

SPS. ARTURO REFUGIA AND AURORA REFUGIA, PETITIONERS, VS. HON. FLORO P. ALEJO, IN HIS CAPACITY AS PRESIDING JUDGE OF REGIONAL TRIAL COURT, BR. 172, VALENZUELA, M.M., RODOLFO REFU...*G.R. No. 138674. June 22, 2000*

Ponente: GONZAGA-REYES, J.

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In this petition for review on certiorari, petitioners seek to annul and set aside the (a) decision of the Court of Appeals in CA-G.R. SP No. 48315,[1] dated February 15, 1999 dismissing petitioners' original action for certiorari with prayer for the issuance of a temporary restraining order and/or preliminary injunction which sought to set aside the order of the trial court dated October 29, 1997, granting private respondents' motion for leave of court to file amended complaint and admitting the complaint thereto attached, and (b) the resolution dated May 10, 1999 denying petitioners' motion for reconsideration.[2]

On November 15, 1993, Private respondent Mamerto Refugia, joined by his wife Feliza and children Rodolfo and Candelaria, filed with the Regional Trial Court of Valenzuela a complaint for Specific-Performance with Prayer for Preliminary Injunction and Temporary Restraining Order against the petitioners spouses Arturo and Aurora Refugia - and Judge Winlove M. Dumayas,[3] in his capacity as the Presiding Judge of Branch 81 of the Metropolitan Trial Court of Valenzuela.[4] The complaint alleged, among others, that Mamerto Refugia was a former employee of San Miguel Corporation and had received the amount of P20,000.00 as his retirement pay in 1975; that he dreamt of owning a house and lot but his money was sufficient only to buy a lot; upon the advice of his son, Arturo Refugia, as he was no longer qualified to avail of any housing loan, Mamerto agreed to utilize Arturo's SSS membership for the availment of a housing loan; Mamerto agreed on condition that a two door or duplex apartment shall be constructed and petitioner Arturo shall pay the monthly amortizations and after full payment thereof, they shall divide the ownership of the property between them; that private respondent Mamerto Refugia purchased a parcel of land in Marulas, Valenzuela, Metro Manila in September 1975 but the land was titled in the name of petitioner Arturo Refugia as a requirement for the latter's SSS housing loan; that a two door apartment was constructed on the lot and after its completion, petitioners spouses Arturo and Aurora Refugia occupied one door of the duplex apartment while private respondent Mamerto and his family occupied the other door; that after petitioners had already paid in full the SSS loan, private respondents made repeated demands for petitioners to surrender ownership/title over the 1/2 portion of the said property in their favor but petitioners refused to do so, and worse, filed an ejectment case against private respondents based on the fact that the title of the lot was in petitioners' names. The complaint prayed, among others, that Mamerto Refugia be declared the owner of one half portion of that parcel of land covered by TCT No. T-218979 including the one door apartment erected thereon.

Spouses Arturo and Aurora filed their answer[5] and raised the affirmative defense of prescription. The case was archived sometime in July 1995 to give way for the final determination of the ejectment case earlier filed by

spouses Arturo and Aurora Refugia against Mamerto Refugia, et. al.[6]

On January 21, 1997, Private respondents filed with the trial court a Motion to Revive their complaint for specific performance[7] and the case was withdrawn from the archives and was set for hearing on April 3, 1997.

On August 22, 1997, petitioners spouses Arturo and Aurora Refugia filed a motion to set for preliminary hearing their affirmative defense of prescription.

