

LAPULAPU DEVELOPMENT AND HOUSING CORPORATION, PETITIONER, VS. GROUP MANAGEMENT CORPORATION, RESPONDENT.

G.R. No. 141407. September 09, 2002

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

Having the same power and prerogatives, courts of coequal and coordinate jurisdiction cannot interfere with each other's orders and judgments. The ultimate test to determine the existence of forum shopping is the vexation caused the courts and the litigants by the repeated invocation of substantially the same facts, issues and reliefs, thereby unnecessarily clogging court dockets and creating the possibility of conflicting rulings and decisions.

The Case

Before us is a Petition for Review on Certiorari under Rule 45, seeking the annulment of the April 30, 1999 Decision and the December 29, 1999 Resolution of the Court of Appeals (CA).[1] The assailed Decision disposed as follows:

“WHEREFORE, the petition being partly meritorious, the Court hereby resolves as follows:

‘1. To AFFIRM the Orders of May 28, 1998 and August 4, 1998, in Civil Case No. 2203-L insofar as they set aside the order holding respondent Register of Deeds guilty of indirect contempt of court and to NULLIFY said orders insofar as they set aside the directives contained in paragraphs (a), (b), and (c) of the order dated November 28, 1997;

‘2. To DECLARE without FORCE and EFFECT insofar as petitioner Group Management Corporation is concerned, the decision in Civil Case No. R-82-3429 as well as the orders and writs issued for its execution and enforcement; and

‘3. To ENJOIN respondent Lapulapu Development and Housing Corporation, along with its agents and representatives and/or persons/public officials/employees acting in its interest, specifically respondent Regional Trial Court of Manila, Branch 38, and respondent Register of Deeds of Lapulapu City, from obstructing, interfering with or in any manner delaying the implementation/execution/enforcement by the Lapulapu City RTC of its order and writ of execution in Civil Case No. 2203-L.

‘4. For lack of sufficient basis, the charge of contempt of court against respondent Lapulapu Development and Housing Corporation and the public respondents is hereby DISMISSED.’”[2]

The assailed Resolution denied petitioner's Motion for Partial Reconsideration.[3]

The Facts

The procedural and factual antecedents of this case are summarized by the CA in this wise:

“LLDHC, formerly known as the B. Sunga Corporation, was the registered owner of seventy-eight (78) lots,

with an aggregate area of 423,117 square meters, located at Barrio Marigondon, Lapu-lapu City.

“On February 4, 1974, LLDHC entered into a Project and Loan Agreement with GSIS, whereby the latter undertook to extend a loan of P25 million to be used by LLDHC in developing, subdividing and selling to GSIS members, its property at Marigondon, Lapu-lapu City. To implement the Agreement, GSIS extended to LLDHC an ad interim medium term loan of P2,500,000.00 of which P710,400.00 was released. To secure payment of the loan, LLDHC executed a real estate mortgage over its 78 lots at Marigondon, Lapulapu City in favor of GSIS.

“LLDHC having failed to develop the property and defaulted in the payment of its loan, GSIS foreclosed the mortgage. And, being the lone bidder in the public auction sale, GSIS acquired the mortgaged lots. After the lapse of the redemption period, GSIS consolidated its ownership over the mortgaged lots and the corresponding transfer certificates of title were issued in its name.

“On February 26, 1980, GSIS, as new owner, executed a Deed of Conditional Sale covering its Marigondon lots in favor of GMC.

“On April 23, 1980, LLDHC filed a complaint for Annulment of Foreclosure with Writ of Mandatory Injunction against GSIS. Originally docketed as Civil Case No. 131332 of the Regional Trial Court of Manila, the complaint (re-docketed as Civil Case No. R-82-3429) was assigned to Branch 38 thereof.

“On November 3, 1989, GMC filed a complaint for Specific Performance with Damages against GSIS, docketed as Civil Case No. 2203-L of the Regional Trial Court of Lapu-Lapu City. The complaint seeks to compel GSIS to execute a Final Deed of Sale in favor of GMC covering the Marigondon lots, the purchase price thereof having been paid in full by GMC to GSIS.

“Allowed to intervene in Civil Case No. 2203-L, LLDHC filed a Motion to Dismiss the complaint for specific performance. Said motion having been denied by the Lapu-Lapu City RTC, LLDHC filed its Answer in Intervention and thereafter participated in the proceedings as intervenor.

