

SPS. THELMA R. MASINSIN AND MIGUEL MASINSIN, SPS. GILBERTO AND ADELINA ROLDAN, PETITIONERS, VS. THE HON. ED VINCENT ALBANO, PRESIDING JUDGE OF THE METROPOLITAN TRIAL COURT OF MA...

G.R. No. 86421. May 31, 1994

Ponente: VITUG, J.

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VITUG, J.:

Spouses Miguel and Thelma Masinsin, et al., instituted this petition for certiorari, prohibition, relief from judgment, as well as declaratory relief, with prayer for preliminary mandatory injunction, asking us to order the Metropolitan Trial Court ("MTC") of Manila, Branch X, to cease and desist from further proceeding with Civil Case No. 107203-CV.

This case emerged from an ejectment suit (docketed Civil Case No. 107203-CV) filed by private respondent Vicente Cañeda ("Cañeda"), then as plaintiffs, against herein petitioners, as defendants, with the Metropolitan Trial Court of Manila (Branch X). After trial, the MTC, on 01 July 1985, rendered judgment; thus:

"PREMISES CONSIDERED, judgment is hereby rendered ordering the defendants and all persons claiming right under them to vacate the premises and to remove their house/apartment and surrender possession of the subject land to the plaintiff; to pay to the plaintiff the sum of P100.00 a month from January 1987 as the reasonable compensation for the use and occupation of the premises until the land is actually vacated, and the costs of suit." [1]

No appeal having been taken therefrom, the judgment became final and executory. On 22 August 1985, petitioners filed a petition for certiorari before the Regional Trial Court of Manila (Branch XXXII) seeking the annulment of the aforesaid decision in the ejectment case and to set aside an order of its execution. The petition was in due time dismissed. Again, no appeal was taken therefrom.

On 07 October 1985, a complaint for "Annulment of Judgment, Lease Contract and Damages" was filed by petitioners before the Regional Trial Court of Manila (Branch XLI) asking, in main, for the nullification of the judgment in the ejectment case. The complaint was dismissed on the ground of *res judicata*. This time, petitioners appealed the dismissal to the Court of Appeals. Meanwhile, a writ of execution was issued by the MTC for the enforcement of its decision. The writ, however, was held in abeyance when petitioners deposited with the Court of Appeals the sum of P3,000.00 in cash plus an amount of P100.00 to be paid every month beginning February 1987. On 11 March 1987, the Court of Appeals affirmed the order of dismissal of the lower court. Petitioners' recourse to this Court was to be of no avail. The petition was denied, and an entry of judgment was made on 14 July 1987.

Accordingly, the records were remanded to the MTC for execution. When petitioners refused to remove their house on the premises in question, upon motion of private respondent, an order of demolition was issued. Shortly thereafter, the demolition began. Before the completion of the demolition, a restraining order was issued by the

Regional Trial Court of Manila (Branch XIX) following a petition for certiorari, with preliminary injunction and restraining order, filed by petitioners. On 23 February 1988, the trial court dismissed the petition.

Unfazed by the series of dismissals of their complaints and petitions, petitioners assailed anew the MTC decision in a petition for certiorari, with preliminary injunction, and for declaratory relief (docketed Civil Case No. 88-43944) before the Regional Trial Court of Manila (Branch XXV), which, again, issued a restraining order.[2]

Private respondent then filed a motion for an alias writ of execution with the MTC. An ex-parte motion of petitioners for the issuance of a second restraining order was this time denied by the RTC (Branch XXV).[3] On 23 August 1990,[4] the trial court, ultimately, dismissed the petition with costs against petitioners.

In this petition, petitioners contend that the MTC of Manila (Branch X) has lost jurisdiction to enforce its decision, dated 01 July 1985, in Civil Case No. 107203, when the property in question was proclaimed an area for priority development by the National Housing Authority on 01 December 1987 by authority of Presidential Decree 2016.

The petition is totally without merit.