On September 4, 1997, counsel for the private respondents filed a Notice of Death informing the trial court that Mamerto Refugia had already died sometime in 1993, while his wife, co-respondent Feliza Payad-Refugia died in July, 1997. Thus, it was prayed that the deceased spouses be substituted by their legal heirs, namely: Teresita Nejal, Ricardo Refugia, Francisca Violeta Legal and Rosario Velasco.[8]

On September 8, 1997, the trial court denied the affirmative defense of prescription raised by the petitioners.[9] Petitioners then filed a Motion for Reconsideration of the foregoing order on October 6, 1997.[10]

On October 17, 1997, private respondents filed a MOTION FOR LEAVE OF COURT TO FILE AMENDED COMPLAINT,[11] attaching therewith an AMENDED COMPLAINT, and alleging the necessity to amend the complaint in order to point out the complete claim of private respondents against the petitioners. Petitioners filed their Opposition thereto alleging that the amendments would merely delay the proceedings of the instant case and that the ground relied upon by private respondents was fictitious and baseless.[12]

On October 29, 1997, the trial court issued its assailed order[13] granting the motion for leave to file amended complaint and admitted the amended complaint upon a finding that the purpose of the amended complaint was only to correct inadequate allegations in the original complaint.

On December 1, 1997, petitioners moved for a reconsideration of the aforementioned order arguing, among others, that the trial court should not have allowed the amendment in view of the pendency of petitioners' motion for reconsideration of the Order dated September 8, 1997 finding no merit in petitioners' affirmative defense of prescription.[14] Petitioners' motion for reconsideration was denied in an Order dated May 5, 1998.[15]

On July 17, 1998, petitioners spouses Arturo and Aurora Refugia filed with the Court of Appeals a petition for certiorari with prayer for the issuance of a writ of preliminary injunction and or temporary restraining order wherein they alleged that the trial court committed grave abuse of discretion amounting to lack or excess of jurisdiction in granting private respondents' motion for leave of court to file amended complaint and for admitting the amended complaint without first resolving the motion for reconsideration dated October 3, 1997 filed by the petitioners, the resolution of which would determine whether or not the case filed by private respondents against petitioners had already prescribed.

On February 15, 1999, the Court of Appeals issued its assailed order finding no merit in the petition and dismissing the same. A motion for reconsideration was denied in a resolution dated May 10, 1999. Petitioners are now before us alleging that the respondent Court of Appeals committed a serious reversible error amounting to grave abuse of discretion when it held that no grave abuse of discretion was committed by the public respondent judge (1) in failing to first resolve petitioners' motion for reconsideration before admitting the questioned complaint and (2) in finding that the intended amendments are for no other purpose than to correct inadequate allegations in the original complaint.[16]

In their Memorandum, petitioners contend that the respondent Court of Appeals committed serious reversible error when it ruled that-

"it is to us rather too late in the day for the petitioners to raise at this time the non-resolution by the respondent

Judge of their motion for reconsideration of the order of September 8, 1997 as a bar to the admission of the private respondents' amended complaint and to impute grave abuse of discretion on the same public respondent on account of his admission of the amended complaint xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx petitioners themselves are to be blamed for what they presently lament."

Petitioners claim that the trial court should have first resolved the pending motion for reconsideration of the order denying the affirmative defense of prescription before ruling on any subsequent incidents. Moreover, granting that petitioners did not raise the issue of non-resolution of the motion for reconsideration in their opposition to private respondents' motion for leave to file amended complaint, such issue has been timely and properly raised by petitioners in their motion for reconsideration of the trial court's order granting the motion for leave to file amended complaint.

We sustain the ruling of the Court of Appeals that the trial court did not abuse its discretion in granting the motion for leave to file amended complaint and admitting the same. The procedural objection raised by petitioners is not substantial. To be sure, no rule was transgressed by resolving the motion to admit amended complaint ahead of the motion for reconsideration of the order rejecting petitioners' defense of prescription. None has been brought to our attention. More important, if there was error, the error is not one which goes into the jurisdiction of the court. And as long as a court acts within its jurisdiction, any alleged errors committed in the exercise of its jurisdiction will amount to nothing more than errors of judgment which are reviewable by timely appeal and not by a special civil action of certiorari.[17]

