



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

**ORTIGAS & COMPANY LIMITED G.R. No. 109645  
PARTNERSHIP,**

Petitioner,

-versus-

**JUDGE TIRSO VELASCO and  
DOLORES V. MOLINA,**

Respondents.

X-----X

**DOLORES V. MOLINA,**

Petitioner,

X-----X

**G.R. No. 112564**

-versus-

**HON. PRESIDING JUDGE OF  
RTC, QUEZON CITY, BR. 105 and  
MANILA BANKING  
CORPORATION,**

Respondents.

X-----X

**DOLORES V. MOLINA,**

Petitioner,

X-----X

**G.R. No. 128422**

-versus-

**THE HONORABLE COURT OF  
APPEALS and EPIMACO ORETA,**

Respondents.

X-----X

**THE MANILA BANKING  
CORPORATION and ALBERTO V.  
REYES,**

Petitioners,

X-----X

**G.R. No. 128911**

Present:

-versus-

VELASCO, JR.,  
 DEL CASTILLO, *Acting Chairperson*,  
 VILLARAMA, JR.,\*\*  
 MENDOZA, and  
 LEONEN, JJ.

**DOLORES V. MOLINA and HON.  
 MARCIANO BACALLA, in his  
 capacity as Presiding Judge of the  
 Regional Trial Court of Quezon City,  
 Branch 216,**

Respondents.

Promulgated:

JAN 21 2015

X-----

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**DECISION****LEONEN, J.:**

These consolidated cases involve matters that have long been settled by this court. However, petitioner in G.R. Nos. 112564 and 128422, Dolores V. Molina, remained incessant in filing suits that led to the unnecessary clogging not only of this court's but the lower courts' dockets as well.

G.R. Nos. 109645 and 112564 were decided by this court on July 25, 1994.<sup>1</sup> A Motion for Reconsideration was filed by Dolores V. Molina (Molina) on August 10, 1994. She later filed two supplements to the Motion for Reconsideration.<sup>2</sup> Her Motion for Reconsideration was denied with finality in the Resolution dated January 23, 1995. Despite the denial of Molina's Motion for Reconsideration, she filed a "Motion for Leave to File the Herein Incorporated Second Motion for Reconsideration and to Allow x x x Dolores V. Molina a Day in Court Relative to Her Petition for Reconstitution."<sup>3</sup> In the Resolution dated March 1, 1995, this court denied with finality Molina's Motion for Reconsideration.<sup>4</sup>

In the Resolution dated March 4, 1996, this court found Molina guilty of contempt of court and imposed a fine of ₱1,000.00.<sup>5</sup>

\* Designated Acting Member per S.O. No. 1910 dated January 12, 2015.

\*\* Designated Additional Member per Raffle dated January 21, 2015.

<sup>1</sup> *Ortigas & Company Limited Partnership v. Velasco*, G.R. Nos. 109645 and 112564, July 25, 1994, 234 SCRA 455 [Per C.J. Narvasa, Second Division].

<sup>2</sup> *Ortigas & Company Limited Partnership v. Judge Velasco*, 324 Phil. 483, 487 (1996) [Per C.J. Narvasa, Third Division].

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 497.

On August 15, 1997, this court decided the administrative case against Judge Tirso Velasco (Judge Velasco).<sup>6</sup>

In order to fully comprehend the facts of G.R. Nos. 128422 and 128911, we summarize this court's decision in G.R. Nos. 109645 and 112564.

## I G.R. No. 109645<sup>7</sup>

On November 14, 1991, Molina filed a Petition for Reconstitution of Transfer Certificate of Title (TCT) No. 124088.<sup>8</sup> She alleged that the original copy of TCT No. 124088 was lost when the Quezon City Register of Deeds was gutted by fire on June 11, 1988 and that she has an "owner's duplicate copy of the title . . . and that the title is not subject of any document or contract creating a lien or encumbrance on the land therein described."<sup>9</sup>

Several days later, Molina moved to withdraw her Petition, explaining that she had to go to the United States. Judge Velasco granted her Motion to Withdraw and dismissed the case.<sup>10</sup>

On April 3, 1992, Molina "filed an ex-parte motion for review of LRC Case No. Q-5404."<sup>11</sup> The Motion was granted on the same date.<sup>12</sup>

The Office of the Solicitor General objected to the Ex-parte Motion on the ground that the owners of the adjacent properties were not notified.<sup>13</sup> In the Order dated July 3, 1992, Judge Velasco acknowledged that his court had yet to acquire jurisdiction over the owners of the adjacent properties.<sup>14</sup>

On July 13, 1992, Molina filed an Ex-parte Motion praying for Notices of Hearing to be served on the:

- (a) "subject owners" of specified lots in the corresponding  
"Technical Description of the subject land;" (b) the "President of

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<sup>6</sup> *Ortigas & Company Limited Partnership v. Judge Velasco and Dolores Molina and Dolores V. Molina v. Hon. Presiding Judge of RTC, Quezon City, Br. 105 and Manila Banking Corporation*, 343 Phil. 115 (1997) [Per Curiam, En Banc].

<sup>7</sup> *Ortigas & Company Limited Partnership v. Velasco*, G.R. Nos. 109645 and 112564, July 25, 1994, 234 SCRA 455 [Per C.J. Narvasa, Second Division].

<sup>8</sup> Id. at 464.

<sup>9</sup> Id.

<sup>10</sup> Id.

<sup>11</sup> Id.

<sup>12</sup> Id. at 465.

<sup>13</sup> Id.

<sup>14</sup> Id.

the Corinthian Neighborhood Association or Corinthian Homeowners Association thru the Barangay Chairman of Barangay Corinthian because the adjoining property designated as Vicente Madrigal is now part of this Barangay Corinthian;” (c) the “Director, Bureau of Land, Plaza Cervantes Manila as adjoining owner designated as Public Land;” and (d) the “City Engineer of Quezon City for the adjoining boundaries designated as Roads or Road Lot.”<sup>15</sup>

However, the Clerk of Court gave the Notices of Hearing only to the President of the Corinthian Neighborhood Association, the Director of the Bureau of Lands, and the City Engineer of Quezon City. Thus, the owners of the adjacent lots were not served copies of the Notices of Hearing.<sup>16</sup>

At this point, Ortigas & Company Limited (Ortigas) found out about Molina’s Petition and filed an Opposition.<sup>17</sup> Ortigas subsequently filed a supplemental pleading and alleged the following:

- (1) The “proliferation of syndicates taking advantage of the destruction by fire of land titles kept by the Quezon City Register of Deeds.”<sup>18</sup>
- (2) Molina is ‘a well-known land speculator’ as shown by the petitions she has previously filed. Further, the bases for her claims are contradictory. In Land Registration Case No. Q-336 (WIDORA case), Molina claimed ownership by acquisition through prescription, having been in open and adverse possession of the property for more than thirty (30) years while in Civil Case No. 90-4749, she claimed that she purchased the property from a certain Eusebia Molina.<sup>19</sup>
- (3) The Land Registration Authority’s report which states that:

[T]he plan [being] relied upon by Molina, Psd-16740 “appears to be derived from two different surveys, numbered Psu-1148 & Psu-20191, neither of which appear(s) to have been the subject of original registration; thus it is presumed that no original title had been issued from which TCT-124088 could have emanated;” that said plan “is a portion of (LRC) SWO-15352 which is being applied for registration of title in Land Reg. Case No. Q-336, LRC Rec. No. N-50589,” etc.<sup>20</sup>

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<sup>15</sup> Id. at 465–466.

<sup>16</sup> Id. at 466.

<sup>17</sup> Id.

<sup>18</sup> Id.

<sup>19</sup> Id. at 466–467.

<sup>20</sup> Id. at 467–468.

Ortigas' counsel informed the Manila Mission of Jesus Christ of Latter Day Saints, Inc. (Mormons) of Molina's pending Petition. Thus, the Mormons filed an Opposition.<sup>21</sup>

During the hearing, Molina did not mention that she acquired the land through prescription. Instead, she testified as follows:

[S]he and her late husband had acquired the two (2) parcels of land in question from the latter's relatives in 1939; that she had in truth seen the deed of sale and the titles in her husband's possession; that her husband was killed by the Japanese in 1944; that it was only in the 1960's that she attempted to obtain titles to the property in her name, and sought the help of President Marcos, who "became her boyfriend;" that Marcos had, in turn, referred her for legal assistance to former Judge Echeverri; that she had subsequently left for the United States where she stayed until her return during the martial law regime at which time, however, she could no longer get in touch with either Judge Echeverri or President Marcos; that sometime in 1990 she met Gen. Fabian Ver in Singapore, and she was then told that Marcos had given instructions for the delivery to her of the title to the disputed lands, to be accomplished back in Manila; that the title (TCT 124088) was actually delivered to her by Col. Balbino Diego in November, 1990 at her house in Philam Life Homes Subdivision in Quezon City; that she learned that the title had been entrusted to Col. Diego in 1986, when Gen. Ver and President Marcos fled the country, but Diego had been unable to give her the title earlier because he was placed under house arrest shortly after Marcos' deposal and remained under such restraint until May 11, 1988.<sup>22</sup>

On September 23, 1992, Judge Velasco granted Molina's Petition and directed the Quezon City Register of Deeds to reconstitute TCT No. 124088 in Molina's name.<sup>23</sup>

Ortigas and the Office of the Solicitor General filed their respective Notices of Appeal, while the Mormons filed a Motion for Reconsideration.<sup>24</sup>

Meanwhile, Molina "filed a motion to strike the notice of appeal or in the alternative, to allow execution of the decision pending appeal."<sup>25</sup>

Judge Velasco dismissed Ortigas' Notice of Appeal, denied the Mormons' Motion for Reconsideration, and granted Molina's Motion for

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<sup>21</sup> Id. at 468.

