

SPOUSES MANUEL SY AND VICTORIA SY, PETITIONERS, VS. GENALYN D. YOUNG, RESPONDENT.

G.R. No. 169214. June 19, 2013

Ponente: BRION, J.

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BRION, J.:

We resolve the petition for review on certiorari[1] filed by petitioner-spouses Manuel Sy and Victoria Sy to challenge the March 30, 2005 Decision[2] and the August 8, 2005 Resolution[3] of the Court of Appeals (CA) in CA-G.R. CV No. 74045.

The Factual Antecedents

The petition originated from a Complaint for Nullification of Second Supplemental Extrajudicial Settlement, Mortgage, Foreclosure Sale and Tax Declaration[4] filed by respondent Genalyn D. Young with the Regional Trial Court of San Pablo City, Branch 32 (RTC). The complaint was docketed as Civil Case No. SP-5703.

Genalyn alleged that she is the legitimate daughter of spouses George Young and Lilia Dy.[5] When George died, he left an unregistered parcel of land (property) covered by Tax Declaration No. 91-48929[6] in San Roque, San Pablo City, Laguna. On September 3, 1993, Lilia executed a Second Supplemental to the Deed of Extrajudicial Partition.[7] The property was adjudicated solely in Lilia's favor in the partition. Lilia represented Genalyn, who was then a minor, in the execution of the document.

Subsequently, Lilia obtained a loan from the spouses Sy with the property as security.[8] When Lilia defaulted on her loan, the property was foreclosed and sold to the spouses Sy. Thereafter, the spouses Sy registered the certificate of sale[9] with the Office of the Register of Deeds and obtained a tax declaration[10] in their name.

In her complaint, Genalyn argued that the partition was unenforceable since she was only a minor at the time of its execution. She also pointed out that the partition was contrary to the Rules of Court because it was without the court's approval. She further asserted that the spouses Sy entered into the contract of mortgage with the knowledge that Lilia was unauthorized to mortgage the property.

On July 20, 2000, Genalyn filed with the RTC a Motion to Admit a Supplemental Complaint with the attached Supplemental Complaint. In the supplemental complaint, she invoked her right to exercise legal redemption as a co-owner of the disputed property. However, the RTC denied the motion in its Order[11] dated December 28, 2000. Subsequently, she filed a petition for certiorari and mandamus under Rule 65 of the Rules of Court docketed as CA-G.R. Sp. No. 65629 with the CA.

The CA denied the petition in its decision dated November 18, 2002. It held that Genalyn's cause of action in the supplemental complaint is entirely different from her original complaint. Thereafter, she elevated the case with this Court in a petition for certiorari under Rule 65 of the Rules of Court docketed as G.R. No. 157955.[12]

Trial in the RTC continued while CA-G.R. Sp. No. 65629 was pending in the CA. Consequently, Genalyn moved to suspend the proceedings until the CA has decided on the propriety of the admission of the supplemental

complaint. However, the RTC denied the motion.[13] At the pre-trial conference, Genalyn moved again for the suspension of the proceedings but to no avail. On a trial dated August 29, 2001, Genalyn filed a Motion to Cancel Hearing on the ground that she was indisposed. As a result, the RTC issued an Order dated August 30, 2001 which dismissed the complaint on the ground of non-suit. The RTC denied Genalyn's motion for reconsideration in an Order dated January 4, 2002. On January 16, 2002, the RTC issued an Order correcting the January 4, 2002 Order due to a typographical error.[14]

On January 31, 2002, Genalyn filed an appeal docketed as CA-G.R. SP No. 74045. In the appeal, she questioned the RTC Orders dated August 30, 2001, January 4, 2002, and January 16, 2002. On May 28, 2002, Genalyn again filed with the CA a petition for certiorari under Rule 65 of the Rules of Court to annul the same RTC Orders that comprise the subject matter of the ordinary appeal. However, the CA denied the said petition. Tirelessly, Genalyn filed a petition for review under Rule 45 of the Rules of Court before this Court, docketed as G.R. No. 157745 which was consolidated with G.R. No. 157955.[15]

With respect to CA-G.R. CV No. 74045, the CA reversed the RTC's ruling and remanded the case for further proceedings.[16] The CA also denied[17] the spouses Sy's motion for reconsideration, prompting them to file the present petition.

On September 26, 2006, this Court promulgated a decision on the consolidated cases entitled "Young v. Spouses Sy." We granted the petition in G.R. No. 157955 but denied the petition in G.R. No. 157745 for lack of merit.[18]

In G.R. No. 157955, we ruled that Genalyn's right to redeem the property is dependent on the nullification of the partition which is the subject of the original complaint. We held that the right of legal redemption as a co-owner is conferred by law and is merely a natural consequence of co-ownership. In effect, Genalyn's cause of action for legal redemption in her supplemental complaint stems directly from her rights as a co-owner of the property subject of the complaint. We thus ordered the RTC to admit the supplemental complaint.[19]

In G.R. No. 157745, we held that Genalyn had engaged in forum shopping in appealing the RTC Orders and in subsequently filing a petition for certiorari under Rule 65 with the CA involving the same RTC Orders. We found that the elements of *litis pendentia* are present in the two suits because they are founded on exactly the same facts and refer to the same subject matter. We thus pronounced that the dismissal of the petition for certiorari was proper.[20]

We entered the entry of judgment in *Young* on March 19, 2007.

