

TEODORO, GABRIEL, GLORIA, LORENZA, VICENTA, RODOLFO, NELIA, FERNANDO, AND JOCELYN, ALL SURNAMED CALINISAN, PETITIONERS, VS. COURT OF APPEALS AND BROWN EAGLE PROPERTIES, INC., RE...

G.R. NO. 158031. November 20, 2007

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

Before the Court is a petition for review[1] of the Decision dated 5 September 2002[2] and the Resolution dated 25 April 2003[3] of the Court of Appeals in CA-G.R. SP No. 68752. The assailed decision dismissed petitioners' application for land registration on the ground of forum shopping. The resolution denied petitioners' motion for reconsideration.

The Facts

On 21 November 1997, respondent Brown Eagle Properties, Inc. filed with the Municipal Circuit Trial Court of Silang-Amadeo, Cavite (MCTC) seven applications for registration of title over nine adjoining lots[4] with a total area of 93,868 square meters and covered by Cad. 452-D. The seven applications were docketed as LRC Case Nos. 97-112 to 97-116 and 97-120 to 97-121.

On the same date, Blue Balls Properties, Inc. (Blue Balls) also filed with the MCTC three applications for registration of title involving portions of the same property with a total area of 73,436 square meters. The applications were docketed as LRC Case Nos. 97-117 to 97-119.

On 18 May 1999, six of the petitioners, namely, Teodoro, Gabriel, Gloria, Lorenza, Vicenta, and Rodolfo, all surnamed Calinisan, opposed the applications of respondent and Blue Balls. They claimed that they own 442,892 square meters of the land covered by Cad. 452-D, which include the areas applied for by respondent and Blue Balls.

On 9 September 1999, petitioners Teodoro, Gabriel, Gloria, Lorenza, Vicenta, Rodolfo, Nelia, Fernando, and Jocelyn, all surnamed Calinisan, filed with the Regional Trial Court of Tagaytay City (RTC) an application for registration of title over two parcels of land covered by Cad. 452-D with a total area of 435,947 square meters. The application was docketed as LRC Case No. TG-897. Petitioners filed an amended application[5] for registration of Lot 10033, Cad. 452-D with an area of 404,139 square meters.

On 28 August 2000, respondent moved to dismiss the application of petitioners on the grounds of forum shopping and *litis pendentia*. [6] Respondent alleged that petitioners asked the MCTC that their opposition be treated as their application for registration of title. Respondent claimed that petitioners, in effect, had two pending applications for registration of title covering the same property.

Meanwhile, the MCTC dismissed respondent's and Blue Balls' applications for registration of title in a Resolution dated 3 January 2000.[7] The MCTC held that the RTC has jurisdiction over the case because the issues pertained to the title to and possession of the lots in question.[8] The dispositive portion of the MCTC resolution reads as follows:

WHEREFORE, PREMISES CONSIDERED, the above stated Applications for Registration of title filed by Brown Eagle Properties, Inc. and Blue Balls Properties, Inc. are hereby DISMISSED, WITHOUT PREJUDICE TO THE REILING THEREOF WITH THE REGIONAL TRIAL COURT, TAGAYTAY CITY.

SO ORDERED.[9]

Respondent and Blue Balls elevated the matter to this Court by filing a petition for review on certiorari.

In its Resolution of 2 October 2000, the Court denied the petition for being a wrong mode of appeal.[10] In a Resolution dated 27 November 2000, the Court resolved to deny with finality the motion for reconsideration filed by respondent and Blue Balls.[11]

Upon petitioners' manifestation of the finality of the dismissal of respondent's registration application in the MCTC, the RTC denied respondent's motion to dismiss in its Order dated 9 January 2001.[12]

Respondent filed a motion for reconsideration, which the RTC denied in its Order of 13 December 2001.[13]

Respondent filed a special civil action for certiorari with the Court of Appeals.

In its Decision of 5 September 2002, the Court of Appeals granted respondent's petition and set aside the Orders of the RTC. The Court of Appeals denied petitioners' motion for reconsideration in its Resolution of 25 April 2003.

Hence, this petition.

The Ruling of the Court of Appeals

The Court of Appeals ruled that petitioners were guilty of forum shopping. The 21 November 1997 applications for registration filed by respondent in the MCTC and the 9 September 1999 application filed by petitioners in the RTC involved the same parties. Petitioners opposed the registration application of respondent while respondent moved to dismiss the registration application of petitioners. Both cases involved the same property, particularly lands in Barangay Kaong, Silang, Cavite covered by Cad. 452-D.

The Court of Appeals further held that both cases involved identical rights and reliefs asserted by petitioners. The petitioners' opposition filed in the MCTC against the respondent's registration application also served as an application for registration of title. Therefore, when petitioners filed an application for registration before the RTC after they had already filed their opposition in the MCTC, they committed forum shopping.

