

## **ST. CATHERINE REALTY CORPORATION AND LAND KING REALTY DEVELOPMENT CORPORATION, PETITIONERS, VS. FERDINAND Y. PINEDA AND DOLORES S. LACUATA, RESPONDENTS.**

*G.R. No. 171525. July 23, 2010*

Ponente: CARPIO, J.

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### **CARPIO, J.:**

#### The Case

Before the Court is a petition for review[1] assailing the 29 December 2005 Decision[2] and 14 February 2006 Resolution[3] of the Court of Appeals in CA-G.R. SP No. 82909.

#### The Antecedent Facts

On 5 March 1991, Ferdinand Y. Pineda (Pineda) bought a parcel of land from George Lizares (Lizares) which was part of a 19.42 hectare property known as Lot No. 2012 registered under Transfer Certificate of Title (TCT) No. 3533. On even date, Dolores S. Lacuata (Lacuata) bought from Lizares 1.83 hectares of land known as Lot No. 2013 registered under TCT No. 3531. At the time of the sale, the properties were still under the name of Encarnacion Lizares (Encarnacion) from whom Lizares acquired them, prompting Pineda and Lacuata (respondents) to record adverse claims on the titles.

On 26 July 1994, respondents filed an action for specific performance against Lizares and his wife Francesca Musni before the Regional Trial Court of San Fernando, Pampanga, Branch 45 (RTC Branch 45). The case was docketed as Civil Case No. 10265. Respondents prayed for the surrender and cancellation of TCT Nos. 3531 and 3533 and for the issuance of new copies to allow the registration of the sale in favor of Lacuata on TCT No. 3531 and the segregation of the parcel of land bought by Pineda from TCT No. 3533. Respondents were joined in their complaint by their counsel, Atty. Ernesto Pineda (Atty. Pineda), who also bought from Lizares a portion of a five-hectare land covered by TCT No. 3522. Atty. Pineda filed a notice of lis pendens over the lots covered by TCT Nos. 3522, 3531 and 3533, as well as other lots over which he claimed attorney's lien.

It appears that the lots covered by TCT Nos. 3531 and 3533 were placed under the land reform program and were parceled out to agricultural tenants through emancipation patents issued in 1993. In February 1994, prior to the filing of Civil Case No. 10265, Lizares filed an action before the Provincial Agrarian Reform Adjudicator (PARAD) for the annulment of the inclusion of his lands under Presidential Decree No. 27.[4] In April 1995, Lizares filed three more complaints for the cancellation of the emancipation patents issued in favor of the agricultural tenants. PARAD dismissed the complaints. In 1997, the Department of Agrarian Reform Adjudication Board (DARAB) affirmed the PARAD's decision.

The recipients of the emancipation patents, which at that time had become the registered owners of the land subject of the complaint, filed a Motion for Leave to Intervene as Party Defendants, with Motion to Dismiss and

Cancellation of Lis Pendens, in Civil Case No. 10265. In an Order<sup>[5]</sup> dated 5 May 1997, the RTC Branch 45 dismissed Civil Case No. 10265 without prejudice. The RTC Branch 45 ruled that the prayer for the cancellation of the TCTs in the name of Encarnacion was rendered moot but the plaintiffs could file a criminal action or an action for damages against Lizares. The RTC Branch 45 opined that when the lots were brought under the Land Reform Program, they could no longer be sold and the sale to respondents was null and void. Respondents, as well as Atty. Pineda, appealed from the decision in Civil Case No. 10265 before the Court of Appeals. The case was docketed as CA-G.R. CV No. 56769. In a Resolution dated 8 March 2000,<sup>[6]</sup> the Court of Appeals dismissed the appeal. In a Resolution dated 17 May 2000,<sup>[7]</sup> the Court of Appeals denied the motion for reconsideration for late filing. A petition for review, docketed as G.R. No. 143492, was filed before this Court. This Court denied the petition on 21 August 2000<sup>[8]</sup> for failure of petitioners to give an explanation on why service of copies of the petition on respondents was not done personally. This Court denied the motion for reconsideration on 25 June 2001.<sup>[9]</sup>

