



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

**SPOUSES FELIPE and EVELYN
 SARMIENTO and SPOUSES
 GREG and FELIZA AMARILLO,**
 Petitioners,

G.R. No. 193000

Present:

CARPIO, J.,
 Chairperson,
 BRION,
 PEREZ,
 REYES,* and
 PERLAS-BERNABE, JJ.

- versus -

**SPOUSES RODOLFO and
 CARMELITA MAGSINO,**
 Respondents.

Promulgated:

OCT 16 2013

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RESOLUTION

PEREZ, J.:

For this Court's resolution is a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court assailing the Decision¹ dated 17 March 2010 of the Court of Appeals in CA-G.R. SP No. 106941 setting aside the Orders dated 22 September 2008² and 8 December 2008³ of the Regional Trial Court of San Pedro, Laguna, Branch 31 (RTC Branch 31), in Civil Case No. SPL-1356-08, respectively, denying herein respondent spouses Rodolfo and Carmelita Magsino's (respondent spouses) (1) Motion to

* Per Special Order No. 1564 dated 11 October 2013.

¹ Penned by Associate Justice Arcangelita M. Romilla-Lontok with Associate Justices Portia Aliño-Hormachuelos and Mario V. Lopez, concurring. *Rollo*, pp. 39-47.

² Penned by Judge Sonia T. Yu-Casano. *Id.* at 106-109.

³ *Id.* at 124-126.

Dismiss the Complaint for Recovery of Possession and Ownership⁴ (with application for temporary restraining order and preliminary injunction) filed by herein petitioners spouses Felipe and Evelyn Sarmiento and spouses Greg and Feliza Amarillo (collectively, petitioner); and (2) motion to reconsider such denial. In effect, RTC Branch 31 granted petitioners' application for writ of preliminary injunction and, accordingly, issued a writ of preliminary mandatory injunction restoring the latter to the possession of two parcels of land with improvements located at Pacita Complex 1, San Pedro, Laguna, which were originally covered by Transfer Certificate of Title (TCT) Nos. T-256745 and T-256746 and later by TCT Nos. T-670293⁵ and T-670294⁶ (subject properties), upon the posting of a bond, jointly and severally, in the amount of ₱400,000.00. Assailed as well is the Court of Appeals Resolution⁷ dated 29 June 2010 denying respondent spouses' Motion for Reconsideration.

The facts of the case are as follows:

Initially, respondent spouses filed a **Complaint for Specific Performance and Damages (with application for writ of preliminary attachment)**⁸ against Leopoldo and Elvira Calderon (spouses Calderon) **before the RTC of San Pedro, Laguna, Branch 93** (RTC Branch 93), **docketed as Civil Case No. SPL-0499**. In that Complaint, respondent spouses prayed, among others, that judgment be rendered ordering spouses Calderon to deliver the owner's duplicate copy of TCT Nos. T-256745 and T-256746 covering the subject properties and to execute a Deed of Absolute Sale over the said properties in their favor. In the alternative, respondent spouses prayed that spouses Calderon be ordered to reimburse the amount of ₱383,013.70 plus 12% interest per annum and the costs of suit should the execution of a Deed of Absolute Sale over the subject properties become legally impossible.⁹

On 17 December 2002, RTC Branch 93 rendered a Decision granting the alternative relief prayed for by respondent spouses, thus, ordering spouses Calderon, among others, to jointly and severally reimburse the sum of ₱383,013.70 plus 12% interest per annum from the filing of the

⁴ Involving two parcels of land with improvements located in Pacita Complex 1, San Pedro, Laguna, originally covered by Transfer Certificate of Title Nos. T-256745 and T-256746 and later by TCT Nos. T-670293 and T-670294.

⁵ *Rollo*, p. 341.

⁶ *Id.* at 340.

⁷ Penned by Associate Justice Portia Aliño-Hermachuelos with Associate Justices Magdangal M. De Leon and Mario V. Lopez, concurring. *Id.* at 48-49.