<sup>22</sup> Id. at 468–469.

<sup>23</sup> Id. at 469.

<sup>24</sup> Id.

<sup>25</sup> Id.

Execution pending appeal.<sup>26</sup> Consequently, Molina was issued TCT No. RT-58287.<sup>27</sup>

The Solicitor General's Notice of Appeal was dismissed in a separate Order on the ground that:

the Solicitor General has not filed any formal opposition to the petition and neither has it introduced and/or formally offered any evidence to warrant its dismissal, it appearing on the contrary, that the Land Management Bureau, the DENR, the Register of Deeds and the City Engineer's Office of Quezon City, which are the government agencies directly involved in this kind of proceeding has not registered any opposition to the petition, the notice of appeal filed by him<sup>28</sup> was sham aside from being ten (10) days late.<sup>29</sup>

The Mormons withdrew their Appeal because Molina recognized their ownership and possession of "an area of 8,860 sq. m. and covered by TCT No. 348048[.]"<sup>30</sup>

Molina subdivided the property covered by TCT No. RT-58287 into five parcels. One of the parcels of land was purchased by Gateway Enterprises Co., Inc.<sup>31</sup>

Ortigas then filed a Petition for Certiorari and Mandamus with prayer for the issuance of a temporary restraining order.<sup>32</sup> Ortigas prayed that this court:

(1) Invalidate Judge Velasco's Orders dated October 14, 1992 and February 10, 1993; and

(2) That the TCTs issued, based on Judge Velasco's Order dated October 14, 1992, "be declared void ab initio and that, alternatively, respondent Judge be ordered to act on the notices of appeal seasonably filed by forwarding the records of LRC Case No. Q-5404 to the Court of Appeals."<sup>33</sup>

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<sup>26</sup> Id. at 470.

<sup>27</sup> Id. at 470–471.

<sup>28</sup> Referring to the Office of the Solicitor General.

<sup>29</sup> *Ortigas & Company Limited Partnership v. Velasco*, G.R. Nos. 109645 and 112564, July 25, 1994, 234 SCRA 455, 472 [Per C.J. Narvasa, Second Division].

<sup>30</sup> Id. at 471.

<sup>31</sup> Id.

<sup>32</sup> Id. at 472.

<sup>33</sup> Id.

## II

### G.R. No. 112564<sup>34</sup>

G.R. No. 112564 originated from an action for “Annulment of Transfer Certificate of Title with Damages and Prayer for Preliminary Injunction and Restraining Order”<sup>35</sup> filed by The Manila Banking Corporation (TMBC) against Molina and Gateway Enterprises Company, Inc. This was docketed as Case No. Q93-15920.<sup>36</sup>

TMBC alleged that it owned several parcels of land covered by TCT No. 124088. The subject properties of TMBC’s claim were “formerly covered by TCT Nos. 77652 and 77653”<sup>37</sup> under Ortigas’ name. These properties were converted into a subdivision of several lots. Some of the lots were sold to Manila Interpublic Development Corporation and to Breeders Feeds, Inc. The lots purchased by these two corporations were mortgaged to TMBC as security for their respective loans. The mortgages were foreclosed, and titles were issued in TMBC’s name “as the highest bidder at the foreclosure sales.”<sup>38</sup>

Molina filed a Motion to Dismiss, citing “litis pendentia, lack of jurisdiction, bar by prior judgment, plaintiff’s [referring to TMBC] lack of status as a real party in interest, and failure of the complaint to state a cause of action.”<sup>39</sup>

Molina also alleged that a restraining order was issued with regard to TCT No. 124088 and that the trial court where Case No. Q93-15920 was pending “had no jurisdiction to annul the judgment of a coordinate court.”<sup>40</sup>

The trial court denied Molina’s Motion to Dismiss.<sup>41</sup>

Molina filed supplemental pleadings to support her Motion to Dismiss, which were denied in the Order dated November 25, 1993.<sup>42</sup>

Molina filed a Petition for Certiorari before this court, praying for the annulment of the Orders denying her Motion to Dismiss. She also prayed that this court dismiss the action for annulment filed by TMBC.<sup>43</sup>

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<sup>34</sup> *Dolores V. Molina v. Hon. Presiding Judge of RTC, Quezon City, Br. 105 and Manila Banking Corporation*, G.R. No. 112564, July 25, 1994, 234 SCRA 455 [Per C.J. Narvasa, Second Division].

<sup>35</sup> *Id.* at 473.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.* at 473–474.

<sup>40</sup> *Id.* at 474.

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> *Id.* at 474–475.

Molina filed the same Petition for Certiorari before the Court of Appeals on December 9, 1993.<sup>44</sup>

### III

#### **Ruling in G.R. Nos. 109645 and 112564**

In the Decision dated July 25, 1994, this court granted Ortigas' Petition for Certiorari in G.R. No. 109645 and denied Molina's Petition in G.R. No. 112564. The dispositive portion of the Decision states:

WHEREFORE, the petition in G.R. No. 109645 is GRANTED; and that in G.R. No. 112564[,] DENIED for lack of merit.

In G.R. No. 109645, the Decision dated September 23, 1992 of Respondent Judge Tirso Velasco, Presiding Judge of Branch 88 of the Regional Trial Court of Quezon City, in LRC Case No. Q-5404, as well as his Orders dated April 3, 1992, October 14, 1992, and February 10, 1993, are NULLIFIED AND SET ASIDE; the titles of Dolores Molina upheld and reconstituted by said decision and orders — namely, Transfer Certificates of Title Numbered 124088 and RT-58287 — and those derived therefrom and subsequently issued — namely, Transfer Certificates of Title Numbered 83163, 83164, 83165, 83166 and 83167 — are all Declared NULL AND VOID and are hereby CANCELLED; said LRC Case No. Q-5404 of the Regional Trial Court of Quezon City is DISMISSED; and the temporary restraining order of this Court of May 12, 1993 is MADE PERMANENT.

In G.R. No. 112564, the Orders of respondent Presiding Judge of Branch 105 of the Regional Trial Court of Quezon City in Case No. Q-93-15920 dated September 17, 1993 and November 25, 1993 are AFFIRMED; and said Judge is DIRECTED to proceed to dispose of said Case No. Q-93-15920 with all deliberate dispatch conformably with this decision.

Dolores Molina and her counsel, Atty. Eufracio T. Layag, and Dr. Jose Teodorico V. Molina, are ORDERED to SHOW CAUSE, within ten (10) days from notice of this judgment, why they should not be pronounced liable, and correspondingly dealt with, for violation of the rule against forum-shopping.

SO ORDERED.<sup>45</sup>

This court explained that Judge Velasco had no jurisdiction to decide the reconstitution case since no notice was given to the owners of the

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<sup>44</sup> Id. at 475.

<sup>45</sup> Id. at 501.



adjacent properties.<sup>46</sup> This defect was in violation of Republic Act No. 26, Section 13.<sup>47</sup>

In addition, Judge Velasco erred in reviving the case after Molina's Motion to Withdraw had been granted. This court discussed that:

[t]he dismissal of the case, and the lapse of the reglementary period to reconsider or set aside the dismissal, effectively operated to remove the case from the Court's docket. Even assuming the dismissal to be without prejudice, the case could no longer be reinstated or "revived" by mere motion in the original docketed action, but only by the payment of the corresponding filing fees prescribed by law. . . . There having been a dismissal or withdrawal of the action, albeit without prejudice, and the order considering the action withdrawn having become final, revival of the case could not be done except through the commencement of a new action, i.e., by the filing of another complaint and the payment of the concomitant docketing fees.<sup>48</sup>

As to Molina's claim of ownership, her contradictory statements proved otherwise. In this court's Decision, the following facts were noted:

- (1) In the WIDORA case, Molina claimed that she, together with her predecessors-in-interest, were in "open, public, adverse, continuous and uninterrupted possession"<sup>49</sup> of the property for more than 30 years. Subsequently, she claimed to have acquired the property through purchase from Eusebia Molina and her heirs.
- (2) As to possession of document of title, Molina claimed that when she purchased the property from Eusebia Molina, she had no time to attend to the property's titling since "she was so preoccupied as the sole breadwinner of the family."<sup>50</sup> She later changed her story and claimed that she asked President Marcos to help her.<sup>51</sup> Next, she claimed that she was in possession of the owner's duplicate copy of TCT No. 124088.<sup>52</sup> She again changed her story and claimed that the owner's duplicate copy was not in her possession but she had "a certification from the

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<sup>46</sup> Id. at 482–485.