“On February 24, 1992, after a full-blown trial, a decision was rendered in Civil Case No. 2203-L, the dispositive portion of which reads:

‘WHEREFORE, judgment is hereby rendered ordering defendant to:

‘1. Execute the final deed of absolute sale and deliver the seventy-eight (78) certificates of title covering said seventy-eight (78) parcels of land to the plaintiff:

‘2. Pay plaintiff actual damages, plus attorney’s fees and expenses of litigation, in the amount of P285,638.88 and P100,000.00 exemplary damages;

‘3. dismissing in toto intervenor’s complaint-in-intervention for lack of evidence of legal standing and legal interest in the suit, as well as failure to substantiate any cause of action against either plaintiff or defendant.

‘SO ORDERED.

“LLDHC, as intervenor, and GSIS as defendant, filed their respective Notices of Appeals on March 11, 1992 and March 20, 1992. However, on December 6, 1993, their appeals were dismissed by the Lapu-Lapu City RTC.

“On May 10, 1994, a decision was rendered in Civil Case No. R-82-3429 of the Manila RTC, Branch 38, the decretal portion of which reads:

‘WHEREFORE, judgment is hereby rendered:

‘1. ANNULING the foreclosure by the defendant GSIS of the mortgage over the seventy-eight (78) parcels

of land here involved:

‘2. CANCELLING the consolidated certificates of titles issued in the name of GSIS and directing the Register of Deeds of Lapu-Lapu City to issue new certificates of titles over those seventy-eight (78) parcels of land in the name of the plaintiff, in exactly the same condition as they were before the foreclosure;

‘3. ORDERING the plaintiff to pay the GSIS the amount of P9,200,000.00 with interest thereon at the rate of twelve (12%) percent per annum commencing from October 12, 1989 until fully paid; and

‘4. ORDERING defendant GSIS to execute a properly registrable release of discharge of mortgage over the parcels of land here involved after full payment of such amount by the plaintiff.

‘All claims and counterclaims by the parties as against each other are hereby dismissed.

‘No pronouncement as to costs.

‘SO ORDERED.’

“On July 27, 1994, LLDHC filed a Complaint with this Court, docketed as CA-G.R. SP No. 34696, seeking the annulment of the decision in Civil Case No. 2203-L.

“In a decision dated December 29, 1994, this Court dismissed the complaint for annulment of judgment, on the following ground:

‘In fine, there being no showing from the allegations of the petition that the respondent court is without jurisdiction over the subject matter and of the parties in Civil Case No. 2309 [2203-L], petitioner has no cause of action for the annulment of judgment. The complaint must allege ultimate facts for the annulment of the decision (*Avendana v. Bautista*, 142 SCRA 39). We find none in this case.

“On January 28, 1995, no appeal having been taken by LLHDC, the decision of this Court in CA-G.R. SP No. 34696 became final and executory, and entry of judgment was made on August 18, 1995.

“On February 2, 1995, LLDHC filed a petition for certiorari with the Supreme Court, docketed as G.R. No. 118633. Like the complaint in CA-G.R. SP No. 34696, the petition also seeks the annulment of the February 24, 1992 decision in Civil Case No. 2203-L.

“In its Resolution, dated September 6, 1996, the Supreme Court dismissed LLDHC’s petition, in G.R. No. 118633, stating *inter alia*, thus:

‘In a last ditch attempt to annul the February 24, 1992 Decision of the respondent court, this petition was brought before us on February 2, 1995.

‘Dismissal of this petition is inevitable.

‘The instant petition which is captioned, For: Certiorari With Preliminary Injunction, is actually another Petition for Annulment of Judgment of the February 24, 1992 Decision of the respondent Regional Trial Court of Lapu-lapu City, Branch 27 in Civil Case No. 2203-L. A close perusal of this petition as well as the Petition for Annulment of Judgment brought by the petitioner before the Court of Appeals in CA-G.R. No. SP 34696 reveals that the instant petition is a mere reproduction of the petition/complaint filed before the appellate tribunal for annulment of judgment. Paragraphs two (2) to eighteen (18) of this petition were copied verbatim from the Petition for Annulment of Judgment earlier filed in the court a quo, except for the designation of the parties thereto, i.e., plaintiff was changed to petitioner, defendant to respondent. In fact, even the prayer in this petition is the same prayer in the Petition for Annulment of Judgment dismissed by the Court of Appeals, to wit:

‘1. That Restraining Order/Writ of Preliminary Injunction issue commanding the Respondent to cease and

desist from enforcing the judgment of Respondent Judge Teodoro K. Risos in Civil Case No. 2203-L dated February 24, 1992 and all orders and processes pertaining to his decision in the said case.