Meanwhile, Lizares filed a petition for review from the DARAB's decision before the Court of Appeals. The case was docketed as CA-G.R. SP No. 47502. On 29 November 2000,<sup>[10]</sup> the Court of Appeals dismissed the petition and affirmed the DARAB's decision. On 26 June 2001,<sup>[11]</sup> the Court of Appeals denied the motion for reconsideration. Lizares, representing the estate of Encarnacion, file a petition for review<sup>[12]</sup> before this Court, docketed as G.R. No. 148777. The case was still pending upon the filing of CA-G.R. SP No. 82909.

The case before us originated from Civil Case No. 12194 filed on 8 January 2001 by respondents before the Regional Trial Court of San Fernando, Pampanga, Branch 44 (RTC Branch 44) against St. Catherine Realty Corporation (SCRC) and Land King Realty Development Corporation (LKRDC), the Registrar of Deeds of San Fernando, Pampanga, and Tomas Dizon for annulment of titles and damages. At the time of filing of Civil Case No. 12194, G.R. No. 143492 (originating from Civil Case No. 10265) was still pending before this Court and CA-G.R. SP No. 47502 was still pending before the Court of Appeals. Respondents alleged that the properties they purchased from Lizares were subdivided and transferred to subsequent buyers,<sup>[13]</sup> the latest buyers being SCRC and LKRDC (petitioners) who were buyers in bad faith. Respondents alleged that the Registrar of Deeds failed to carry over their adverse claims annotated on TCT Nos. 3533 and 3531 in the subsequent titles. Petitioners filed a motion to dismiss on the ground that respondents submitted a false certification of forum shopping.

#### The Decision of the Trial Court

In an Order dated 29 August 2001,<sup>[14]</sup> the RTC Branch 44 granted the motion to dismiss and dismissed the complaint. Respondents filed a motion for reconsideration. In an Order dated 31 July 2002,<sup>[15]</sup> the RTC Branch 44 set aside its 29 August 2001 Order and directed petitioners to file their answer to the complaint. It was petitioners' turn to move for reconsideration of the trial court's order, with motion for inhibition of Judge Patrocinio R. Corpuz (Judge Corpuz). In an Order dated 23 September 2002, Judge Corpuz inhibited himself from further hearing the case.

The case was re-raffled to the Regional Trial Court of San Fernando, Pampanga, Branch 47 (RTC Branch 47). In an Order dated 20 January 2004,<sup>[16]</sup> the RTC Branch 47 denied the motion for reconsideration for lack of merit. Petitioners filed a petition for certiorari before the Court of Appeals assailing the 31 July 2002 Order of RTC Branch 44 and the 20 January 2004 Order of RTC Branch 47. The case was docketed as CA-G.R. SP No. 82909.

#### The Decision of the Court of Appeals

In its 29 December 2005 Decision, the Court of Appeals dismissed the petition. The Court of Appeals ruled that while the certification against forum shopping did not mention about any other prior case, the complaint

mentioned Civil Case No. 10265. The Court of Appeals ruled that if the purpose of the certification against forum shopping was to put a court on guard against the possibility of forum shopping, the purpose had been accomplished with the advertence to and discussion about Civil Case No. 10265 in the complaint. As regards CA-G.R. SP No. 47502, the Court of Appeals ruled that it was filed by Lizares and there was no showing that respondents were aware of the DARAB cases.

The Court of Appeals ruled that for *litis pendencia* to bar a second action, the following requisites must be present: (1) identity of parties or at least such as representing the same interest in both actions; (2) identity of rights and reliefs; and (3) identity of actions such that the judgment in one will amount to *res judicata* in the other. The Court of Appeals ruled that there was no identity of parties in CA-G.R. SP No. 47502 and in Civil Case No. 12194. The Court of Appeals also ruled that there was also no *litis pendencia* in Civil Case No. 12194 and in Civil Case No. 10265 because the subject matters were different.