In resolving this issue, we only have to refer to our resolution of 01 February 1993 in G.R. No. 98446, entitled, "Spouses Thelma R. Masinsin, et al. vs. Court of Appeals, et al.," to which this case is intimately related, where we ruled:

"x x x The singular question common to both cases submitted for resolution of this court is the implication of Presidential Decree No. 1517, otherwise known as the 'Urban Land Reform Law,' and its amendments or ramifications embodied in Proclamation No. 1893, as amended by Proclamation No. 1967 and Presidential Decree No. 2016. All the above statutes are being implemented by the Housing and Land Use Regulatory Board, and the Housing and Urban Development Coordinating Council, Office of the President.

"There is a prejudicial issue the answer to which hangs the resolution of this case. On May 20, 1992, this Court required the National Housing Authority to submit a Comment on the status of the program of acquisition by the Government of the land area which includes the disputed property, as part of the Areas for Priority Development (APD), under the aforementioned decrees and proclamations.

"In compliance with said order of this Court, Mr. Andres C. Lingan, Manager of the Metro Manila Project Department of the National Housing Authority, submitted the following report on the status of Lot 6-A, Block 1012, located at No. 1890 Obesis Street, Pandacan, Manila, known as the Carlos Estate, an APD site. Pertinent portions of the report read:

'Please be informed that Lot 6-A, Block 1012 located at No. 1890 Obesis St., Pandacan, Manila which is the subject matter of the case and located within the Carlos Estate declared as APD site pursuant to Presidential Proclamation No. 1967, is not for acquisition by NHA.

'The Carlos Estate is located outside of the NHA projects under the Zonal Improvement Project (ZIP) and Community Mortgage Program (CMP). The site, however, is under the administration of the Presidential Commission on Urban Poor (PCUP) for acquisition and upgrading. (Underlining Supplied.)'

"The above information answers the uncertainty concerning the status of the alleged negotiation for the acquisition by the government of certain areas in Metro Manila. The NHA is definitely NOT acquiring the said lot for its program.

"It appearing that the purpose of this Petition for Review is to set aside the decision of the respondent Court of Appeals which affirmed the decision of the lower courts, in order to avoid eviction from the disputed premises and to be allowed to acquire the same allegedly under the Community Mortgage Program of the National

Housing Authority, we find the petition without merit and deny the same. Consequently, the petition is DISMISSED.”[5]

What immediately catches one's attention to this case is the evident predilection of petitioners, through different counsel, to file pleadings, one after another, from which not even this Court has been spared. The utter lack of merit of the complaints and petitions simply evinces the deliberate intent of petitioners to prolong and delay the inevitable execution of a decision that has long become final and executory.

Four times did the petitioners, with the assistance of counsel, try to nullify the same MTC decision before different branches of the court, trifling with judicial processes. Never, again, should this practice be countenanced.[6]

The lawyer's oath to which we have all subscribed in solemn agreement in dedicating ourselves to the pursuit of justice, is not a mere fictile of words, drift and hollow, but a sacred trust that we must uphold and keep inviolable. Perhaps, it is time we are here reminded of that pledge; thus -

LAWYER'S OATH

"I, x x x, do solemnly swear that I will maintain allegiance to the Republic of the Philippines; I will support and defend its Constitution and obey the laws as well as the legal orders of the duly constituted authorities therein; I will do no falsehood nor consent to its commission; I will not wittingly or willingly promote or sue any groundless, false or unlawful suit nor give aid nor consent to the same; I will not delay any man's cause for money or malice and will conduct myself as a lawyer according to the best of my knowledge and discretion with all good fidelity as well to the courts as to my clients and I impose upon myself this obligation voluntary, without any mental reservation or purpose of evasion.

SO HELP ME GOD." (Underscoring supplied.)

We have since emphasized in no uncertain terms that any act on the part of a lawyer, an officer of the court, which visibly tends to obstruct, pervert, impede and degrade the "administration of justice is contumacious calling for both an exercise of disciplinary action and warranting application of the contempt power.[7]

WHEREFORE, the petition is DISMISSED. Petitioners' counsel of record is hereby strongly CENSURED and WARNED that a similar infraction of the lawyer's oath in the future will be dealt with most severely. Double costs against petitioners.

