LA CAMPANA DEVELOPMENT CORPORATION (FORMERLY LA CAMPANA FOOD PRODUCTS, INC.), PETITIONER, VS. LALAINE SEE, HENRY SO, RICARDO Y. KO, OMARIO LINGAN, REYMAN LIM, MICHAEL DELIMIOS, ...

G.R. NO. 149195. June 26, 2006

Ponente: CORONA, J.

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CORONA, J.:

This is a petition for review on certiorari from a decision of the Court of Appeals (CA).[1]

The facts of the case follow.[2]

The La Campana compound is a property located at 1176 EDSA, Balintawak, Quezon City containing several warehouses and open spaces. Petitioner La Campana Development Corporation (La Campana) leased several of these warehouses and lots to respondents beginning in the 1980s, with the contracts being renegotiated every one or two years. Respondents religiously paid rent until 1997 when the Development Bank of the Philippines (DBP) informed them that, by virtue of the decisions of the Court of Appeals[3] and the Supreme Court,[4] it had to come to own the compound. It thereafter took possession of the entire property. From then on, respondents started paying rent to DBP, including back rentals.

On April 28, 1999, petitioner filed an ejectment suit against respondents with the Metropolitan Trial Court (MeTC) of Quezon City, Branch 31.[5]

On October 12, 1999, the Quezon City MeTC ruled in petitioner's favor, ordering respondents to pay La Campana back rentals and to vacate the premises. Petitioner then filed a motion for issuance of a writ of execution.

On October 29, 1999, respondents filed what they termed as a manifestation but which was effectively also a motion before the MeTC, alleging that petitioner was guilty of "extrinsic fraud" when it entered into the lease contracts with them. They prayed for the "rectification" and "modification" of its decision.[6]

On November 3, 1999, before the MeTC could act on their manifestation/motion, respondents filed with the Regional Trial Court (RTC) of Quezon City, Branch 221,[7] a petition for annulment of the MeTC's decision, nullification of the lease contracts and damages with prayer for preliminary injunction. In it, they alleged extrinsic fraud and grave abuse of discretion amounting to lack of jurisdiction on the part of the MeTC.[8]

On November 3, 1999, petitioner filed a motion to dismiss the petition with the RTC.[9]

Meanwhile, on December 1, 1999, the MeTC granted petitioner's motion for issuance of a writ of execution. On December 7, 1999, respondents filed a motion to quash the writ of execution and to hold its implementation in abeyance.[10] On the same date, the RTC denied petitioner's motion to dismiss and granted respondents' prayer for the issuance of a temporary restraining order. Petitioner filed a motion for reconsideration from the denial of its motion to dismiss.

On December 10, 1999, the MeTC ordered the sheriff to cease and desist from enforcing the writ of execution against respondents.

In an order dated December 23, 1999, the RTC denied petitioner's motion for reconsideration.

On December 20, 1999, respondents filed with the MeTC a motion to withdraw their motion to quash the writ of execution.

On December 28, 1999, the RTC issued a writ of preliminary injunction against petitioner.

On January 5, 2000, petitioner filed a special civil action for certiorari under Rule 65 with the CA alleging grave abuse of discretion on the part of the RTC for having denied its motion to dismiss. On March 30, 2001, the CA dismissed the petition for lack of merit and denied reconsideration on July 20, 2001.[11]

The pivotal issue of this case is whether, by filing their manifestation and their motion to quash writ of execution in the MeTC, as well as a petition for annulment of judgment with the RTC, respondents committed forum shopping.