The Issues

In the present case, the spouses Sy pray that the CA's Decision dated March 30, 2005 and Resolution dated August 8, 2005 be reversed and that the RTC's Orders dated August 30, 2001, January 4, 2002 and January 16, 2002 be reinstated. The spouses Sy raise the same issues which were already disposed by this Court in *Young*, namely:

- (1) whether or not the CA erred in setting aside the RTC Orders dated August 30, 2001, January 4, 2002 and January 16, 2002 which dismissed the case for non-suit; and
- (2) whether or not the CA erred in not holding Genalyn guilty of forum shopping in the CA's Decision dated March 30, 2005 and Resolution dated August 8, 2005.

The Court's Ruling

We deny the petition.

The present action is barred by the

law of the case

In denying the petition, we necessarily must reiterate our ruling in *Young* which constitutes as the controlling doctrine or the law of the case in the present case.

Law of the case has been defined as the opinion delivered on a former appeal. It means that whatever is once irrevocably established the controlling legal rule of decision between the same parties in the same case continues to be the law of the case whether correct on general principles or not, so long as the facts on which such decision was predicated continue to be the facts of the case before the court.[21]

We point out in this respect that the law of the case does not have the finality of *res judicata*. Law of the case applies only to the same case, whereas *res judicata* forecloses parties or privies in one case by what has been done in another case. In law of the case, the rule made by an appellate court cannot be departed from in subsequent proceedings in the same case. Furthermore, law of the case relates entirely to questions of law while *res judicata* is applicable to the conclusive determination of issues of fact. Although *res judicata* may include questions of law, it is generally concerned with the effect of adjudication in a wholly independent proceeding.[22]

The rationale behind this rule is to enable an appellate court to perform its duties satisfactorily and efficiently, which would be impossible if a question, once considered and decided by it, were to be litigated anew in the same case upon any and every subsequent appeal. Without it, there would be endless litigation. Litigants would be free to speculate on changes in the personnel of a court, or on the chance of our rewriting propositions once gravely ruled on solemn argument and handed down as the law of a given case.[23]

In *Young*, we directed the RTC to admit Genalyn's supplemental complaint. In so ruling, we also vacated the RTC Orders which dismissed Genalyn's complaint for failure to prosecute. Moreover, Genalyn's move to suspend the proceedings which led to the dismissal of her complaint stemmed essentially from the RTC's erroneous refusal to admit the supplemental complaint. On the second issue, we unequivocally also settled that Genalyn committed forum shopping when she filed an appeal and a petition for certiorari successively. This ruling we uphold as the ruling that should apply.

WHEREFORE, the petition for review on certiorari is DENIED for lack of merit. The CA Decision dated March 30, 2005 and Resolution dated August 8, 2005 are hereby AFFIRMED.

No costs.

SO ORDERED.

Carpio, (Chairperson), Del Castillo, Perez, and Perlas-Bernabe, JJ. concur.

[1] Dated September 23, 2005 and filed under Rule 45 of the Rules of Court; rollo, pp. 27-88.

[2] Id. at 14-22; penned by Associate Justice Edgardo F. Sundiam, and concurred in by Associate Justices Renato C. Dacudao and Japar B. Dimaampao.

[3] Id. at 90-92.

[4] Id. at 164-167.

[5] Id. at 154.

[6] Id. at 155.

[7] Id. at 157.

[8] Id. at 159-160.

[9] Id. at 161-162.

[10] Id. at 163.

[11] Penned by Judge Zorayda Herradura Salcedo.

[12] *Young v. Spouses Sy*, 534 Phil. 246, 253 (2006).

[13] *Rollo*, p. 16.

[14] *Young v. Spouses Sy*, *supra* note 12, at 255-256.

[15] Id. at 258-259.

[16] *Supra* note 2.

[17] *Supra* note 3.

[18] *Young v. Spouses Sy*, *supra* note 12.

[19] Id. at 261-262.

[20] Id. at 264-266.

[21] *Radio Communications of the Phils., Inc. v. CA*, 522 Phil. 267, 273 (2006), citing *Padillo v. Court of Appeals*, 422 Phil. 334 (2001).

[22] *Padillo v. Court of Appeals*, *supra*, at 352, citing *Comilang v. Court of Appeals (Fifth Division)*, 160 Phil. 85 (1975).

[23] *Zarate v. Director of Lands*, 39 Phil. 747, 749-750 (1919).

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