Moreover, the failure to resolve the motion for reconsideration of the order dated September 8, 1997 was belatedly raised. In fact, it was only in petitioners' motion for reconsideration of the order granting the amended complaint where for the first time put in issue their unresolved motion for reconsideration of the order dated September 8, 1997. Petitioners were given the chance to call the attention of the trial court to this pending incident but notwithstanding this, the trial court still denied their motion for reconsideration of the order granting the motion for leave to file amended complaint. We fully agree with the observation made by the Court of Appeals as follows:[18]

"Be it remembered that when the private respondents filed their MOTION FOR LEAVE TO FILE AMENDED COMPLAINT on October 17, 1997 (Annex "Q", Petition), petitioners had already filed their Motion for Reconsideration relative to the order of September 8, 1997. In fact, going by the records, said Motion for Reconsideration was filed as early as October 6, 1997 (Annex "P", petition). In short the motion was already pending and was yet acted upon by the respondent judge when the private respondents filed their MOTION FOR LEAVE TO FILE AMENDED COMPLAINT. For sure, the same Motion for Reconsideration continued to pend even up to the time when the petitioners filed on October 23, 1997 their Opposition to private respondents' MOTION FOR LEAVE TO FILE AMENDED COMPLAINT (Annex "R", petition). Yet surprisingly, the pendency of said Motion for Reconsideration was never raised at all by the petitioners in their Opposition to the private respondents' MOTION FOR LEAVE, etc., even as they could have then and there easily informed the respondent court of the necessity of first resolving the motion before any precipitate action may be taken on the MOTION FOR LEAVE TO FILE AMENDED COMPLAINT. For sure, petitioners could have even invoked the pendency of their motion for reconsideration as a bar to a premature grant of the MOTION FOR LEAVE TO FILE AMENDED COMPLAINT. It can thus be seen that petitioners themselves are to be blamed for what they presently lament. True, they did subsequently speak about their pending motion for reconsideration. Unfortunately, however, the MOTION FOR LEAVE TO FILE AMENDED COMPLAINT had already been granted and the amended complaint thereto attached already admitted when they belatedly realized their mistake. We can assume that in granting leave to private respondents to amend their complaint, the respondent judge in effect denied the petitioners' motion for reconsideration of the order of September 8, 1997. xxx"

Petitioners also claim that granting that the trial court had no recourse but to admit the amended complaint based on the rule of liberality in amendments of pleadings, it should have dismissed the same considering that the amended complaint showed that private respondents' cause of action which was based on the alleged oral contract was subject to a potestative condition which had already prescribed.

Their argument is not acceptable.

The granting of leave to file amended pleading is a matter particularly addressed to the sound discretion of the trial court and that discretion is broad, subject only to the limitations that the amendments should not substantially change the cause of action or alter the theory of the case or that it was made to delay the action.[19] Once exercised, that discretion will not be disturbed on appeal, except in case of abuse thereof.[20] The courts should be liberal in allowing amendments to pleadings to avoid multiplicity of suits and in order that the real controversies between the parties are presented, their rights determined and the case decided on the merits without unnecessary delay.[21] This liberality is greatest in the early stages of a lawsuit, especially in this case where the amendment to the complaint was made before the trial of the case thereby giving petitioner all the time allowed by law to answer and to prepare for trial. As to the wisdom or soundness of the trial court's order dismissing petitioners' affirmative defense of prescription, this involves a matter of judgment which is not properly reviewable by petition for certiorari, which is intended to correct defects of jurisdiction solely and not to correct errors of procedure or matters in the trial court's findings or conclusions. We adopt the Court of Appeals' disquisition in this wise:[22]

"In a very real sense, We see in this recourse a clever attempt on the part of the petitioners to ventilate before this Court their discarded arguments in their Position Paper (Annex "K", Petition), relative to their affirmative defense of prescription, and in the process, put at issue via this petition for certiorari the merit or lack of it of the respondent judge's order of September 8, 1997. This cannot be done thru the instant proceeding. For, apart from the quieting passage of time since the issuance of His Honor's order of September 8, 1997, there is the more important rule in the law of certiorari that this extraordinary remedy is available only to keep a court within the bounds of its jurisdiction or to prevent it from committing such a grave abuse of discretion amounting to excess of jurisdiction. The writ is never available to correct errors of procedure or mistakes in the judge's findings or conclusions (citations omitted) xxx;

x x x x x x x x;