‘2. Annulling the decision of defendant Judge Teodoro K. Risos of RTC of Cebu, Branch 27, in Civil Case No. 2203-L.

‘3. Granting Petitioner such other relief as law and justice may warrant in this case.’

‘Under Section 9(2) of Batas Pambansa Blg. 129, otherwise known as ‘The Judiciary Reorganization Act of 1980,’ it is the Court of Appeals (then the Intermediate Appellate Court), and not this Court, which has jurisdiction to annul judgments of Regional Trial Courts, viz:

‘SEC. 9. Jurisdiction -- The Intermediate Appellate Court shall exercise:

x x x x x x x x

‘(2) Exclusive original jurisdiction over actions for annulment of judgments of Regional Trial Courts; and

x x x x x x x x

‘Thus, this Court apparently has no jurisdiction to entertain a petition which is evidently another petition to annul the February 24, 1992 Decision of the respondent Branch 27, Regional Trial Court of Lapu-lapu City, it appearing that jurisdiction thereto properly pertains to the Court of Appeals. Such a petition was brought before the appellate court, but due to petitioner’s failure to nullify Judge Risos’ Decision in said forum, LLDHC, apparently at a loss as to what legal remedy to take, brought the instant petition under the guise of a petition for certiorari under Rule 65 seeking once again to annul the judgment of Branch 27.

‘Instead of filing this petition for certiorari under Rule 65, which is essentially another Petition to Annul Judgment, petitioner LLDHC should have filed a timely Petition for Review under Rule 45 of the Revised Rules of Court of the decision of the Court of Appeals, dated December 29, 1994, dismissing the Petition for Annulment of Judgment filed by the petitioner LLDHC before the court a quo. But, this is all academic now. The appellate court’s decision had become final and executory on January 28, 1995.

‘Nevertheless, it is worthwhile to mention that this petition, which is truly for annulment of judgment, cannot prosper on its merits. [I]t has been settled that a judgment can be annulled only on two (2) grounds: (a) that the judgment is void for want of jurisdiction or lack of due process of law; or (b) that it has been obtained by fraud.

‘Neither of these grounds obtain in the case at bench. x x x.

‘It cannot likewise be successfully argued that there was lack of due process in the proceedings before Branch 27 of the RTC of Lapulapu. Petitioner had ample participation in Civil Case No. 2203-L as intervenor, as it in fact filed a Motion to Dismiss said case on December 7, 1989 which was, however, denied by respondent Judge. Thereafter, a full-blown trial was held which culminated in the subject decision sought to be annulled by the petitioner.

‘In the same manner, the February 24, 1992 decision of respondent court cannot be assailed on the ground of fraud. In order for fraud to serve as a basis for the annulment of judgment, it must be extrinsic or collateral in character, otherwise there would be no end to litigations. Extrinsic fraud refers to any fraudulent act of the prevailing party which is committed outside of the trial of the case, whereby the defeated party [petitioner herein] has been prevented from exhibiting fully his side of the case, by fraud or deception practiced on him by his opponent. This type of fraud is decidedly absent in the case at bench. Petitioner has not pointed to any act of the prevailing party (Group Management Corporation) preventing it (petitioner) from fully ventilating its case as

intervenor in Civil Case No. 2203-L. If ever the petitioner's complaint-in-intervention did not prosper in said case, it was because the lower court after due hearing, did not find the intervenor's case meritorious, and not because petitioner was unduly deprived of its day in court. Thus, having been unable to prove that extrinsic fraud vitiated the orders in question, there lies no cause of action for annulment of said orders.'

"LLDHC sought a reconsideration of the above resolution but its motion was denied with finality by the Supreme Court on November 18, 1996.