⁸ *Id.* at 50-55.

⁹ RTC Branch 93 Decision dated 17 December 2002, *id.* at 56 and 58; Complaint (Civil Case No. SPL-0499) dated 14 June 1999, *id.* at 54-55.

Complaint until fully paid.¹⁰ RTC Branch 93 explained its ruling in this wise:

x x x Records further reveal that **[spouses Calderon] had in fact sold the [subject properties] to [herein petitioners]** considering that [spouses Calderon are] no longer interested in selling the [subject properties] to [herein respondent spouses].

x x x [spouses Calderon] failed to comply with their obligation giving the option to [respondent spouses] to demand between the fulfillment of the obligation or the rescission of the obligation with payment of damages in either case. In the instant case, **fulfillment of the obligation had become impossible considering that [spouses Calderon] had sold the [subject properties] to third persons.**¹¹

The Court therefore grants the alternative relief prayed for by [respondent spouses] x x x.¹² (Emphasis and underscoring supplied).

The aforesaid RTC Branch 93 Decision had become final and executory. Respondent spouses, thus, moved for its execution, which was granted in an Order dated 5 January 2004¹³ and the corresponding writ of execution¹⁴ was thereafter issued on 15 March 2004. In view of this, the Clerk of Court and Ex-Officio Sheriff of San Pedro, Laguna enforced the writ by levying the subject properties, which were still registered in the names of spouses Calderon albeit the same were already sold to petitioners and the latter were in possession thereof. On 27 August 2004, the levied subject properties were sold at public auction to respondent spouses, who were the highest bidder, for the sum of ₱800,000.00.¹⁵

The redemption period lapsed. Respondent spouses consequently requested for the issuance of a Certificate of Final Deed of Sale in their names.¹⁶ On 24 October 2005, the sheriff issued the Deed,¹⁷ which was subsequently confirmed by RTC Branch 93 in its Order dated 23 April 2007. RTC Branch 93 also declared lost the owner's duplicate copy of TCT Nos. T-256745 and T-256746 in the possession of petitioners and, accordingly, ordered the Register of Deeds of Calamba, Laguna to issue a new owner's duplicate copy in favor of respondent spouses upon payment of the

¹⁰ RTC Branch 93 Decision dated 17 December 2002. Id. at 61.

¹¹ Referring to herein petitioners.

¹² *Rollo*, pp. 60-61.

¹³ Per Writ of Execution dated 15 March 2004. Id. at 331-332.

¹⁴ Id.

¹⁵ CA Decision dated 17 March 2010. Id. at 40.

¹⁶ Id. at 40-41.

¹⁷ Id. at 338-339.

prescribed legal fees.¹⁸ In an Amended Order dated 5 June 2007,¹⁹ RTC Branch 93 further declared null and void the owner's duplicate copy held by petitioners. In view thereof, TCT Nos. T-256745 and T-256746 in the names of spouses Calderon and in the possession of petitioners were cancelled and new TCTs were issued in the names of respondent spouses, *i.e.*, TCT Nos. T-670293 and T-670294.

Accordingly, on 22 June 2007, respondent spouses filed a Petition²⁰ for the issuance of a writ of possession directing the sheriff to place them in actual physical possession of the subject properties and ordering spouses Calderon and petitioners to turn over the possession thereof in their favor. Spouses Calderon did not oppose the same but petitioners filed an opposition thereto.²¹ In an Order dated 3 July 2008,²² RTC Branch 93 granted respondent spouses' Petition for Writ of Possession and the corresponding Writ of Possession²³ was thereafter issued on 28 July 2008. As a result, a Notice to Vacate²⁴ the subject properties was served upon petitioners and they were subsequently evicted therefrom. The subject properties were then turned over to respondent spouses' possession.²⁵

Petitioners moved to recall the Notice to Vacate and to declare it null and void²⁶ but respondent spouses expectedly opposed the same.