<sup>47</sup> An Act Providing a Special Procedure for the Reconstitution of Torrens Certificate of Title Lost or Destroyed (1946).

<sup>48</sup> *Dolores V. Molina v. Hon. Presiding Judge of RTC, Quezon City, Br. 105 and Manila Banking Corporation*, G.R. Nos. 109645 and 112564, July 25, 1994, 234 SCRA 455, 486 [Per C.J. Narvasa, Second Division].

<sup>49</sup> Id. at 487–488.

<sup>50</sup> Id. at 488.

<sup>51</sup> Id.

<sup>52</sup> Id. at 489.

Land Management Bureau [and] that there [was] a record of her property in a microfilm negative.”<sup>53</sup>

- (3) The quitclaim and waiver she executed in favor of the Mormons was an “implied recognition of Ortigas’ ownership.”<sup>54</sup>
- (4) Jurisprudence shows that the validity of Ortigas’ titles had been decided upon in several cases, namely:

(a) *Cia. Agricola de Ultramar v. Domingo*<sup>55</sup>

(b) *Ortigas v. Hon. Ruiz*<sup>56</sup>

(c) *Del Rosario v. Ortigas*<sup>57</sup>

(d) *Navarro v. Ortigas*<sup>58</sup>

(e) Resolution dated August 7, 1992, where this court affirmed the Court of Appeals Decision in CA G.R. SP No. 18085.<sup>59</sup> The Court of Appeals stated that “Widora and Molina had no more right to apply for the same lands which had already been titled in the name of Ortigas.”<sup>60</sup>

This court also held that Judge Velasco erred in dismissing the Notices of Appeal filed by Ortigas and the Office of the Solicitor General<sup>61</sup> and in granting Molina’s Motion for Execution pending appeal.<sup>62</sup>

The filing of numerous Petitions by Molina was noted, and this court held that she engaged in forum shopping. Thus, the dispositive portion of the Decision ordered her and her counsel to show cause why they should not be held in contempt.<sup>63</sup>

Ortigas filed a Motion for Reconsideration on the ground that its prayer, “that Hon. Judge Tirso D.C. Velasco be purged from the judiciary,”<sup>64</sup> was not granted.

On the other hand, Molina filed the Motion for Reconsideration dated August 10, 1994, and two supplements to the Motion dated September 22,

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<sup>53</sup> Id.

<sup>54</sup> Id.

<sup>55</sup> 6 Phil. 146 (1906) [Per C.J. Arellano, En Banc].

<sup>56</sup> 232 Phil. 302 (1987) [Per J. Paras, Second Division].

<sup>57</sup> G.R. No. 66110, Minute Resolution, February 16, 1985.

<sup>58</sup> G.R. No. 50156, Minute Resolution, May 7, 1979.

<sup>59</sup> *Dolores V. Molina v. Hon. Presiding Judge of RTC, Quezon City, Br. 105 and Manila Banking Corporation*, G.R. Nos. 109645 and 112564, July 25, 1994, 234 SCRA 455, 490–492 [Per C.J. Narvasa, Second Division].

<sup>60</sup> Id. at 492.

<sup>61</sup> Id. at 493.

<sup>62</sup> Id. at 497.

<sup>63</sup> Id. at 501.

<sup>64</sup> *Ortigas & Company Limited Partnership v. Judge Velasco and Dolores Molina and Dolores V. Molina v. Hon. Presiding Judge of RTC, Quezon City, Br. 105 and Manila Banking Corporation*, 343 Phil. 115, 120 (1997) [Per Curiam, En Banc].

1994.<sup>65</sup> The Motion and the supplements were denied in the Resolution dated January 23, 1995. Thus, the Decision dated July 25, 1994 became final and executory for G.R. No. 112564 and G.R. No. 109645.<sup>66</sup>

Also, the Resolution dated January 23, 1995 included the pronouncement that Dr. Teodorico Molina and counsel Atty. Eufracio Layag were “guilty of contempt of court for willful violation of the rule against forum shopping.”<sup>67</sup> A fine of ₱500.00 was imposed on each of them.<sup>68</sup>

Despite the denial of her Motion for Reconsideration, Molina still filed a “Motion for Leave to File the Herein Incorporated Second Motion for Reconsideration and to Allow x x x Dolores V. Molina a Day in Court Relative to her Petition for Reconstitution.”<sup>69</sup>

The second Motion for Reconsideration was denied in the Resolution dated March 1, 1995. This court further resolved:

TO DIRECT that no further pleadings, motions or papers be henceforth filed in these cases except only as regards the issues directly involved in the ‘Motion for Reconsideration’ (Re: Dismissal of Respondent Judge) of Ortigas & Co. Ltd., dated August 15, 1994.

IT IS SO ORDERED.<sup>70</sup>

In the Resolution dated July 24, 1995,<sup>71</sup> this court increased the fine imposed on Dr. Teodorico Molina and counsel Atty. Eufracio Layag to ₱1,000.00 and resolved:

- (2) To DECLARE THESE CASES CLOSED AND TERMINATED, DIRECT ENTRY OF JUDGMENT, AND REITERATE the direction ‘that no further pleadings, motion or papers be henceforth filed in these cases except only as regards the issues directly involved in the Motion for Reconsideration (Re: Dismissal of Respondent Judge) of Ortigas & Co. Ltd., dated August 15, 1994’ and the proceedings for contempt against Dr. Teodorico Molina and Atty. Eufracio Layag; and

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<sup>65</sup> *Ortigas & Company Limited Partnership v. Judge Velasco and Dolores V. Molina v. Hon. Presiding Judge, RTC, Quezon City, Br. 105, and Manila Banking Corporation*, 324 Phil. 483, 487 (1996) [Per C.J. Narvasa, Third Division].

<sup>66</sup> *Id.*

<sup>67</sup> *Rollo* (G.R. No. 109645, Vol. II), p. 902.

<sup>68</sup> *Id.*

<sup>69</sup> *Ortigas & Company Limited Partnership v. Judge Velasco and Dolores V. Molina v. Hon. Presiding Judge, RTC, Quezon City, Br. 105, and Manila Banking Corporation*, 324 Phil. 483, 487 (1996) [Per C.J. Narvasa, Third Division].

<sup>70</sup> *Rollo* (G.R. No. 109645, Vol. II), p. 945.

<sup>71</sup> *Id.* at 1092–1093.

- (3) To DIRECT the Clerk of Court to transmit the mittimus of both these cases to the corresponding Courts of origin for appropriate action and disposition.<sup>72</sup>

Despite these Resolutions stating that "no further pleadings, motions, or others papers" be filed, Molina still filed the following:

- (a) [m]otion to refer the cases to the Court En Banc dated April 5, 1995 (denied by Resolution of June 19, 1995);
- (b) [c]onsolidated motion dated July 25, 1995, for reconsideration of the June 19, 1995 Resolution (denied by Resolution dated August 28, 1995); and
- (c) [m]otion dated August 21, 1995 for reconsideration of the July 24, 1995 Resolution (Re: increasing fines on counsels and directing entry of judgment) (denied by Resolution dated October 25, 1995).<sup>73</sup>

TMBC filed a Motion for Contempt<sup>74</sup> dated September 18, 1995, praying that Molina be declared in contempt of court and that her Motion for Reconsideration dated August 21, 1995 be denied.

In the Resolution dated March 4, 1996,<sup>75</sup> this court found Molina guilty of contempt of court:

It is clear that petitioner [Dolores V. Molina] was bent on pursuing her claims despite the Court's unequivocal declaration that her claims were lacking in merit, that the proceedings were terminated, and that no further pleadings, motions or papers should be filed. Her persistence constitutes a deliberate disregard, even defiance, of these Court's plain orders, and an abuse of the rules of procedure to delay the termination of these cases.

. . . .

Molina has had more than her day in court. She was accorded more than ample opportunity to present the merits of her case. Her every argument was heard and considered. . . . There has been a final determination of the issues in these cases and petitioner has been *repeatedly* directed to abide thereby. Her deliberate violation of the orders of the Court [is] unjustified and inexcusable.

. . . .

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<sup>72</sup> Id. at 1093.

<sup>73</sup> *Ortigas & Company Limited Partnership v. Judge Velasco and Dolores V. Molina v. Hon. Presiding Judge, RTC, Quezon City, Br. 105, and Manila Banking Corporation*, 324 Phil. 483, 488 (1996) [Per C.J. Narvasa, Third Division].

<sup>74</sup> *Rollo* (G.R. No. 109645), pp. 1143–1150.

<sup>75</sup> *Ortigas & Company Limited Partnership v. Judge Velasco and Dolores V. Molina v. Hon. Presiding Judge, RTC, Quezon City, Br. 105, and Manila Banking Corporation*, 324 Phil. 483 (1996) [Per C.J. Narvasa, Third Division].

**WHEREFORE**, Dolores V. Molina is found GUILTY of contempt of court for willful disregard and disobedience of the Resolutions of the Court, and a FINE OF ONE THOUSAND PESOS (₱1,000.00) is hereby imposed on her, payable within five (5) days from receipt of this Resolution, with the warning that any subsequent disregard and disobedience of this Court's orders will be dealt with more severely.