This resolution is immediately executory.

SO ORDERED.

Feliciano, (Chairman), Bidin, Romero, and Melo, JJ., concur.

[1] Rollo of G.R. No. 98446, 13-14.

[2] Rollo of G.R. No. 86421, 13-14.

[3] Ibid., Annex "H", Petition, 29-30.

[4] Rollo of G.R. No. 98446, 14-15.

[5] Rollo of G.R. No. 98446, pp. 90-91.

[6] The Court has since issued Administrative Circular No. 04-94, effective 01 April 1994, hereunder quoted for

guidance:

"ADMINISTRATIVE CIRCULAR NO. 04-94

"TO: COURT OF APPEALS, SANDIGANBAYAN, COURT OF TAX APPEALS, REGIONAL TRIAL COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS, THE SOLICITOR GENERAL, THE GOVERNMENT CORPORATE COUNSEL, ALL MEMBERS OF THE GOVERNMENT PROSECUTION SERVICE, AND ALL MEMBERS OF THE INTEGRATED BAR OF THE PHILIPPINES.

"SUBJECT: ADDITIONAL REQUISITES FOR CIVIL COMPLAINTS, PETITIONS AND OTHER INITIATORY PLEADINGS FILED IN ALL COURTS AND AGENCIES, OTHER THAN THE SUPREME COURT AND THE COURT OF APPEALS, TO PREVENT FORUM SHOPPING OR MULTIPLE FILING OF SUCH PLEADINGS.

"Revised Circular No. 28-91, dated April 1, 1994, applies to and governs the filing of petitions in the Supreme Court and the Court of Appeals and is intended to prevent the multiple filing of petitions or complaints involving the same issues in other tribunals or agencies as a form of forum shopping.

"Complementary thereto and for the same purpose, the following requirements, in addition to those in pertinent provisions of the Rules of Court and existing circulars, shall be strictly complied with in the filing of complaints, petitions, applications or other initiatory pleadings in all courts and agencies other than the Supreme Court and the Court of Appeals, and shall be subject to sanctions provided hereunder:

"(1) The plaintiff, petitioner, applicant or principal party seeking relief in the complaint, petition, application or other initiatory pleading shall certify under oath in such original pleading, or in a sworn certification annexed thereto and simultaneously filed therewith, to the truth of the following facts and undertakings: (a) he has not theretofore commenced any other action or proceeding involving the same issues in the Supreme Court, the Court of Appeals, or any other tribunal or agency; (b) to the best of his knowledge, no such action or proceeding is pending in the Supreme Court, the Court of Appeals, or any other tribunal or agency; (c) if there is any such action or proceeding which is either pending or may have been terminated, he must state the status thereof; and (d) if he should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or any other tribunal or agency, he undertakes to report that fact within five (5) days therefrom to the court or agency wherein the original pleading and sworn certification contemplated herein have been filed.

"The complaint and other initiatory pleadings referred to and subject of this Circular are the original civil complaint, counterclaim, cross-claim, third (fourth, etc.) - party complaint, or complaint-in?intervention, petition, or application wherein a party asserts his claim for relief.

"(2) Any violation of this Circular shall be a cause for the dismissal of the complaint, petition, application or other initiatory pleading, upon motion and after hearing. However, any clearly wilful and deliberate forum shopping by any party and his counsel through the filing of multiple complaints or other initiatory pleadings to obtain favorable action shall be a ground for summary dismissal thereof and shall constitute direct contempt of court. Furthermore, the submission of a false certification or non-compliance with the undertakings therein, as provided in Paragraph 1 hereof, shall constitute indirect contempt of court, without prejudice to disciplinary proceedings against the counsel and the filing of a criminal action against the guilty party." (Underscoring supplied)

[7] Zaldivar vs. Gonzales, 166 SCRA 316.

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