The Court of Appeals disposed of the case as follows:

WHEREFORE, the petition is hereby GRANTED and the orders of the trial court, dated 09 January 2001 and 13 December 2001 are SET ASIDE. The application for land registration filed by the Calinisans, docketed as LRC Case No. TG-897 is DISMISSED. No costs.

SO ORDERED.[14]

The Issue

The lone issue for resolution in this case is whether petitioners committed forum shopping warranting the

dismissal of their application for land registration in the RTC.

The Ruling of this Court

The petition has merit.

Respondent contends that petitioners committed forum shopping with their filing of an application for land registration in the RTC while another case for land registration was pending before the MCTC involving the same parties and the same property. Respondent points out that petitioners themselves asked the MCTC that the opposition they filed be treated as an application for registration. According to respondent, this resulted, in effect, to two registration applications filed by petitioners. Respondent further maintains that whatever decision the MCTC will render, regardless of which party succeeds, amounts to res judicata in the action in the RTC.

We disagree.

First. While petitioners' application for land registration was pending in the RTC, respondent's registration application in the MCTC was dismissed for lack of jurisdiction, which dismissal became final on 27 November 2000. From then on, there appears no other registration application involving the parties in this case and the subject parcels of land covered by Cad. 452-D except petitioners' application in the RTC. Thus, the evil sought to be prevented by the rule against forum shopping, which is the pendency of multiple suits involving the same parties and causes of action and the possibility of two different tribunals rendering conflicting decisions,[15] no longer exists.

Second. Petitioners did not file multiple suits involving the same parties for the same cause of action, either simultaneously or successively, for the purpose of obtaining a favorable judgment. Petitioners' opposition to respondent's registration application is but an expected legal strategy since petitioners were claiming the entire property. Petitioners' submission of an opposition does not amount to a filing of a registration application for all the lots comprising Cad. 452-D which will bar the initiation of land registration proceedings for the whole property.

Third. Petitioners' registration application involved a much bigger tract of land which includes the lots applied for by respondent and Blue Balls. Respondent applied for registration of title of adjoining lots with a total area of 93,868 square meters whereas petitioners applied for the registration of 404,139 square meters of the land covered by Cad. 452-D. Clearly, the land area subject matter of the petitioners' application is much larger than that of the respondent's and Blue Balls' combined applications. The great disparity in the size of the lots subject of the two registration applications warrants the non-dismissal of the petitioners' application in the RTC. Even if the proceedings in the MCTC continued, it would only have resolved the rights to the title over 93,868 square meters of Cad. 452-D. There would be no res judicata as to the remaining larger portion of roughly 300,000 square meters of Cad. 452-D.

Fourth. The Court finds that the continuation of the proceedings in the RTC, rather than the dismissal of the petitioners' registration application, will best serve the interest of substantial justice.[16] Dismissing the RTC land registration case will leave petitioners, as well as respondent, without a remedy in view of the earlier dismissal of the MCTC case.[17] Therefore, it is ultimately for the benefit of both parties that the RTC case continues. In this way, the parties' respective claims over the property will properly be litigated upon and will finally be resolved by the court of competent jurisdiction. The rule against forum shopping was formulated to serve as an instrument to promote and facilitate the orderly administration of justice.[18] It should not be interpreted with such absolute literalness as to defeat its primary objective of facilitating the speedy disposition of cases.[19]

WHEREFORE, we GRANT the petition. We SET ASIDE the Decision dated 5 September 2002 and the Resolution dated 25 April 2003 of the Court of Appeals in CA-G.R. SP No. 68752.

SO ORDERED.

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

[1] Under Rule 45 of the Rules of Court.

[2] Rollo, pp. 129-133. Penned by Associate Justice Buenaventura J. Guerrero, with Associate Justices Rodrigo V. Cosico and Perlita J. Tria Tirona, concurring.

[3] Id. at 143-144.

[4] Id. at 46.

[5] Id. at 22-27.

[6] Id. at 28-39.

[7] Id. at 43-47. Penned by Judge Ma. Victoria N. Cupin-Tesorero.

[8] Id. at 46.

[9] Id. at 47.

[10] Id. at 65.

[11] Id. at 66.

[12] Id. at 70-72. Penned by Judge Alfonso S. Garcia.

[13] Id. at 85-86.

[14] Id. at 133.

[15] See *Guaranteed Hotels, Inc. v. Baltao*, G.R. No. 164338, 17 January 2005, 448 SCRA 738, 746.

[16] See *San Miguel Corporation v. Aballa*, G.R. No. 149011, 28 June 2005, 461 SCRA 392, 414, citing *Manila Hotel Corporation v. Court of Appeals*, 433 Phil. 911 (2002).

[17] See *Calo v. Tan*, G.R. No. 151266, 29 November 2005, 476 SCRA 426, 442.

[18] *Gabionza v. Court of Appeals*, G.R. No. 112547, 18 July 1994, 234 SCRA 192, 198.

[19] Id.

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