Let this Resolution be published in the authorized Court reports for the information and guidance of the bench and the bar respecting the nature and effect of denials of motions for reconsideration of judgments and final orders, the propriety of second motions for reconsideration, and the prohibition against the filing of further pleadings, motions or other papers.

**IT IS SO ORDERED.**<sup>76</sup> (Emphasis in the original)

With regard to the Administrative Complaint against Judge Velasco, TMBC joined Ortigas in praying that he be removed from the judiciary.<sup>77</sup>

TMBC's Administrative Complaint against Judge Velasco was filed on July 12, 1993 ahead of Ortigas' Complaint and was docketed as Administrative Matter No. RTJ-93-1108.<sup>78</sup>

In the Resolution dated August 15, 1997, this court held:

**WHEREFORE**, Judge Tirso D. C. Velasco is hereby DISMISSED from the service, with forfeiture of all retirement benefits and accrued leave credits, and with prejudice to reemployment in any branch or instrumentality of the government including government-owned or controlled corporations. Immediately upon service on him of notice of this adjudgment, he shall be deemed to have VACATED his office and his authority to act in any manner whatsoever as Judge shall be considered to have automatically CEASED.

**SO ORDERED.**<sup>79</sup> (Emphasis in the original)

#### **IV**

#### **Facts of G.R. No. 128422**

Respondent Epimaco V. Oreta (Oreta) filed a Complaint against Molina for falsification of public document before the Office of the City Prosecutor in Quezon City. In his Affidavit-Complaint,<sup>80</sup> he stated that he is "the Head of the Security Force hired to secure certain properties of The

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<sup>76</sup> Id. at 496–498.

<sup>77</sup> *Ortigas & Company Limited Partnership v. Judge Velasco and Dolores Molina and Dolores V. Molina v. Hon. Presiding Judge of RTC, Quezon City, Br. 105 and Manila Banking Corporation*, 343 Phil. 115, 120 (1997) [Per Curiam, En Banc].

<sup>78</sup> Id. at 120–121.

<sup>79</sup> Id. at 142.

<sup>80</sup> *Rollo* (G.R. No. 128422), pp. 26–38.

Manila Banking Corporation (TMBC)”<sup>81</sup> and that he is the “duly-appointed statutory receiver of TMBC.”<sup>82</sup>

Oreta alleged that TMBC owns several parcels of land in Greenmeadows, Quezon City. These parcels of land were purchased at public auctions due to the extrajudicial foreclosure of the mortgages over the lands.<sup>83</sup>

The registered owners of the properties in dispute purchased the land from Ortigas.<sup>84</sup>

The one-year redemption period expired, and none of the mortgagors exercised their right to redeem. Thus, “TMBC executed various Affidavits of Consolidation of Ownership”<sup>85</sup> and consolidated the titles to the properties.

TMBC paid real estate taxes and transfer taxes relative to the sale and its consolidation of ownership.<sup>86</sup>

In 1990, Molina filed “a case for Damages with Prayer for Reconveyance and Preliminary Mandatory Injunction before Branch 88 of the Regional Trial Court of Quezon City[.]”<sup>87</sup>

Molina claimed that she owns “[a] parcel of residential land situated at Ugong Norte, District of Cubao, Quezon City . . . containing an area of one hundred twenty six thousand two hundred seventy eight (126,278) square meters, more or less.”<sup>88</sup>

Molina also claimed that she purchased the property in 1939 from Eusebia Molina, Avelino P. Ramos, and Felix P. Micael.<sup>89</sup>

However, Molina was unable to attend to the titling of the property because “she was so preoccupied as the sole breadwinner of the family with children to support[.]”<sup>90</sup>

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<sup>81</sup> Id. at 26.

<sup>82</sup> Id.

<sup>83</sup> Id.

<sup>84</sup> Id. at 28.

<sup>85</sup> Id.

<sup>86</sup> Id. at 28–29.

<sup>87</sup> Id. at 29.

<sup>88</sup> Id.

<sup>89</sup> Id.

<sup>90</sup> Id. at 30.

Several of the properties owned by TMBC overlapped with the properties being claimed by Molina.<sup>91</sup>

Oreta presented documentary evidence to support his allegations:

(1) Report of Atty. Benjamin Bustos,<sup>92</sup> Chief of the Reconstitution Division of the Land Registration Authority, a portion of which states:

Psd-16740 appears to be derived from two different surveys, numbered Psu-1148 and Psu-20191; neither of which appear to have been the subject of original registration; thus it is presumed that no original title had been issued from which TCT-124088 could have emanated.<sup>93</sup>

(2) Report of Privadi Dalire, Chief, Geodetic Survey Division of the Land Management Bureau,<sup>94</sup> stating that:

The procedures in the assignment of subdivision number is [sic] for each kind of subdivision covering a particular original survey such as the Psu survey. Since these two copies of Psd-16740, one covers Psu-1148 and the other Psu-20191 both for the same survey claimant and located in the same locality, and covered by same microfilm number gives rise to a questionable status of the documents.<sup>95</sup>

(3) Certification of Mr. Norberto B. Orense, Assistant Chief of the Ordinary Decree Division of the Land Registration Authority, stating that LRC Record No. 781:

from which TCT No. 124088 allegedly emanated, pertains to a land registration case in the province of Palawan from which was issued Decree No. 2827 on 28 February 1908. Furthermore, it was likewise certified that Molina's alleged plans Psu-Nos. 1148 (also appearing on the face of the alleged TCT No. 124088) and 20191 are not subject of any land registration proceedings.<sup>96</sup>

(4) Certification of Ms. Carmelita Labrador, Administrative Officer V of the Land Registration Authority, stating that the control number on Molina's TCT No. 124088 was issued on February 12, 1975, whereas Molina's TCT was issued on October 30, 1967.<sup>97</sup>

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<sup>91</sup> Id. at 31.

<sup>92</sup> Id. at 32.

<sup>93</sup> Id. at 33.

<sup>94</sup> Id. at 34.

<sup>95</sup> Id. at 34–35.

<sup>96</sup> Id. at 36.

<sup>97</sup> Id.

Oreta further alleged that because of the issuance of TCT No. RT-58287<sup>98</sup> and the subsequent issuance of TCT Nos. 83163, 83165, and 83167,<sup>99</sup> an Information for coercion and other forms of trespass was filed against him.<sup>100</sup> However, the basis of the charge against him was a false document. Thus, he prays that Molina “be prosecuted for the crime of falsification of public document [under Article 171 and 172 of the Revised Penal Code.]”<sup>101</sup>

Molina filed a Counter-affidavit, stating that she and her husband, Pio Molina, had been in possession of the land covered by TCT No. 124088 since 1939.<sup>102</sup>

In September 1991, TCT No. 124088 was lost “and unfortunately, the original thereof on file with the Registry of Deeds for Quezon City was also lost or destroyed due to fire that gutted the said office[.]”<sup>103</sup> Molina claimed that she went to the Land Registration Authority to inquire where she could find a copy of TCT No. 124088. She found a microfilm negative of TCT No. 124088, which the Land Registration Authority found to be correct. Further, the existence of Psd-16740 was proven by Mr. Armando Bangayan, Assistant Chief, Records Division, Land Management Bureau.<sup>104</sup>

Molina questioned Oreta’s authority to file the Affidavit-Complaint.<sup>105</sup>

In the Resolution dated July 21, 1994,<sup>106</sup> Assistant City Prosecutor Eduardo D. Resurreccion recommended the dismissal of the case.<sup>107</sup>

Oreta filed a Motion for Reconsideration, which was denied by Second Assistant City Prosecutor Rogelio U. Concepcion in the Resolution dated November 11, 1994.<sup>108</sup>

Oreta filed a Petition for Review<sup>109</sup> before the Department of Justice.

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<sup>98</sup> This was the reconstituted title for TCT No. 124088.

<sup>99</sup> These titles emanated from TCT No. RT-58287.

<sup>100</sup> *Rollo* (G.R. No. 128422), p. 37.

<sup>101</sup> *Id.* at 38.

<sup>102</sup> *Id.* at 39.

<sup>103</sup> *Id.*

<sup>104</sup> *Id.* at 41.

<sup>105</sup> *Id.* at 43-44.

<sup>106</sup> *Id.* at 64-68.

<sup>107</sup> *Id.* at 68.

<sup>108</sup> *Id.* at 69.

<sup>109</sup> *Id.* at 70-112.



Oreta pointed out that TCT No. 124088 was declared null and void by this court.<sup>110</sup> He also pointed out that the alleged microfilm negative of Psd-16740 was never presented by Molina.<sup>111</sup>

With regard to the certification of the Land Management Bureau that the microfilm negative was not falsified, Oreta pointed out that the certification referred to Psd-16740 and not TCT No. 124088.<sup>112</sup>

Molina filed a Comment,<sup>113</sup> citing Judge Velasco's Decision ordering the reconstitution of TCT No. 124088<sup>114</sup> and arguing that Oreta's Complaint had no basis.<sup>115</sup>

Chief State Prosecutor Zenon L. De Guia reversed the Resolution of the City Prosecutor and directed the filing of "an information for falsification of public document" in the Resolution dated April 18, 1996.<sup>116</sup>

Molina filed a Motion for Reconsideration with Manifestation to File Documents.<sup>117</sup> This was denied by then Secretary of Justice Teofisto T. Guingona, Jr. (Secretary Guingona, Jr.) in the Resolution dated November 29, 1996.<sup>118</sup>

Undaunted, Molina filed a Petition for Review on Certiorari<sup>119</sup> before the Court of Appeals.