"Consequently, on November 28, 1996, the Lapu-Lapu City RTC, through Presiding Judge Teodoro K. Risos, issued an order directing the execution of the judgment in Civil Case No. 2203-L, pursuant to which the corresponding writ of execution was issued on December 17, 1996.

"LLDHC and GSIS filed their respective motions to stay execution, dated December 12, 1996 and January 9, 1997, both of which were denied by Judge Risos in his Order dated February 19, 1997.

"On July 21, 1997, on motion of GMC, Judge Risos issued an Order, the dispositive portion of which reads:

'WHEREFORE, the defendant GSIS having refused to implement the Order of this Court dated December 17, 1996 the Court in accordance with Rule 39. Sec. 10-a of the 1997 Rules of Procedure, hereby directs the Register of Deeds of Lapu-lapu City to cancel the Transfer Certificate of Titles of the properties involved in this case and to issue new ones in the name of the plaintiff and to deliver the same to the latter within ten (10) days after this Order shall have become final.

'SO ORDERED.'

"On August 1, 1997, respondent Judge Barias issued a writ of execution in Civil Case No. R-82-3429. Parenthetically, the judgment in said case was affirmed with modification by this Court in its Decision of December 27, 1996, in CA-G.R. CV No. 49117.

"On August 7, 1997, Sheriff-Incharge Regio B. Ruefa, RTC-Manila, sent a letter to the Register of Deeds of Lapu-Lapu City, ordering him to cancel the consolidated certificate of title issued in the name of GSIS and to issue new certificates of title over subject lots in the name of LLDHC.

"On August 21, 1997, a writ of possession was issued commanding Sheriff Ruefa to cause GSIS and all persons claiming rights under it to vacate the lots in question and to place LLDHC in peaceful possession thereof. The corresponding Sheriff's Notice to Vacate, addressed to GSIS, was served on August 22, 1997.

"On October 23, 1997, Judge Risos, acting on various incidents relative to the execution of the judgments in Civil Case No. R-82-3429 and Civil Case No. 2203-L, issued an Order reiterating the order and writ of execution dated November 28, 1996, and December 21, 1996, as well as the order dated July 21, 1997, directing the Register of Deeds of Lapu-Lapu City to effect the transfer of the titles to subject lots in favor of GMC, declaring any and all acts done by the Register of Deeds of Lapu-Lapu City null and void starting with surreptitious issuance of new titles in the name of LLDHC, and, in the interim, enjoining the Register of Deeds of Lapu-Lapu City from recording and/or registering any transfer, disposition, or transaction regarding said lots, which may be executed by LLDHC and/or GSIS.

"Judge Risos held in abeyance all contempt proceedings against the Register of Deeds of Lapu-Lapu City 'to allow him to forge (sic) himself of the contemptuous act charged by the plaintiff.

"On November 13, 1997, respondent Judge Barias issued an order, the dispositive portion of which, reads:

'WHEREFORE, the Group Management Corporation (GMC) is hereby given ten (10) days from notice hereof within which to remove all its structures erected therein, equipment, machineries and other materials from the

plaintiff's properties while Jeselito (Rene) Cenabre, Gualberto Daño, Gines Lamparaga, all security guards of the 537 Security Agency assigned therein and persons associated with them are hereby directed to vacate the premises in controversy also within ten (10) days from notice hereof.

'Failure to do so as directed, an Order of Demolition shall be issued to be implemented by the Deputy Sheriff of this Court authorizing him to break open any closure with the assistance of police or military authorities if necessary.

'Let this Order be served personally by the Deputy Sheriff of the Regional Trial Court of Lapu-Lapu City and the latter to submit the corresponding Sheriff's Return therefor.

'SO ORDERED.'