Nonetheless, prior to RTC Branch 93's resolution of petitioners' motion, the latter had already filed a separate Complaint for Recovery of Possession and Ownership of the Subject Properties (with application for temporary restraining order and preliminary injunction)²⁷ against respondent spouses before the RTC Branch 31, docketed as Civil Case No. SPL-1356-08. In their Complaint, petitioners prayed, among others: (1) for the issuance of a temporary restraining order (TRO) against respondent spouses to restrain them from occupying the subject properties and to order them vacate the same; (2) for the said TRO to be converted, thereafter, to preliminary injunction to permanently prevent respondent spouses from occupying the subject properties and to order them vacate the same so that

¹⁸ Id. at 41.

¹⁹ Id. at 403.

²⁰ Id. at 64-68.

²¹ Id. at 69-70.

²² Id. at 71.

²³ Id. at 408-409.

²⁴ Id. at 369.

²⁵ Per Delivery of Possession dated 1 August 2008 and Officers Return on Possession dated 5 August 2008. Id. at 358 and 360.

²⁶ Per petitioners Urgent Motion to Recall Notice to Vacate and to Declare the Same as Null and Void dated 31 July 2008. Id. at 363-368.

²⁷ Id. at 75-89.

possession thereof could be restored to petitioners; and (3) for the cancellation of TCT Nos. T-670293 and T-670294 in the names of respondent spouses.²⁸

In turn, respondent spouses filed their Opposition to the Application for Writ of Preliminary Injunction (with Answer to the Complaint)²⁹ alleging that the acts sought to be restrained was already *fait accompli*. Stated otherwise, there was nothing else to perform regarding the act sought to be restrained because as of 1 August 2008, the sheriff, upon the order of RTC Branch 93, had already placed respondent spouses in actual possession of the subject properties. Moreover, the Register of Deeds of Calamba City had already issued new TCTs over the subject properties in the names of respondent spouses. Respondent spouses also averred that the finality of the Decision of RTC Branch 93 is binding not only against spouses Calderon but also against petitioners, who are the successors-in-interest of the former.³⁰

Respondent spouses also filed a Memorandum in Support of the Opposition to the Application for TRO with Motion to Dismiss Complaint³¹ based on the following grounds: (1) RTC Branch 31 has no jurisdiction over the case; (2) there is another action pending between the same parties for the same cause; (3) the cause of action in the case before RTC Branch 31 is barred by the prior judgment of RTC Branch 93; (4) the case before RTC Branch 31 states no cause of action; (5) the claim or demand in the case before RTC Branch 31 has been abandoned or extinguished; and (6) the condition precedent for filing the claim has not been complied with.³²

In an Order dated 22 September 2008, RTC Branch 31 denied respondent spouses' Motion to Dismiss but granted petitioners' application for writ of preliminary injunction and issued³³ the same to restore the possession of the subject properties to petitioners upon the latter's posting of a bond, jointly and severally, in the amount of ₱400,000.00. RTC Branch 31 justified its ruling with the following ratiocination:

The motion to dismiss is bereft of merit. While the general rule is that no court has the authority to interfere with the judgment or decrees of another court of equal or concurrent or coordinate jurisdiction, it is not so when a third party claimant is involved. **The general rule is confined to**

²⁸ Complaint (Civil Case No. SPL-1356-08) dated 4 August 2008. Id. at 86.

²⁹ Id. at 90-99.

³⁰ Id. at 90-92.

³¹ Id. at 100-105.

³² Id. at 101-102.

³³ Per Writ of Preliminary Injunction dated 10 December 2008. Id. at 310.

cases were the property belongs to the defendant or one in which he has proprietary interest. But when the sheriff, acting beyond the bounds of his office seizes a stranger's property, the rule does not apply and interference with his custody is not interference with another court's order. x x x.

x x x x

Prescinding from the foregoing and the present action being separate and distinct from that in which execution has been issued, there being no identity of parties and causes of action as to give rise to *res judicata* or *litis pendentia*, the allegation of forum shopping must perforce fail.

