Court of Appeals, G.R. No. 54305, February 14, 1990, 182 SCRA 166, 177.

[44] 87 Phil 652, 657 (1950); Declaratory Relief was then under Rule 66 of the 1948 Rules of Court.

[45] 440 Phil. 1, 19 (2002).

[46] Declaratory Relief was then under Rule 64 of the 1994 Rules of Court.

[47] CJH Development Corporation v. Bureau of Internal Revenue, G.R. No. 172457, December 24, 2008, 575 SCRA 467, 473.

[48] Tano v. Socrates, 343 Phil. 670, 700 (1997).

[49] 506 Phil. 373, 380-381 (2005).

[50] Rollo (G.R. No. 137794), p. 548.

[51] Id. at 551.

[52] Id. at 15.

[53] Id. at 3.

[54] Id. at 41.

[55] Suico Industrial Corporation v. Court of Appeals, 361 Phil. 160, 172 (1999).

[56] 446 Phil. 121, 129 (2003).

[57] 422 Phil. 405 (2001).

[58] Id. at 420-421.

[59] Rollo, p. 341. The cases cited are Inter-Regional Development Corporation v. Court of Appeals, 160 Phil. 265, 269 (1975) and Abiera v. Court of Appeals, 150-A Phil. 666, 674-675 (1972), etc.

[60] Wilmon Auto Supply Corporation v. Court of Appeals, G.R. No. 97637, April 10, 1992, 208 SCRA 108, 116.

[61] Antonio v. Court of Appeals, 237 Phil. 572, 581 (1987); Spouses Barnachea v. Court of Appeals, G.R. No. 150025. July 23, 2008, 559 SCRA 363, 375.

[62] Antonio v. Court of Appeals, id.

[63] Spouses Barnachea v. Court of Appeals, supra note 61 at 377.

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