"Acting on GMC's Omnibus Motion dated October 29, 1997, and the Manifestation/Explanation, dated October 30, 1997, of respondent Register of Deeds, Judge Risos issued an Order dated November 28, 1997, the decretal portion of which reads:

'a) Intervenor Lapu-lapu Development and Housing Corporation (LLDHC) is hereby ordered to show cause in writing within ten (10) days from receipt hereof why it should not be declared in contempt of this Court:

'b) Let a writ of preliminary prohibitory injunction issue to restrain immediately all persons acting on orders or by authority of intervenor LLDHC from carrying out any and all acts in defiance of this Court's final and executory judgment, orders and writ of execution aforesaid, specifically acts such as, but not limited to, the demolition of structures erected by plaintiff upon the properties subject matter of this litigation and the removal of plaintiff's machinery, equipment and supplies thereon, as well as the ouster therefrom of plaintiff's duly authorized representatives, personnel and security guards;

'c) Further, let a writ of preliminary mandatory injunction immediately issue to direct the ouster of intervenor LLDHC; its agents, representatives and all persons acting on order or by authority of intervenor, as well as the demolition of structures erected by intervenor upon the properties subject matter of this litigation;

'd) Finally, the Register of Deeds of Lapu-Lapu City is hereby declared in contempt of this Court, and his immediate detention and confinement at the City Jail of Lapu-lapu City is directed as long as he persists in his interference, disobedience and obstruction of justice by not complying with the directives of this Court dated October 23, 1997 specifically 'directing the Register of Deeds of Lapu-lapu City to effect the transfer of the titles of the properties subject of this case in favor of the plaintiffs, declaring any and all acts done by the Register of Deeds of Lapu-lapu City NULL AND VOID star[t]ing with the surreptitious issuance of the new certificates of title in the name of Lapu-lapu Development and Housing Corporation, contrary to the Decision of this Court dated February 24, 1992, its Order and Writ of Execution as well as its Order dated July 21, 1997', and if respondent Register of Deeds refuses to comply with the order of this Court transferring the titles of the land in question to the plaintiff after ten (10) days from receipt of this Order.

'e) The Office of the City Sheriff is hereby directed to implement compliance with paragraphs (b), (c) and (d) above, particularly the detention and confinement of Atty. Dioscoro Y. Sanchez, Jr., Register of Deeds, Lapu-lapu City, if he continues to refuse to transfer the titles of the land in dispute after ten (10) days from receipt of this order, authorizing him for these purposes to secure the assistance of the Office of the Chief of Police of Lapu-lapu City, who is likewise directed to provide a sufficient number of his men in the service to fully and faithfully carry out these orders, including the detention and confinement aforesaid, until further orders from this Court.

'SO ORDERED.'

"Accordingly, on December 4, 1997, the corresponding writ of preliminary prohibitory injunction was issued.

“Meanwhile, LLDHC came to this Court on a petition for certiorari with preliminary injunction (docketed as CA-G.R. SP No. 44052), praying that respondents (GMC and Judge Risos) cease and desist from proceeding with the execution of the decision in Civil Case No. 2203-L dated February 24, 1992, on the theory that ‘the decision of the RTC of NCJR in Civil Case No. 31323 (renumbered R-82-3429) entitled LLDHC, plaintiff, versus GSIS, defendant, for Annulment of Foreclosure and Mandatory Injunction, is a supervening event which makes it mandatory for Respondent Judge Risos to stop execution of the judgment in Civil Case No. 2203-L entitled GMC, plaintiff, versus GSIS, defendant, for Specific Performance’. In denying due course to said petition, this Court ratiocinated, thus:

‘The validity of the decision of the respondent judge in Civil Case No. 2303-L has thus been brought both before this Court and to the Supreme Court by the petitioner. In both instances the respondent judge has been upheld. The instant petition is petitioner’s latest attempt to resist the implementation or execution of that decision using as a shield a decision of a Regional Trial Court in the National Capital Region. We are not prepared to allow it. The applicable rule and jurisprudence are clear. The prevailing party is entitled as a matter of right to a writ of execution, and the issuance thereof is a ministerial duty compellable by mandamus. We do not believe that there exists in this instance a supervening event which would justify a deviation from this rule.’”

‘Meanwhile, in Civil Case No. 2203-L, respondent Register of Deeds and intervenor LLDHC, through separate motions, sought a reconsideration of Judge Risos’ orders dated November 28, 1997 and December 22, 1997.

‘On May 27, 1998, respondent Judge Fernandez, who succeeded Judge Risos as Presiding Judge of the Lapu-Lapu City RTC (Branch 27), issued an Order the dispositive portion of which reads:

‘PREMISES CONSIDERED, the two instant motions of the Register of Deeds of Lapu-Lapu City Atty. Sanchez, Jr. and the intervenor LLDHC are hereby granted and the order of this Court dated November 28, 1997 is hereby set aside. Accordingly, the order dated December 22, 1997 is likewise recalled.’