In her Petition, Molina raises the following issue:

Whether the circumstances that [envelop] this case constitute either the offense of falsification of public documents or use of falsified document in a judicial proceeding?<sup>120</sup>

Molina imputes grave abuse of discretion on the part of the Department of Justice when it directed the filing of an Information for Falsification of Public Document against her.<sup>121</sup>

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<sup>110</sup> Id. at 87.

<sup>111</sup> Id. at 93.

<sup>112</sup> Id. at 96.

<sup>113</sup> Id. at 118–119.

<sup>114</sup> Id. at 119.

<sup>115</sup> Id. at 118.

<sup>116</sup> Id. at 120–123.

<sup>117</sup> Id. at 124.

<sup>118</sup> Id. at 131.

<sup>119</sup> Id. at 132–150.

<sup>120</sup> Id. at 137.

<sup>121</sup> Id. at 132.

The Court of Appeals dismissed Molina's Petition on technical grounds. The Court of Appeals Resolution dated February 4, 1997 states:

It appearing that petitioner failed to submit the certified true copies of the assailed Resolutions dated April 18, 1996 and November 29, 1996, the instant petition for review is hereby DISMISSED outright pursuant to Supreme Court Circular No. 3-96 and Section 3(b) and 3(d)(1), Rule 6 of the Revised Internal Rules of this Court.

SO ORDERED.<sup>122</sup>

Molina filed a Motion for Reconsideration and to Admit Original Certified True Copies of Annexes "J" and "K-1" to the Petition.<sup>123</sup> She claimed that she complied with Supreme Court Circular No. 3-96 and Section 3(b) of the Revised Internal Rules of the Court of Appeals, but due to inadvertence, the "original certified true copies of the assailed resolutions . . . [were] not attached to the original copy of the petition but to one of the ten (10) duplicates thereof."<sup>124</sup>

The Motion for Reconsideration was denied in the Resolution dated March 11, 1997.<sup>125</sup>

The Court of Appeals found that contrary to Molina's assertion that she filed 10 duplicate copies, only four were filed.<sup>126</sup> Of the four duplicate copies, none included the "duplicate original or certified true copy of the assailed Resolutions."<sup>127</sup> *Gabionza v. Court of Appeals*,<sup>128</sup> cited by her, is not applicable because there was substantial compliance with the rules of procedure in that case.<sup>129</sup>

From the denial of her Motion for Reconsideration, Molina filed a Petition for Review on Certiorari<sup>130</sup> before this court.

## V

### Facts of G.R. No. 128911

On January 7, 1997, Molina filed an action for quieting of title and annulment of title before the Regional Trial Court of Quezon City. The subject of the complaint was parcels of land covered by TCT Nos. 83163,

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<sup>122</sup> Id. at 151.

<sup>123</sup> Id. at 152–157.

<sup>124</sup> Id. at 153.

<sup>125</sup> Id. at 161–162.

<sup>126</sup> Id. at 161.

<sup>127</sup> Id.

<sup>128</sup> G.R. No. 112547, July 18, 1994, 234 SCRA 192 [Per J. Feliciano, Third Division].

<sup>129</sup> *Rollo* (G.R. No. 128422), p. 162.

<sup>130</sup> Id. at 8–25.

83164, 83165, and 83167. These titles were declared null and void by this court in G.R. No. 109645 and G.R. No. 112564.<sup>131</sup>

The action for quieting of title was docketed as Civil Case No. Q-97-29856.<sup>132</sup> Molina then moved that the case be consolidated with Civil Case No. Q-93-15920, which was a Petition for Annulment of Title.<sup>133</sup>

TMBC filed a Motion to Dismiss Civil Case No. Q-97-29856, citing *res judicata*, conclusiveness of judgment, bar by prior judgment, and forum shopping. In addition, the Regional Trial Court cannot annul and set aside the Decision of this court.<sup>134</sup>

Molina opposed the Motion to Dismiss.<sup>135</sup> Subsequently, she filed a ‘With Leave Motion to Admit Amended Complaint’ dated February 24, 1997.<sup>136</sup>

TMBC and Alberto V. Reyes (Reyes)<sup>137</sup> opposed Molina’s Motion. However, the trial court admitted the Amended Complaint and did not act on TMBC’s Motion to Dismiss. The trial court’s Order dated March 18, 1997 reads as follows:

Before this Court are the following:

1. Supplement to Complaint dated January 21, 1997
2. TMBC Motion to Dismiss
3. Bangko Sentral ng Pilipinas Motion to Dismiss
4. TMBC Motion to Strike Off and/or Dismiss Ad Cautelam Supplement to Complaint dated January 21, 1997 with the respective comments/oppositions thereto.

Considering that it is undisputed that TMBC is under receivership, the Motion to Dismiss filed by Bangko Sentral ng Pilipinas is hereby granted. This case is dismissed as against Bangko Sentral ng Pilipinas, it appearing that Alberto Reyes is the receiver and not the said bank.

Accordingly, the Motion to Admit Amended Complaint with leave is hereby granted, and the amended complaint attached thereto wherein

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<sup>131</sup> *Rollo* (G.R. No. 128911), p. 53.

<sup>132</sup> *Id.*

<sup>133</sup> *Id.* Note that in the dispositive portion of the Decision in G.R. No. 109645 and G.R. No. 112564, this court stated that “said Judge is directed to proceed to dispose of said Case No. Q-93-15920 with all deliberate dispatch conformably with this decision.” *Rollo* (G.R. No. 128911), p. 54; *See also Ortigas & Company Limited Partnership v. Velasco*, G.R. No. 109645 and *Dolores V. Molina v. Hon. Presiding Judge of RTC, Quezon City, Br. 105 and Manila Banking Corporation*, G.R. No. 112564, July 25, 1994, 234 SCRA 455, 501 [Per C.J. Narvasa, Second Division].

<sup>134</sup> *Id.* at 54.

<sup>135</sup> *Id.*

<sup>136</sup> *Id.* at 55.

<sup>137</sup> *Id.* at 14. Alberto V. Reyes is the appointed Statutory Receiver of petitioner TMBC.

TMBC is dropped as party-defendant and in lieu thereof, Alberto Reyes is impleaded as such is admitted.

Let summons be served on the newly named defendant.

There is no need to act on TMBC's motion to dismiss given the above circumstances.

SO ORDERED.<sup>138</sup>

TMBC and Reyes filed a Motion for Reconsideration, which was denied.<sup>139</sup>

TMBC and Reyes filed this Joint Petition for Certiorari and Prohibition with prayer for the issuance of a writ of preliminary injunction/temporary restraining order.<sup>140</sup>

TMBC and Reyes argue that:

[p]ublic respondent Judge should have dismissed private respondent Molina's Complaint dated 06 January 1997 considering that on its face, it is clear that he has no jurisdiction to take cognizance of the same as it prays for the court a quo to annul and set aside the final and executory decisions of the Honorable Court and the Court of Appeals adjudicating in favor of petitioner TMBC the ownership and possession of the subject properties, subject matter of the private respondent Molina's Complaint and Amended Complaint.<sup>141</sup>

TMBC and Reyes also cite this court's Decisions in the other cases involving Molina.<sup>142</sup> They point out that Molina's Complaint and Amended Complaint should have been dismissed outright for being a clear case of forum shopping.<sup>143</sup>

## VI Procedural development

In G.R. No. 128422, this court granted the Motion for Extension of Time to file Petition for Certiorari and required respondents to comment.<sup>144</sup>

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<sup>138</sup> Id. at 55–56.

<sup>139</sup> Id. at 56.

<sup>140</sup> Id. at 6–105.

<sup>141</sup> Id. at 57.

<sup>142</sup> Id. at 59–70.

<sup>143</sup> Id. at 73.

<sup>144</sup> *Rollo* (G.R. No. 128422) p. 165. Resolution dated June 16, 1997. At the time the Resolution was issued, the 1997 Rules of Civil Procedure had not yet taken effect.