Petitioners filed a motion for reconsideration. In its 14 February 2006 Resolution, the Court of Appeals denied the motion.

Hence, the petition before this Court.

The Issue

The issue in this case is whether respondents were guilty of forum shopping.

The Ruling of this Court

The petition has merit.

Forum shopping is the institution of two or more suits in different courts, either simultaneously or successively, in order to ask the courts to rule on the same or related causes or to grant the same or substantially the same reliefs.[17] It is an act of malpractice that is prohibited and condemned because it trifles with the courts and abuses their processes.[18] It degrades the administration of justice and adds to the already congested court dockets.[19] Its requisites are: (1) identity of parties, or at least such parties who represent the same interests in both actions; (2) identity of the rights asserted and the relief prayed for, the relief being founded on the same facts; and (3) identity of the two preceding particulars such that any judgment rendered in the pending case, regardless of which party is successful, would amount to *res judicata* in the other.[20]

We agree with the Court of Appeals that there was no identity of parties between this case for annulment of title and damages, which originated from Civil Case No. 12194, and the DARAB cases filed by Lizares against the emancipation tenants. The Court of Appeals noted that Lizares already sold portions of the estate to respondents three years before he filed the DARAB cases. Respondents were not even parties in the DARAB cases.

However, we agree with petitioners that there was forum shopping when Civil Case No. 12194 was filed.

Contrary to the findings of the Court of Appeals, Civil Case No. 10265 was not discussed in the complaint in Civil Case No. 12194. The complaint in Civil Case No. 12194 merely stated:

2.5 During the pendency of Civil Case No. 10265, the lot covered by TCT No. 3533 was subdivided and transferred to subsequent buyers. In pursuance of the law, the *Lis Pendens* was carried over to the subsequent titles, particularly:

- (a) TCT No. 412730-R in the name of Mabel Dionisia C. Dayrit;
- (b) TCT No. 401468-R in the name of Mabel Dionisia C. Dayrit;

- (c) TCT No. 400546-R in the name of Mabel Dionisia C. Dayrit;
- (d) TCT No. 400544-R in the name of Mabel Dionisia C. Dayrit;
- (e) TCT No. 401466-R in the name of Eliseo de la Cruz;
- (f) TCT No. 400543-R in the name of Eliseo de la Cruz;
- (g) TCT No. 412728-R in the name of Manuel S. Guillen;

Xerox copies of said titles evidencing the Lis Pendens are hereto attached at Annexes "E", "F", "G", "H", "I", "J" and "K" respectively which are made integral parts hereof.

2.6 In May 2000 or thereabouts, the aforesaid titles were cancelled and new titles issued in the respective names of the following defendants:

- (a) TCT No. 432435-R in the name of St. Catherine Realty Corporation.
- (b) TCT No. 432436-R in the name of St. Catherine Realty Corporation.
- (c) TCT No. 432437-R in the name of St. Catherine Realty Corporation.
- (d) TCT No. 432438-R in the name of St. Catherine Realty Corporation.
- (e) TCT No. 432439-R in the name of Land King Realty Development Corporation.
- (f) TCT No. 432441-R in the name of Land King Realty Development Corporation.
- (g) TCT No. 432444-R in the name of Land King Realty Development Corporation.

Xerox copies of said titles are hereto attached at Annexes "E-1", "F-1", "G-1", "H-1", "I-1", "J-1" and "K-1" respectively which are all made integral parts hereof.[21]

The complaint merely enumerated the transfer of titles. Respondents failed to apprise the RTC Branch 44 about the status of Civil Case No. 10265 at the time of the filing of the complaint in Civil Case No. 12194, particularly the pendency of G.R. No. 143492 before this Court.