“GMC sought a reconsideration of said order. Its motion for reconsideration was, however, denied by respondent Judge Fernandez in his Order of August 4, 1998.”[4]

Ruling of the Court of Appeals

The CA affirmed the Orders of the Regional Trial Court (RTC) of Lapulapu City in Civil Case No. 2203-L freeing the Register of Deeds from indirect contempt of court. It also declared without force and effect the Decision of the Regional Trial Court (RTC) of Manila in Civil Case No. R-82-3429, as well as the Orders and Writs issued for the execution and enforcement of that Decision. The CA enjoined petitioner, its agents and representatives, the RTC of Manila and the Register of Deeds of Lapulapu City from obstructing or interfering with the implementation of the Order issued by the Lapu-lapu RTC in Civil Case No. 2203-L.

Hence, this Petition.[5]

The Issues

In its Memorandum, petitioner urges the Court to resolve the following questions:

- “1. Whether the final and fully implemented decision of the Manila RTC could be declared and rendered ineffectual and nugatory by the judgment of the Lapu-Lapu City RTC.
- “2. Whether the herein petitioner and/or the private respondent are guilty of forum shopping.
- “3. Whether the refusal of Justices Verzola and Tuquero to voluntarily inhibit or disqualify them from acting on the present case is proper and justifiable.”[6]

The Court's Ruling

The Petition has no merit.

First Issue:

Valid and Binding Decision

In its Memorandum, petitioner argues that the Decision of the Manila RTC is superior to that of the Lapulapu RTC and must therefore prevail. It alleges that the former was executed and fully implemented as early as September 15, 1997, but that the latter is yet to attain finality.

We do not agree. The records of the case clearly show that the Lapulapu Decision has become final and executory and is thus valid and binding upon the parties. Obviously, petitioner is again trying another backdoor attempt to annul the final and executory Decision of the Lapulapu RTC.

First, it was petitioner that filed on March 11, 1992 a Notice of Appeal contesting the Lapulapu RTC Judgment in Civil Case No. 2203-L rendered on February 24, 1992. The Notice was however rejected by the said RTC for being frivolous and dilatory. Since petitioner had done nothing thereafter, the Decision clearly became final and executory.

However, upon receipt of the Manila RTC Decision, petitioner found a new tool to evade the already final Lapulapu Decision by seeking the annulment of the latter in a Petition with the CA. However, the appellate court dismissed the action, because petitioner had been unable to prove any of the grounds for annulment; namely lack of jurisdiction or extrinsic fraud. Because no appeal had been taken by petitioner, the ruling of the CA also became final and executory.

Second, the Supreme Court likewise recognized the finality of the CA Decision when it threw out LLDHC's Petition for Certiorari in GR No. 118633. This Court ruled thus:

“Instead of filing this petition for certiorari under Rule 65, which is essentially another Petition to Annul Judgment, petitioner LLDHC should have filed a timely Petition for Review under Rule 45 of the Revised Rules of Court of the decision of the Court of Appeals, dated December 29, 1994, dismissing the Petition for Annulment of Judgment filed by the petitioner LLDHC before the court a quo. But this is all academic now. The appellate court's decision had become final and executory on January 28, 1995.”[7] (Emphasis ours)

Jurisprudence mandates that when a decision becomes final and executory, it becomes valid and binding upon the parties and their successors in interest.[8] Such decision or order can no longer be disturbed or reopened no matter how erroneous it may have been.[9] Petitioner's failure to file an appeal within the reglementary period renders the judgment final and executory. The perfection of an appeal in the manner and within the period prescribed by law is mandatory. Failure to conform to the rules regarding appeal will render the judgment final and executory and, hence, unappealable.[10] Therefore, since the Lapulapu Decision has become final and executory, its execution has become mandatory and ministerial on the part of the judge.

The CA correctly ruled that the Lapulapu Judgment is binding upon petitioner which, by its own motion, participated as an intervenor. In fact, the latter filed an Answer in Intervention and thereafter actively took part in the trial. Thus, having had an opportunity to be heard and to seek a reconsideration of the action or ruling it complained of, it cannot claim that it was denied due process of law. What the law prohibits is the absolute absence of the opportunity to be heard. Jurisprudence teaches that a party cannot feign denial of due process if it has been afforded the opportunity to present its side.[11]

Petitioner likewise claims that Private Respondent GMC cannot escape the adverse effects of the final and

executory judgment of the Manila RTC.