Oreta filed a Motion to Consolidate<sup>145</sup> G.R. No. 128422 with G.R. Nos. 109645 and 112564. The Motion to Consolidate was granted in the Resolution dated July 23, 1997.<sup>146</sup>

In G.R. No. 128911, TMBC and Reyes filed a Motion to Consolidate<sup>147</sup> their Petition with G.R. Nos. 109645 and 112564.<sup>148</sup>

Molina filed an Opposition to the Motion to Consolidate.<sup>149</sup>

In the Resolution dated May 28, 1997, this court granted the Motion to Consolidate.<sup>150</sup>

Molina filed a Motion for Reconsideration regarding the consolidation of the cases.<sup>151</sup>

In the Resolution dated June 23, 1997,<sup>152</sup> this court noted the following:

- (a) The manifestation filed by TMBC stating that more than two years after the decision in G.R. No. 109645 and G.R. No. 112564 was promulgated, the trial court where Civil Case No. Q-93-15920 is pending had yet to act on TMBC's application for writ of preliminary injunction;
- (b) Counter-manifestation filed by Molina;
- (c) Opposition to the motion to consolidate; and
- (d) Required respondents to comment on the petition for certiorari in G.R. No. 128911.<sup>153</sup>

TMBC and Reyes filed an Opposition to Molina's Motion for Reconsideration dated 16 June 1997.<sup>154</sup>

On August 7, 1997, TMBC and Reyes filed a Manifestation and Urgent Motion to Resolve [Application for Issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction].<sup>155</sup>

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<sup>145</sup> Id. at 166–176.

<sup>146</sup> Id. at 218.

<sup>147</sup> *Rollo* (G.R. No. 128911), pp. 663–667.

<sup>148</sup> Id. at 666.

<sup>149</sup> Id. at 668–669.

<sup>150</sup> Id. at 667-a.

<sup>151</sup> Id. at 670–671.

<sup>152</sup> Id. at 972.

<sup>153</sup> Id. at 672–673.

<sup>154</sup> *Rollo* (G.R. No. 128911), pp. 674–684.

<sup>155</sup> Id. at 699–709.

TMBC and Reyes argue that in *Ortigas & Company Limited Partnership v. Velasco*,<sup>156</sup> this court ordered that Civil Case No. Q-93-15920 be disposed with deliberate dispatch. Civil Case No. Q-97-29856 was consolidated with Civil Case No. Q-93-15920. Thus, Judge Marciano Bacalla's (Judge Bacalla) cognizance of Civil Case No. Q-97-29856 in effect delayed the disposition of Civil Case No. Q-93-15920.<sup>157</sup>

TMBC and Reyes also argue that:

[p]ublic respondent Judge Bacalla's acts of assuming jurisdiction over Civil Case No. Q-97-29856 and conducting proceedings in said case shall deprive petitioners of their unquestionable right to execute the previous final and executory judgments promulgated by the Court of Appeals and the Honorable Court declaring with finality petitioner TMBC's absolute title and right to possess the Subject Properties. To compel petitioners to defend once again petitioner TMBC's absolute title and right to the Subject Properties would evidently result in a grave injustice.<sup>158</sup>

In the Resolution dated August 11, 1997, Molina's Motion for Extension to File Comment was granted, and TMBC's Manifestation dated July 31, 1997 in G.R. No. 128911, "stating that the pretended issue on the real party in interest in Civil Cases Nos. Q-93-15920 and Q-97-29856[,] has already been rendered moot and academic with the effectivity of the 1997 Rules of Civil Procedure."<sup>159</sup>

In the Resolution dated September 3, 1997,<sup>160</sup> this court noted the following:

- (a) In G.R. No. 128911:
  - (i) TMBC's Manifestation and Urgent Motion to resolve the application for issuance of a temporary restraining order and/or writ of preliminary injunction dated August 5, 1997; and
  - (ii) Comment filed by Dolores Molina.
- (b) In G.R. No. 128422:
  - (i) Comment filed by Oreta;
  - (ii) Reply filed by Molina; and
  - (iii) Granted the Motion for Leave to File Rejoinder to Reply.

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<sup>156</sup> *Ortigas & Company Limited Partnership v. Velasco*, G.R. No. 109645 and *Dolores V. Molina v. Hon. Presiding Judge of RTC, Quezon City, Br. 105 and Manila Banking Corporation*, G.R. No. 112564, July 25, 1994, 234 SCRA 455 [Per C.J. Narvasa, Second Division].

<sup>157</sup> *Rollo* (G.R. No. 128911), pp. 706-707.

<sup>158</sup> *Id.* at 705-706.

<sup>159</sup> *Id.* at 693-a.

<sup>160</sup> *Id.* at 712-a-712-b.

Oreta filed the Motion for Further Extension of Time to File Rejoinder<sup>161</sup> dated September 4, 1997. He subsequently filed a Motion to Admit (Rejoinder dated 09 September 1997)<sup>162</sup> and attached a copy of the Rejoinder.<sup>163</sup>

In the Resolution dated September 10, 1997,<sup>164</sup> this court issued a temporary restraining order in favor of TMBC stating as follows:

Premises considered, therefore, and pending determination of the proceeding at bar, the Court Resolved to ISSUE A TEMPORARY RESTRAINING ORDER upon a bond in the sum of Ten Thousand Pesos (₱10,000.00) to be posted by petitioner, The Manila Banking Corporation (TMBC):

(1) COMMANDING the Presiding Judge of Branch 216 of the Regional Trial Court at Quezon City, Judge Marciano Bacalla, to FORTHWITH CEASE AND DESIST from proceeding with and acting on Civil Case No. Q-97-29856, and to PROCEED to hear and resolve the issue of damages in Civil Case No. Q-93-15920 and such others as arise from the pleadings, absolutely and scrupulously excluding any claim of ownership of Dolores Molina over the property in question which claim has, as aforestated, been finally declared entirely spurious conformably with this Court's Decision of July 24, 1994 and Resolution of August 15, 1997; and

(2) PROHIBITING Dolores V. Molina, her children, assigns or successors in interest, or their counsel, from ventilating and litigating in any guise, manner, shape, or form said Molina's claim of title over the lands involved in any of the actions and proceedings at bar, or in any other action or proceeding[.]<sup>165</sup>

In the same Resolution,<sup>166</sup> this court issued a Show Cause Order to Molina and Judge Bacalla, stating as follows:

The Court further Resolved to DENY the motion to dismiss incorporated in respondent Molina's comment dated August 4, 1997, and to ORDER:

1) DOLORES V. MOLINA to SHOW CAUSE, within ten (10) days from notice of this Resolution, why she should not be held in contempt of court for forum shopping and otherwise disregarding and defying the judgment of July 24, 1994 and resolutions of this Court in G.R. Nos. 109645 and 112564 (234 SCRA 455); and JUDGE MARCIANO BACALLA, to EXPLAIN within the same period why he has taken and is taking cognizance of Molina's allegation and claim of

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<sup>161</sup> Id. at 733-738.

<sup>162</sup> Id. at 739-743.

<sup>163</sup> Id. at 744-779.

<sup>164</sup> Id. at 713-716.

<sup>165</sup> Id. at 715.

<sup>166</sup> Referring to the Resolution dated September 10, 1997.

ownership despite his attention having been drawn to the aforesaid judgment.<sup>167</sup>

TMBC subsequently filed a Manifestation and Motion [To Partially Withdraw the Joint Petition dated 07 May 1997].<sup>168</sup>

TMBC informed this court that Judge Bacalla ordered the withdrawal of Civil Case No. Q-97-29856 from his docket<sup>169</sup> and also ordered that Molina's "patently sham and dilatory pleadings"<sup>170</sup> be stricken off the records of Civil Case No. Q-93-15920. Thus, TMBC's prayer for injunctive reliefs in the Petition for Certiorari, related to Civil Case No. Q-97-29856, is moot and academic.<sup>171</sup> However, TMBC maintains its other prayers for relief, specifically:

6.1. The issuance of a temporary restraining order and/or writ of preliminary injunction against private respondent Molina and her alleged representatives, counsel and successors-in-interest from filing pleadings asserting her baseless claims of ownership and possession over the properties subject matter of the Joint Petition dated 07 May 1997;

6.2. The promulgation of a resolution and/or judgment citing private respondent Molina and her counsel, Atty. Cesar Turiano in contempt of court for the contumacious acts of forum shopping, abuse of court processes, deliberate disobedience of formal orders, resolutions and decisions of the Honorable Court and obstruction of the orderly administration [of] justice; and imposing disciplinary sanctions on private respondent Molina's counsel, Atty. Cesar Turiano, for violations of the Lawyer's Oath and the Code of Professional Responsibility and the final and executory decisions rendered by the Honorable Court set forth in the Joint Petition dated 07 May 1997.<sup>172</sup>

From the records, this court issued the Resolution dated October 1, 1997 granting the Motions for Extension of Time to File Rejoinder filed by counsel of Oreta in G.R. No. 128422 and the Motion to Admit Rejoinder. In the same Resolution, this court noted Oreta's Rejoinder, the Manifestation and Motion of TMBC in G.R. No. 128911 partially withdrawing the Joint Petition, and "the [E]ntry of [A]pppearance<sup>173</sup> of Atty. Napoleon Uy Galit" as counsel for Molina in G.R. No. 128911.<sup>174</sup>

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<sup>167</sup> *Rollo* (G.R. No. 128911), p. 715.

<sup>168</sup> *Id.* at 794-804.

<sup>169</sup> *Id.* at 797.

<sup>170</sup> *Id.*

<sup>171</sup> *Id.* at 798.

<sup>172</sup> *Id.* at 799.

<sup>173</sup> *Id.* at 805-806. Atty. Napoleon Uy Galit's Entry of Appearance was dated September 8, 1997. This court received a copy of his Entry of Appearance on September 11, 1997.