Anent [herein petitioners'] application for a writ of preliminary injunction, the Court is convinced that there is a *prima facie* evidence of the existence of a right in [petitioners'] favor and that said right had been violated. The decision in Civil Case No. SPL-[0499] by virtue of which [herein respondent spouses] obtained TCT No[s]. T-670293 and T-670294 expressly took notice that the properties subject of the aforesaid TCTs had already been sold to [petitioners] and for that reason, [respondent spouses] prayer for specific performance against the former owners, spouses Calderon was deemed no longer possible.

It may be argued that the dispossession of the [petitioners] is already a consummated act. However, it is a settled rule that even if the acts complained of have already been committed, but such acts are continuing in nature and were in derogation of [petitioners'] rights at the outset, preliminary mandatory injunction may be availed of to restore the parties to the status *quo*. x x x.

Furthermore, the restoration of the [petitioners] to the possession of the [subject properties] is not tantamount to the disposition of the main case. The Court is simply of the impression that based on the parties' presentations of their cases, there appears a probable violation of [petitioners'] rights and the injury [petitioners] have been suffering due to that violation is grave, serious and beyond pecuniary estimation. **Their restoration to possession pending litigation is a mere provisional remedy and is not determinative of the question of validity of the [respondent spouses'] titles which is the main issue in this case.**³⁴ (Emphasis and italics supplied).

Disgruntled, respondent spouses moved for reconsideration but was denied by RTC Branch 31 in another Order dated 8 December 2008.

³⁴

Id. at 107-108.

Aggrieved, respondent spouses elevated the matter to the Court of Appeals *via* a Petition for *Certiorari* under Rule 65 of the Rules of Court.

In a Decision dated 17 March 2010, the Court of Appeals granted respondent spouses' Petition and set aside RTC Branch 31 Orders dated 22 September 2008 and 8 December 2008. In so ruling, the Court of Appeals explained:

It has time and again been reiterated that **no court has the power to interfere by injunction with the judgments or orders of another court of concurrent jurisdiction having the power to grant the relief sought by injunction** [citation omitted]. The issuance by public respondent judge of the writ of preliminary mandatory injunction is a clear act of interference with the judgment and order of [RTC Branch 93], which is a co-equal court in Civil Case No. SPL-0499. The power and authority of the [RTC Branch 93] to issue the writ of possession is beyond cavil. The inevitable consequence of the issuance by public respondent of the assailed Orders is to effectively restrain the enforcement of the writ of execution and of possession issued by a court of co-equal and concurrent jurisdiction.³⁵ (Emphasis supplied).

Petitioners' Motion for Reconsideration thereof was denied in a Resolution dated 29 June 2010.

Dissatisfied with the adverse ruling thus handed down by the Court of Appeals, petitioners have come to this Court *via* the present Petition anchored on the following grounds:

a. The Court of Appeals erred in applying against the petitioners the doctrine of finality of judgment and non-interference with a co-equal court and ignoring Rule 39, Sec. 16 on Third Party Claims which is the one applicable.

b. The Court of Appeals has perverted, or otherwise sanctioned the perversion by the [respondent spouses] and their counsel of the rule of finality of judgment by applying the decision in Civil Case No. SPL-0499 against the [p]etitioners who were not parties therein and have been expressly declared in the decision itself as third parties, instead of declaring that it is the [respondent spouses] who are bound by and ought to respect said decision declaring that delivery of the properties to them was no longer possible.

c. The Court of Appeals committed an evasion of a positive duty, tantamount to grave abuse of discretion, when it dismissed the

³⁵

Id. at 45-46.

[p]etitioners' Motion for Reconsideration on a one-liner that the arguments raised therein had been discussed and passed upon in the decision, even when nowhere in its decision appears a discussion, let alone, a distinction, between the principle of finality of judgment or *res judicata* and Rule 39, Sec. 16 on Third Party Claims.

d. The Court of Appeals' [D]ecision imputing to and severely castigating Judge Sonia Y. Casano of [RTC Branch 31] for supposed gross ignorance of the law and interference with a co-equal court is not only erroneous; worse, it is grossly unjust and destructive of the morale of those in the lower rank of the judiciary.³⁶ (*Italics supplied*).