Again, we do not agree. A trial court has no power to stop an act that has been authorized by another trial court of equal rank. As correctly stated by the CA, the Decision rendered by the Manila RTC -- while final and executory -- cannot bind herein private respondent, which was not a party to the case before the said RTC. A personal judgment is binding only upon the parties, their agents, representatives and successors in interest.

Third, petitioner grievously errs in insisting that the judgment of the Manila RTC nullified that of the Lapulapu RTC. As already adverted to earlier, courts of coequal and coordinate jurisdiction may not interfere with or pass upon each other's orders or processes, since they have the same power and jurisdiction.[12] Except in extreme situations authorized by law, they are proscribed from doing so.[13]

Second Issue:

Forum Shopping

Petitioner contends that its Complaint for the annulment of the mortgage foreclosure had been filed in the Manila RTC almost ten years prior to GMC's Complaint for specific performance and damages in the Lapulapu RTC. Thus, petitioner asserts that it cannot be liable for forum shopping.

There is forum shopping whenever, as a result of an adverse opinion in one forum, a party seeks a favorable opinion (other than by appeal or certiorari) from another.[14] In *Gatmaytan v. CA*,[15] the petitioner therein repeatedly availed itself of several judicial remedies in different courts, simultaneously or successively. All those remedies were substantially founded on the same transactions and the same essential facts and circumstances; and all raised substantially the same issues either pending in, or already resolved adversely by, some other court. This Court held that therein petitioner was trying to increase his chances of obtaining a favorable decision by filing multiple suits in several courts. Hence, he was found guilty of forum shopping.

In the present case, after the Lapulapu RTC had rendered its Decision in favor of private respondent, petitioner filed several petitions before this Court and the CA essentially seeking the annulment thereof. True, petitioner had filed its Complaint in the Manila RTC before private respondent filed its own suit in the Lapulapu RTC. Records, however, show that private respondent learned of the Manila case only when petitioner filed its Motion for Intervention in the Lapulapu RTC. When GMC filed its own Motion to Intervene in the Manila RTC, it was promptly rebuffed by the judge therein. On the other hand, petitioner was able to present its side and to participate fully in the proceedings before the Lapulapu RTC.

On July 27, 1994, almost two years after the dismissal of its appeal by the Lapulapu RTC, petitioner filed in the CA a suit for the annulment of that RTC judgment. On December 29, 1994, this suit was rejected by the CA in a Decision which became final and executory on January 28, 1995, after no appeal was taken by petitioner. However, this action did not stop petitioner. On February 2, 1995, it filed with this Court another Petition deceptively cloaked as certiorari, but which in reality sought the annulment of the Lapulapu Decision. This Court dismissed the Petition on September 6, 1996. Petitioner's Motion for Reconsideration was denied with finality on November 18, 1996.

On November 28, 1996, Judge Risos of the Lapulapu RTC directed the execution of the judgment in the case filed before it. The Motion to Stay Execution filed by petitioner was denied on February 19, 1997. Undaunted, it filed in this Court another Petition for Certiorari, Prohibition and Mandamus. On September 21, 1998, we referred the Petition to the CA for appropriate action. This new Petition again essentially sought to annul the final and executory Decision rendered by the Lapulapu RTC. Needless to say, the new suit was unsuccessful. Still, this rejection did not stop petitioner. It brought before this Court the present Petition for Review on Certiorari alleging

the same facts and circumstances and raising the same issues already decided by this Court in GR No. 118633.[16]

First Philippine International Bank v. CA[17] stresses that what is truly important to consider in determining whether forum shopping exists is the vexation caused the courts and the parties-litigants by one who asks different courts and/or administrative agencies to rule on the same or related facts and causes and/or to grant the same or substantially the same relief, in the process creating the possibility of conflicting rulings and decisions.