In essence, forum shopping is the practice of litigants resorting to two different fora for the purpose of obtaining the same relief, to increase their chances of obtaining a favorable judgment. In determining whether forum shopping exists, it is important to consider the vexation caused to the courts and the parties-litigants by a person who asks appellate courts and/or administrative entities to rule on the same related causes and/or to grant the same or substantially the same relief, in the process creating the possibility of conflicting decisions by the different courts or fora on the same issues.[12] We have ruled that forum shopping is present when, in two or more cases pending, there is identity of (1) parties (2) rights or causes of action and reliefs prayed for and (3) the identity of the two preceding particulars is such that any judgment rendered in the other action, will, regardless of which party is successful, amount to res judicata in the action under consideration.[13]

The parties in the two cases are indisputably identical. The allegations of facts giving rise to respondents' rights, such as extrinsic fraud and lack of jurisdiction, are also essentially the same, as are the reliefs prayed for. Finally, in the light of these close similarities, res judicata may arise. Acting on the documents filed with them, the RTC and the MeTC may well come up with completely opposite rulings on the question of whether or not the latter court's decision should be implemented. This is the very evil that the proscription on forum shopping seeks to avert. If they wanted to avoid this kind of problem, respondents should not have filed what were essentially the same documents with two different courts.

Respondents' actions, therefore, inevitably ran afoul of the prohibition on forum shopping.

That said, petitioner's resort to certiorari under Rule 65 of the Rules of Court was unwarranted. The RTC's denial of petitioner's motion to dismiss was, at worst, an error in judgment and not of jurisdiction.

An error of judgment is one which the court may commit in the exercise of its jurisdiction and which is reviewable only by appeal, while an error of jurisdiction is one where the act complained of was issued by the court, officer or quasi-judicial body without or in excess of jurisdiction, or with grave abuse of discretion tantamount to lack or excess of jurisdiction.[14]

Although there was an error of judgment in denying the motion to dismiss, nevertheless, such cannot be considered as grave abuse of discretion correctable by certiorari. Certiorari is not available to correct errors of procedure or mistakes in the judge's findings and conclusions of law and fact. Furthermore, the denial of a motion to dismiss or to quash, being interlocutory, cannot be questioned by certiorari. It cannot be the subject of appeal, until a final judgment or order is rendered.[15]

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The proper remedy against an order denying a motion to dismiss is to file an answer and interpose as affirmative defenses the objections raised in the motion to dismiss. It is only in the presence of extraordinary circumstances evincing a patent disregard of justice and fair play where resort to a petition for certiorari is proper.[16]

A party must not be allowed to delay litigation by the sheer expediency of filing a petition for certiorari under Rule 65 based on scant allegations of grave abuse.[17]

WHEREFORE, the petition is hereby DISMISSED.

Costs against petitioner.

SO ORDERED.

Puno, (Chairperson), Sandoval-Gutierrez, Azcuna, and Garcia, JJ., concur.

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[1] CA decision dated March 30, 2001 in CA-G.R. SP No. 56507 penned by Associate Justice Alicia L. Santos and concurred in by Associate Justices Ramon A. Barcelona and Rodrigo V. Cosico of the Seventh Division of the Court of Appeals; rollo, pp. 53-66.

[2] Id., pp. 54-58.

[3] CA-G.R. No. 34856

[4] G.R. No. 124107.

[5] Presided by Judge Mariano M. Singzon, Jr.

[6] Rollo, pp. 72-75.

[7] Presided by Judge Noel G. Tijam (now an Associate Justice of the Court of Appeals).

[8] Rollo, pp. 76-87.

[9] Id., pp. 88-97.

[10] Id., pp. 102-106.

[11] Id., pp. 16-17.

[12] Gochan v. Gochan, 423 Phil. 491 (2001).

[13] Prubankers Association v. Prudential Bank and Trust Co., 361 Phil. 744 (1999).

[14] GSIS v. Olisa, 364 Phil. 59 (1999) quoting Fortich v. Corona, 352 Phil. 461 (1998).

[15] Santiago Land Development Co. v. CA, 328 Phil. 38 (1996).

[16] Tribiana v. Tribiana, G.R. 137359, 13 September 2004, 438 SCRA 216.

[17] Id.

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