The foregoing boil down to the issue of whether or not RTC Branch 31 interfered with the judgment and order of RTC Branch 93, a co-equal court, when it issued its Orders dated 22 September 2008 and 8 December 2008 granting and issuing a writ of preliminary injunction restraining respondent spouses from occupying the subject properties and ordering them to vacate the same, which in effect enjoined the enforcement of the writs of execution and possession issued by RTC Branch 93.

To begin with, pending resolution of this Petition, RTC Branch 31 has already decided petitioners' Complaint in their favor in its Decision dated 3 January 2013. It, thus, ordered the Registry of Deeds of Calamba, Laguna to cancel TCT Nos. T-670293 and T-670294 in the names of respondent spouses. It also made permanent the injunction against respondent spouses. It likewise ordered respondent spouses to pay petitioners the amount of ₱50,000.00 as attorney's fees and the cost of suit.³⁷

Moreover, in petitioners' Manifestation dated 9 May 2013 filed before this Court, they declared that they remained in possession of the subject properties.

With the foregoing developments, this Petition has become moot and academic as the issue or issues to be resolved herein are merely in relation to the incidents of the main case filed before RTC Branch 31, which case has already been decided on the merits on 3 January 2013.

In a catena of cases, this Court held that:

It is a rule of universal application that courts of justice constituted to pass upon substantial rights will not consider questions where no actual

³⁶ Petition for Review on *Certiorari* dated 27 August 2010. *Id.* at 23-24.

³⁷ RTC Branch 31 Decision dated 3 January 2013. Temporary *rollo*, p.14.

interests are involved; they decline jurisdiction of moot cases. And where the issue has become moot and academic, there is no justiciable controversy, so that a declaration thereon would be of no practical use or value. There is no actual substantial relief to which the petitioner would be entitled and which would be negated by the dismissal of the petition. **Thus, the Court will refrain from expressing its opinion in a case where no practical relief may be granted in view of a supervening event.**³⁸ (Emphasis supplied).

In sum, the resolution of the issue or issues in this case would be of no practical use or value as the merits of the case has already been decided upon by RTC Branch 31 and the same has been decided in favor of petitioners.

WHEREFORE, the Petition is **DENIED** for being moot and academic.

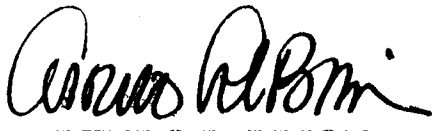
SO ORDERED.


JOSE PORTUGAL PEREZ
Associate Justice

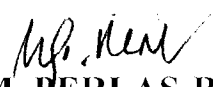
WE CONCUR:


ANTONIO T. CARPIO
Associate Justice
Chairperson

³⁸ *Korea Exchange Bank v. Judge Gonzales*, 520 Phil. 690, 701 (2006); *Desaville, Jr. v. Court of Appeals*, 480 Phil. 21, 27 (2004); *Royal Cargo Corporation v. Civil Aeronautics Board*, 465 Phil. 719, 725 (2004).

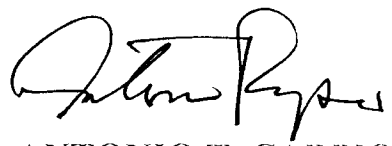

ARTURO D. BRION
Associate Justice


BIENVENIDO L. REYES
Associate Justice


ESTELA M. BERLAS-BERNABE
Associate Justice

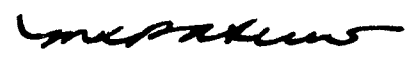
ATTESTATION

I attest that the conclusions in the above Resolution were reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ANTONIO T. CARPIO
Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARIA LOURDES P. A. SERENO
Chief Justice