Petitioner in the present case sued twice before the CA and thrice before this Court, alleging substantially the same facts and circumstances, raising essentially the same issues, and praying for almost identical reliefs for the annulment of the Decision rendered by the Lapulapu RTC. This insidious practice of repeatedly bringing essentially the same action -- albeit disguised in various nomenclatures -- before different courts at different times is forum shopping no less. Because of petitioner's actions, the execution of the Lapulapu Decision has been needlessly delayed and several courts vexed.

Third Issue:

Voluntary Inhibition

Petitioner claims that Justices Artemio G. Tuquero and Eubolo G. Verzola gravely abused their discretion in refusing to voluntarily inhibit or disqualify themselves from acting on the case at bar while it was pending in the CA. They allegedly participated in the Judgment rejecting its Petition for Certiorari, docketed as CA-GR SP No. 44052, assailing the February 24, 1992 Execution Order issued by the Lapulapu RTC.

Again, petitioner is clutching at straws. As a general rule, judges are mandated to hear and decide cases, unless legally disqualified.[18] However, they may voluntarily recuse themselves on the ground of bias or prejudice,[19] expression of opinions that may show partiality,[20] personal knowledge of the case,[21] or distant affinity or former association with one of the parties or the latter's counsel.[22]

Justices Tuquero and Verzola acted within the bounds of duty when they took part in the deliberation of the assailed Decision. By alleging that the appellate magistrates should disqualify themselves because of their past participation in CA-GR No. 44052, petitioner merely calls attention to the repetitive nature of its pleadings and petitions. If indeed the assailed Decision involves a totally different matter from that disposed of in CA-GR No. 44052, then petitioner should have no reason to worry about the impartiality of the said justices.

Without the written consent of all parties in interest, the law bars justices from reviewing rulings or decisions rendered by them as lower court judges.[23] This situation does not exist in the case at bar.

WHEREFORE, the Petition is DISMISSED, and the assailed Decision AFFIRMED. Treble costs against petitioner.

SO ORDERED.

Puno, (Chairman), Corona, and Carpio-Morales, JJ., concur.

Sandoval-Gutierrez, J., on leave.

[1] Fourteenth Division. Penned by Justice Artemio G. Tuquero with the concurrence of Justices Eubulo G. Verzola (Division chairman) and Mariano M. Umali (member).

[2] CA Decision, pp. 23-24; rollo, pp. 81-82.

[3] Rollo, p. 106.

[4] CA Decision, pp. 3-13; rollo, pp. 61-71.

[5] This case was submitted for decision on September 18, 2000, upon this Court's receipt of respondent's Rejoinder-Memorandum, which was signed by Attys. Raymundo A. Armovit and Miguel R. Armovit.

[6] Petitioner's Memorandum, p. 19; rollo, p. 594.

[7]] Lapulapu Development and Housing Corporation v. Risos, 261 SCRA 519; September 6, 1996, per Hermosisima Jr., J.

[8] Legarda v. CA, 280 SCRA 642, October 16, 1997; citing Vicente v. Lucas, 95 Phil. 716, August 31, 1954.

[9] Dorotheo v. CA, 320 SCRA 12, December 8, 1999.

[10] Garcia v. NLRC, 264 SCRA 261, November 18, 1996.

[11] Ibid.

[12] People v. Woolcock, 244 SCRA 235, May 22, 1995.

[13] Garaygay v. People, 335 SCRA 272, July 6, 2000; Naguit v. CA, 347 SCRA 60, December 5, 2000.

[14] First International Bank v. CA, 252 SCRA 259, January 24, 1996; Golangco v. CA, 283 SCRA 493, December 22, 1997; Crisostomo v. SEC, 179 SCRA 146, November 6, 1989; Earth Minerals Exploration v. Macaraig, 194 SCRA 1, February 11, 1991.

[15] 267 SCRA 487, February 3, 1997.

[16] Lapulapu Development and Housing Corporation v. Risos, *supra*.

[17]] 252 SCRA 259, January 24, 1996.

[18] People v. Moreno, 83 Phil. 286, April 7, 1949.

[19] People v. Gomez, 20 SCRA 293, May 29, 1967.

[20] Palang v. Zoza, 58 SCRA 776, August 30, 1974.

[21] Umale v. Villaluz, 51 SCRA 84, May 25, 1973.

[22] Austria v. Masague, 20 SCRA 1247, August 31, 1967.

[23]] Rule 137, Sec. 1, Rules of Court.

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