Hence, even on the extreme assumption that the respondent judge erred in ruling via his order of September 8, 1997 that private respondents' cause of action in Civil Case No. 42949-V-93 has not yet prescribed when the original complaint therefor was filed in November 15, 1993, and, conversely, that petitioners' contrary view is exceedingly "meritorious", still petitioners' challenge to the order of September 8, 1997 is improper in this recourse."

Petitioners also argue that since the amended complaint was admitted and they were already ordered to answer the same, they will be forced to abandon their pending cause for the dismissal of the complaint on the ground of prescription. We are not persuaded. Petitioners' affirmative defenses could still be raised in their answer to the amended complaint which the trial court directed them to file, and if the decision is adverse after trial, the issues may be reiterated on appeal.

Petitioners next contend that by allowing the amendment of the original complaint, the trial court allowed the delay in the disposition of the instant case considering the fact that what appears to be a simple dispute involving a question of ownership over the duplex apartment becoming complicated by the sudden claim of ownership over the parcel of land on which the duplex apartment was erected.

The argument deserves scant consideration.

The Court of Appeals ruled, and we agree, that the trial court is correct when it found that the amendments were merely to correct inadequate allegations in the original complaint and allowed private respondents to amend its complaint.[23] A reading of the amended complaint shows that it merely supplements an inadequate allegation of the cause of action stated in the original complaint so as to submit the real matter in dispute and not to delay the disposition of the case, as the petitioners argued. Private respondents in their original complaint prayed that private respondent Mamerto Refugia be declared owner not only of the one door of the duplex apartment but also the ½ portion of the land where their apartment was erected. We find no reason to disturb the following ratiocination stated by the Court of Appeals:[24]

"We must at once reject petitioners' imputation of delay. For, let alone its utter lack of factual support, we find it hard to understand why the private respondents who are no less the very ones who filed the main case herein (Civil Case No. 4249-V-93), would themselves resort to dilatory tactics to prolong the disposition of their case. Given the fact that their eviction from the premises was sustained by the Supreme Court no less, and that their attempt to hold at bay the implementation of the High Court's decision had been rejected by the respondent court, it is undoubtedly to private respondents' interest that their complaint for specific performance be decided with dispatch, more so that they have already been evicted from the place. Indeed, judging from the petitioners' conduct. We are even inclined to believe that they are the ones who are really on the go to delay and prolong the termination of the main case.

In this connection. We took the pains of reproducing herein the original and amended complaints in Civil Case No. 4249-V-93. Doubtless. We say without any hesitation that, as correctly ruled by the respondent judge, the intended amendments are truly for no other purpose than merely "to correct inadequate allegation in the original complaint". We may even go farther and say that on the basis of the original complaint, private respondents could have gone into trial and adduced evidence to establish the fact that their agreement with the petitioners covers not only the duplex apartment building but also and more importantly the very land whereon it was constructed. Verily, however, aware as the private respondents must be of petitioners' penchant for technicality, the former must have thought it wise to simply amend their complaint rather than engage their opponents in procedural niceties. Of course, petitioners' conduct is quite understandable: having already won in the ejectment suit where their victory was merely confined to the issue of possession, petitioners must have wanted to duplicate their feat with speed in the more important issue of ownership by outrightly knocking down their adversary on a mere technicality. Hence, their present recourse, about which petitioners must have been hoping against hope that this Court would pave the way to the eventual consolidation in their names of both the possession and ownership of the premises in dispute. This Court will never sanction such a scheme."