<sup>174</sup> *Id.* at 808. No copy of the Resolution was attached to the *rollo*. Instead, a copy of the minutes of the October 1, 1997, Third Division meeting, was attached.



## **VII**

### **Issues**

In G.R. No. 128422, Molina raises the following issues:

- (1) Whether this Honorable Supreme Court is bound by the conclusion of the Honorable Court of Appeals, which, in effect deprive[d] [Dolores V. Molina's] right to appeal[;] [and]
- (2) Whether [Dolores V. Molina's] failure to comply strictly with the requirements in appealing a decision is enough to deprive her of her right to appeal.<sup>175</sup>

In G.R. No. 128911, TMBC and Reyes filed a Motion partially withdrawing their Petition. Thus, the remaining issues for resolution are as follows:

- (1) Whether there are grounds to issue a temporary restraining order/writ of preliminary injunction to put an end to Dolores V. Molina's continuous filing of pleadings involving her "baseless claims of ownership and possession"<sup>176</sup> over TMBC's properties; and
- (2) Whether there are grounds to cite Dolores V. Molina and her counsel, Atty. Cesar Turiano,<sup>177</sup> and Judge Marciano Bacalla in contempt of court.

## **VIII**

### **Arguments of the parties**

#### *G.R. No. 128422*

Molina argues that contrary to the Court of Appeals Resolution, copies of the certified true copy of the assailed Letter-Resolution were attached as Annex "J" and Annex "K-1" to the Petition,<sup>178</sup> except that the original copies were attached to the copies sent to the Department of Justice and Quezon City Prosecutor's Office.<sup>179</sup> This mistake was the fault of Molina's counsel's office secretary and should be considered as an "honest mistake, inadvertence and oversight."<sup>180</sup>

Molina points out that since copies of the assailed Letter-Resolution were attached to the Petitions filed before the Court of Appeals, she should

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<sup>175</sup> *Rollo* (G.R. No. 128422), p. 16.

<sup>176</sup> *Rollo* (G.R. No. 128911), p. 799.

<sup>177</sup> *Id.*

<sup>178</sup> *Rollo* (G.R. No. 128422), p. 17.

<sup>179</sup> *Id.* at 18.

<sup>180</sup> *Id.*

be considered as having substantially complied with SC Administrative Circular No. 3-96 and Section 3(b) and (d) of the Revised Internal Rules of the Court of Appeals.<sup>181</sup>

Molina further argues that the procedural infirmity in the filing of her Petition is not “enough to deprive [her] of her right to appeal.”<sup>182</sup> Hence, the dismissal of her Petition is a violation of her right to due process.<sup>183</sup>

On the other hand, Oreta argues that Molina’s Petition is a dilatory tactic. An alias warrant of arrest was issued against Molina after she had failed to appear at her scheduled arraignment.<sup>184</sup>

Molina’s Petition may appear to raise procedural issues only. However, if this court grants her Petition, she would be allowed to relitigate her claim based on TCT No. 124088.<sup>185</sup>

Oreta cites the principles of “res judicata, conclusiveness of judgment and bar by prior judgment.”<sup>186</sup> He also cites Section 47 of Rule 39 of the 1997 Rules of Civil Procedure:<sup>187</sup>

Section 47. Effect of judgments or final orders. — The effect of a judgment or final order rendered by a court of the Philippines, having jurisdiction to pronounce the judgment or final order, may be as follows:

(a) In case of a judgment or final order against a specific thing, or in respect to the probate of a will, or the administration of the estate of a deceased person, or in respect to the personal, political, or legal condition or status of a particular person or his relationship to another, the judgment or final order is conclusive upon the title to the thing, the will or administration or the condition, status or relationship of the person, however, the probate of a will or granting of letters of administration shall only be *prima facie* evidence of the death of the testator or intestate;

(b) In other cases, the judgment or final order is, with respect to the matter directly adjudged or as to any other matter that could have been missed in relation thereto, conclusive between the parties and their successors in interest, by title subsequent to the commencement of the action or special proceeding, litigating for the same thing and under the same title and in the same capacity; and

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<sup>181</sup> Id. at 19.

<sup>182</sup> Id. at 21.

<sup>183</sup> Id.

<sup>184</sup> Id. at 227.

<sup>185</sup> Id. at 231.

<sup>186</sup> Id. at 234.

<sup>187</sup> Id.

(c) In any other litigation between the same parties or their successors in interest, that only is deemed to have been adjudged in a former judgment or final order which appears upon its face to have been so adjudged, or which was actually and necessarily included therein or necessary thereto. (49a)

Molina has not shown any justifiable or compelling reasons why the Court of Appeals Resolution should be set aside.<sup>188</sup>

Since an Information against Molina was filed and docketed as Criminal Case No. 62889 before Branch 31 of the Metropolitan Trial Court of Quezon City, she “can no longer ask for the review of the finding of a prima facie case by the DOJ against her considering that she has failed to obtain prior leave from said court.”<sup>189</sup>

Oreta points out that the Metropolitan Trial Court acquired jurisdiction over the case when the Information was filed.<sup>190</sup> Molina is considered a “fugitive from justice” since she did not appear at her scheduled arraignment.<sup>191</sup>

In her Reply,<sup>192</sup> Molina argues that although this court declared TCT No. 124088 null and void, “it does not necessarily mean that it is falsified.”<sup>193</sup> She also denies that she intends to relitigate her claim of ownership based on TCT No. 124088.<sup>194</sup>

Molina denies forestalling her prosecution by filing this Petition for Review. She then reiterates her argument that she substantially complied with Circular 3-96 and the Revised Internal Rules of the Court of Appeals.<sup>195</sup>

Oreta filed a Rejoinder<sup>196</sup> stating that the prosecutor’s finding of probable cause to believe that Molina falsified a public document does not mean that she is guilty. Her proper remedy is to present her evidence during trial, and not to file a Petition for Review.<sup>197</sup>

*G.R. No. 128911*

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<sup>188</sup> Id. at 245.

<sup>189</sup> Id. at 249.

<sup>190</sup> Id. at 250.

<sup>191</sup> Id. at 252.

<sup>192</sup> Id. at 297–306.

<sup>193</sup> Id. at 298.

<sup>194</sup> Id.

<sup>195</sup> Id. at 299.

<sup>196</sup> Epimaco Oreta’s Rejoinder was attached to the *rollo* of G.R. No. 128911 and not G.R. No. 128422.

<sup>197</sup> *Rollo* (G.R. No. 128422), p. 746.

TMBC and Reyes cite Supreme Court Administrative Circular No. 04-94, the pertinent portion of which states:

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 willful 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[.]<sup>198</sup>

Ownership over the properties has been decided and passed upon with finality in the following cases: *Ortigas & Company Limited Partnership v. Judge Tirso Velasco and Dolores V. Molina*,<sup>199</sup> *Dolores V. Molina v. Hon. Presiding Judge of RTC, Quezon City, Br. 105 and Manila Banking Corporation*,<sup>200</sup> *Dolores V. Molina and Aproniano L. Timbol v. Court of Appeals and Epimaco V. Oreta*,<sup>201</sup> *Epimaco V. Oreta v. Hon. George Macliling, in his capacity as Presiding Judge of the Regional Trial Court of Quezon City, Branch 100, and Dolores V. Molina and Aproniano L. Timbol*.<sup>202</sup>

Despite these Decisions, Molina still filed a Complaint for quieting of title<sup>203</sup> and an Amended Complaint.<sup>204</sup>

TMBC and Reyes also point out that Molina submitted a false verification and certification in her Complaint and Amended Complaint when she stated under oath the following:

That I hereby certify that I have not commenced any other action or proceeding involving the same issues between the same parties in the Supreme Court, the Court of Appeals, or divisions thereof or any other quasi-judicial body and I undertake to inform this

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<sup>198</sup> *Rollo* (G.R. No. 128911), pp. 74–75. SC Administrative Circular No. 04-94 (1994), 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.

<sup>199</sup> G.R. No. 109645, July 25, 1994, 234 SCRA 455 [Per C.J. Narvasa, Second Division].

<sup>200</sup> G.R. No. 112564, July 25, 1994, 234 SCRA 455 [Per C.J. Narvasa, Second Division].

<sup>201</sup> *Rollo* (G.R. No. 128911), pp. 334–339. G.R. No. 120994, Unsigned Resolution of the First Division, June 17, 1996.

<sup>202</sup> Id. at 323–330. Court of Appeals Decision in CA-G.R. SP No. 33363, May 12, 1995.

<sup>203</sup> Id. at 354–370.

<sup>204</sup> Id. at 498–511.