Further, we do not agree with the Court of Appeals that the subject properties were not re-litigated just because the titles of the intervenors in Civil Case No. 10265 are TCT Nos. 21087, 21089-91 and 21093-93 while the titles affected in Civil Case No. 12194 are TCT Nos. 432435-R to 432439-R, 43241-R and 432444-R. The subject matter of the complaint in Civil Case No. 10265 were the lots covered by TCT Nos. 3531 and 3533. The intervenors were claiming the lots covered by TCT Nos. 3531 and 3533. TCT Nos. 432435-R to 432439-R, 43241-R and 432444-R were titles issued to petitioners but were all derived from TCT Nos. 3531 and 3533. Petitioners were the successors-in-interest of Lizares as the buyers of the lots previously covered by TCT Nos. 3531 and 3533.

As to the presence of intervenors, *litis pendencia* does not require a literal identity of parties.[22] It is sufficient that there is identity of interests represented.[23] The main parties in Civil Case No. 10265 and Civil Case No. 12194 are substantially the same despite the presence of intervenors in Civil Case No. 10265.

On the identity of rights asserted and relief prayed for, respondents were claiming the lots they purchased from Lizares in both cases except that in Civil Case No. 12194, they were claiming from petitioners as Lizares' successors-in-interest. It follows that the judgment rendered in one case will invariably affect, and would constitute *res judicata*, in the other case.

WHEREFORE, we GRANT the petition. We SET ASIDE the 29 December 2005 Decision and 14 February 2006 Resolution of the Court of Appeals in CA-G.R. SP No. 82909, the Order dated 20 January 2004 of the Regional Trial Court of San Fernando, Pampanga, Branch 47 and the Order dated 31 July 2002 of the Regional Trial Court of San Fernando, Pampanga, Branch 44. We REINSTATE the Order dated 29 August 2001 of the Regional Trial Court of San Fernando, Pampanga, Branch 44 which dismissed the complaint.

**SO ORDERED.**

Nachura, Peralta, Abad, and Mendoza, JJ., concur.

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[1] Under Rule 45 of the 1997 Rules of Civil Procedure.

[2] Rollo, pp. 416-427. Penned by Associate Justice Mario L. Guariña III with Associate Justices Roberto A. Barrios and Santiago Javier Ranada, concurring.

[3] Id. at 447.

[4] Decreeing the Emancipation of Tenants From the Bondage of the Soil, Transferring to Them the Ownership of the Land They Till and Providing the Instruments and Mechanisms Therefor. Dated 21 October 1972.

[5] Rollo, pp. 149-151. Penned by Judge Adelaida Ala-Medina.

[6] Id. at 152. Penned by Associate Justice Martin S. Villarama, Jr. with Associate Justices Cancio C. Garcia and Andres B. Reyes, Jr., concurring.

[7] Id. at 155.

[8] Id. at 156.

[9] Id. at 157.

[10] Id. at 99-126. Penned by Associate Justice Angelina Sandoval Gutierrez with Associate Justices Martin S. Villarama, Jr. and Perlita J. Tria Tirona, concurring and Associate Justices Salvador J. Valdez, Jr. and Remedios Salazar-Fernando, dissenting.

[11] Id. at 129. Penned by Associate Justice Martin S. Villarama, Jr. with Associate Justices Oswaldo D. Agcaoili and Perlita J. Tria Tirona, concurring and Associate Justices Salvador J. Valdez, Jr. and Remedios Salazar-Fernando, dissenting.

[12] Id. at 130-147.

[13] The complaint did not state when the lots were sold and subdivided and who caused their subdivision.

[14] Rollo, pp. 163-167. Penned by Judge Patrocinio R. Corpuz.

[15] Id. at 204-206.

[16] Id. at 246-250. Penned by Judge Edgar Y. Chua.

[17] *Young v. John Keng Seng*, 446 Phil. 823 (2003).

[18] Id.

[19] Id.

[20] *Briones v. Henson-Cruz*, G.R. No. 159130, 22 August 2008, 563 SCRA 69.

[21] Rollo, pp. 46-47.

[22] See *T'boli Agro-Ind'l. Dev't., Inc. v. Atty. Solilapsi*, 442 Phil. 499 (2002) citing *Employees' Compensation Commission v. Court of Appeals*, G.R. No. 115858, 28 January 1996, 257 SCRA 717.

[23] Id.

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