WHEREFORE, finding no reversible error, the Court hereby denies the petition and affirms the judgment of the Court of Appeals.

SO ORDERED.

Melo, (Chairman), Panganiban, and Purisima, JJ., concur.

Vitug, J., abroad, on official business.

[1] Rollo, pp. 80-99; Penned by Justice Cancio C. Garcia, Chairman, concurred in by Associate Justices Conrado M. Vasquez, Jr., and Teodoro P. Regino.

[2] Ibid, p.101.

[3] Rollo, pp. 213-214, Annex "G", docketed as Civil Case No.. 4249-V-93, raffled to Branch 172.

[4] A complaint for unlawful detainer was filed by spouses Arturo and Aurora Refugia against Mamerto, Feliza,

Rodolfo and Candelaria, all surnamed Refugia on October 23, 1993, docketed as Civil Case No. 6089.

[5] Rollo, pp. 217-221, Annex "H".

[6] On March 4, 1994, the Metropolitan Trial Court of Valenzuela dismissed the ejectment case filed by Arturo and Aurora Refugia against Mamerto and Feliza Refugia and others concluding that Mamerto and his family are the lawful occupants of the premises, and hence, ejectment will not lie against them. On appeal to the Regional Trial Court, the court in its decision dated April 29, 1994, (Branch 172, Civil Case No. 4347-V-94) affirmed the dismissal with modification the judgment of the lower court by declaring Arturo and his father Mamerto are co-owners of the subject lot and the two door apartment. Still dissatisfied, spouses Arturo and Aurora elevated the case to the Court of Appeals via petition for review (CA-GR SP No. 34647) and in its decision dated December 9, 1994 reversed and set aside the decisions of the two lower courts and accordingly ordered Mamerto and the other defendants in Civil Case No. 6089 to vacate the premises and surrender possession thereof. This time, it was Mamerto and his family who secured an appellate review thru an appeal by certiorari to this Court, which in a decision dated July 5, 1996 (G.R.No.118284) affirmed in toto the decision of the Court of Appeals.

[7] Civil Case No.4249-V-93.

[8] Rollo, p. 273, Annex "M".

[9] Ibid, p. 283, Annex "O".

[10] Ibid, p. 284, Annex "P".

[11] Ibid, p. 301, Annex "Q".

[12] Ibid, pp. 303-306, Annex "R".

[13] Ibid, p. 365, Annex "B".

[14] Ibid, pp. 309-316, Annex "S".

[15] Ibid, p. 377, Annex "A".

[16] Rollo, p. 476.

[17] Commissioner of Internal Revenue vs. CA, 257 SCRA 200; Day vs. RTC of Zamboanga City, Br. XII, 191 SCRA 610; GSIS vs. CA, 169 SCRA 244.

[18] Rollo, pp. 96-97; CA Decision, pp. 17-18.

[19] Metropolitan Bank and Trust Co.vs. Presiding Judge, RTC Manila Br. 39, 189 SCRA 820 citing Uy vs. Uy, 2 SCRA 675.

[20] Metropolitan Bank and Trust Co. vs. Presiding Judge, RTC Manila, Br. 39, supra, citing Torres vda de Nery vs. Tomacruz, 49 Phil 913.

[21] Metropolitan Bank and Trust Co. vs. Presiding Judge, RTC Manila, Br. 39, citing Shaffer vs. Palma, et al., 22 SCRA 934; Demaronsing vs. Tandayag, 58 SCRA 484.

[22] Rollo, pp. 94-96; CA decision, pp.15-17.

[23] Section 1 Rule 10, Rules of Court:

Section 1. Amendments in general- Pleadings may be amended by adding or striking out an allegation or the name of any party, or by correcting a mistake in the name of a party or a mistaken or inadequate allegation or

description in any other respect, so that the actual merits of the controversy may speedily be determined, without regard to technicalities, and in the most expeditious and inexpensive manner.

[24] Rollo, pp. 97-98; CA decision, pp.18-19.

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