Honorable Court of such fact within five (5) days from knowledge thereof.<sup>205</sup>

Molina never informed this court of the previous Decisions declaring her titles null and void.<sup>206</sup>

In her Comment,<sup>207</sup> Molina explained that after she had filed an action for quieting of title docketed as Civil Case No. Q-97-29856, TMBC filed a Motion to Dismiss and to Strike Off and/or Dismiss Ad Cautelam Supplement to Complaint on the ground that the issue of ownership had been decided by this court.<sup>208</sup>

She filed an Amended Complaint when she found out that TMBC was under receivership. The Amended Complaint dropped TMBC as a party and included the Central Bank as the proper party.<sup>209</sup>

The Central Bank also moved to dismiss the Amended Complaint since TMBC's duly appointed receiver was Reyes.<sup>210</sup>

The trial court issued the Order dated March 18, 1997, granting the Motion to Admit Amended Complaint, dropping TMBC as a party, and impleading Reyes.<sup>211</sup>

TMBC filed a Motion for Reconsideration but was denied in the Order dated April 23, 1997.<sup>212</sup>

Molina argues that the trial court did not rule upon the merits of her case but only resolved who the real party in interest was.<sup>213</sup>

Molina further argues that the delays in the resolution of Civil Case No. Q-97-29856 were due to TMBC's failure to file its responsive pleading. In addition, TMBC should have filed its Answer instead of a Petition for Certiorari when the trial court denied TMBC's Motion to Dismiss.<sup>214</sup>

This court now rules as follows:

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<sup>205</sup> Id. at 77-78.

<sup>206</sup> Id. at 78.

<sup>207</sup> Id. at 694-698.

<sup>208</sup> *Rollo* (G.R. No. 128911), p. 695.

<sup>209</sup> Id.

<sup>210</sup> Id.

<sup>211</sup> Id. at 695-696.

<sup>212</sup> Id. at 696.

<sup>213</sup> Id.

<sup>214</sup> Id. at 697.

*G.R. No. 128422*

The Court of Appeals erred in dismissing the Petition on procedural grounds. Nevertheless, we affirm the Court of Appeals Resolutions dated February 4, 1997<sup>215</sup> and March 11, 1997<sup>216</sup> on the ground that Molina availed herself of the wrong remedy.

Section 3(b) and Section 3(d)(1) of the Revised Internal Rules of the Court of Appeals, which were in force when Molina filed her Petition for Review before the Court of Appeals, provide:

Section 3. Petitions for Review. – Within the period to appeal, the petitioner shall file a verified petition in seven (7) legible copies and (1) one copy thereof shall be served on each of the respondents. Upon proper motion presented before the expiration of the original reglementary period, the Court may grant a non-extendible additional period of fifteen (15) days save in exceptionally meritorious cases within which to file the petition for review; Provided, however, that should there be no petition filed within the extended period, the case shall be dismissed. A petition filed after the period shall be denied due course outright. The Regional Trial Court shall be furnished a copy of the resolution to this effect.

....

b. What should be filed. – The petition shall be accompanied by a certified true copy of the disputed decisions, judgments, or orders, of the lower courts, together with true copies of the pleadings and other material portions of the record as would support the allegations of the petition.

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d. Judicial action. – The Court may dismiss the petition, or require the private respondent to comment on the petition, or give it due course.

(1) If the petition is not prima facie sufficient in form and substance, the Court may dismiss it outright stating the reasons therefor. If instead of a petition for review, the appellant perfects his appeal pursuant to Rule 41 of the Rules of Court, it shall nevertheless be dismissed even if the Regional Trial Court had given it due course.

Supreme Court Administrative Circular No. 3-96<sup>217</sup> dated April 17, 1996 provides:

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<sup>215</sup> *Rollo* (G.R. No. 128422), p. 151.

<sup>216</sup> *Id.* at 161-162.

<sup>217</sup> Supreme Court Administrative Circular No. 3-96 (1996), Subject: Clarification of the Provisions of Paragraph (3), Revised Circular No. 1-88 and Supplemental Rules Therefor.

1. The "duplicate original copy" shall be understood to be that copy of the decision, judgement, resolution or order which is intended for and furnished to a party in the case or proceeding in the court or adjudicative body which rendered and issued the same. The "certified true copy" thereof shall be such other copy furnished to a party at his instance or in his behalf, duly authenticated by the authorized officers or representatives or the issuing entity as hereinbefore specified.

. . . .

3. The certified true copy must further comply with all the regulations therefor of the issuing entity and it is the authenticated original of such certified true copy, and not a mere xerox copy thereof, which shall be utilized as an annex to the petition or other initiatory pleading.

4. Regardless of whether a duplicate original copy or a certified true copy of the adjudicatory document is annexed to the petition or initiatory pleading, the same must be an exact and complete copy of the original, and all the pages thereof must be clearly legible and printed on white bond or equivalent paper of good quality with the same dimensions as the original copy. Either of the aforesaid copies shall be annexed to the original copy of the petition or initiatory pleading filed in court, while plain copies thereof may be attached to the other copies of the pleading.

5. It shall be the duty and responsibility of the party using the documents required by Paragraph (3) of Circular No. 1-88 to verify and ensure compliance with all the requirements therefor as detailed in the preceding paragraphs. Failure to do so shall result in the rejection of such annexes and the dismissal of the case. Subsequent compliance shall not warrant any reconsideration unless the court is fully satisfied that the non-compliance was not in any way attributable to the party, despite due diligence on his part and that there are highly justifiable and compelling reasons for the court to make such other disposition as it may deem just and equitable.

In *Donato v. Court of Appeals*,<sup>218</sup> this court held that:

[i]n like manner, the failure of the petitioner to comply with Section 3, paragraph b, Rule 6 of the RIRCA, that is, to append to his petition copies of the pleadings and other material portions of the records as would support the petition, does not justify the outright dismissal of the petition. It must be emphasized that the RIRCA gives the appellate court a certain leeway to require parties to submit additional documents as may be necessary in the interest of substantial justice. Under Section 3, paragraph d of Rule 3 of the RIRCA, the CA may require the parties to complete the annexes as the court deems necessary, and if the petition is given due course, the CA may require the elevation of a complete record of the case

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<sup>218</sup> 462 Phil. 676 (2003) [Per J. Austria-Martinez, Second Division].

as provided for under Section 3(d)(5) of Rule 6 of the RIRCA. At any rate, petitioner attached copies of the pleadings and other material portions of the records below with his motion for reconsideration.<sup>219</sup>

The ruling in *Donato* was subsequently cited in *Mendoza v. David*<sup>220</sup> and *Valdecantos v. People*<sup>221</sup> stating that the submission of the required pleadings and attachments in the Motion for Reconsideration was deemed substantial compliance.

In this case, the Court of Appeals admitted that Molina tried to rectify her mistake. A portion of the Resolution dated March 11, 1997 states:

In the case at bar, the petition lacks the required certified true copy or duplicate original of the assailed Resolutions which is clearly an omission violative of the rules. *The fact that petitioner in the instant motion has attached the certified true copy of the assailed Resolutions* will not cure the defect. Pursuant to Paragraph 5 of Administrative Circular No. 3-96, subsequent compliance shall not warrant any reconsideration.<sup>222</sup> (Emphasis supplied)

Thus, the Court of Appeals erred in dismissing Molina's Petition for Review on procedural grounds.

However, we affirm the dismissal of Molina's Petition based on other grounds.

Prior to the filing of the Information, Molina had filed a Motion for Reconsideration of the Resolution dated April 18, 1996, which Resolution directed the City Prosecutor to file an Information against her.<sup>223</sup> The records show that the Information against Molina was filed on May 27, 1996.<sup>224</sup> Her Petition for Review before the Court of Appeals was filed on January 16, 1997.<sup>225</sup>

In other words, while the trial court had acquired jurisdiction over the case, Molina pursued another remedy, specifically, a review of the City Prosecutor's finding of probable cause.

In *Crespo v. Judge Mogul*:<sup>226</sup>

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<sup>219</sup> Id. at 690-691.

<sup>220</sup> 484 Phil. 128 (2004) [Per J. Carpio, First Division].

<sup>221</sup> 534 Phil. 596 (2006) [Per J. Austria-Martinez, First Division].

<sup>222</sup> *Rollo* (G.R. No. 128422), p. 162.

<sup>223</sup> Id. at 123.

<sup>224</sup> Id. at 226.

<sup>225</sup> Id. at 132.

<sup>226</sup> 235 Phil. 465 (1987) [Per J. Gancayco, En Banc].



[t]he rule therefore in this jurisdiction is that once a complaint or information is filed in Court any disposition of the case as its dismissal or the conviction or acquittal of the accused rests in the sound discretion of the Court. Although the fiscal retains the direction and control of the prosecution of criminal cases even while the case is already in Court he cannot impose his opinion on the trial court. The Court is the best and sole judge on what to do with the case before it. The determination of the case is within its exclusive jurisdiction and competence. A motion to dismiss the case filed by the fiscal should be addressed to the Court who has the option to grant or deny the same. It does not matter if this is done before or after the arraignment of the accused or that the motion was filed after a reinvestigation or upon instructions of the Secretary of Justice who reviewed the records of the investigation.

In order therefor to avoid such a situation whereby the opinion of the Secretary of Justice who reviewed the action of the fiscal may be disregarded by the trial court, the Secretary of Justice should, as far as practicable, refrain from entertaining a petition for review or appeal from the action of the fiscal, when the complaint or information has already been filed in Court. The matter should be left entirely for the determination of the Court.<sup>227</sup>

The ruling in *Crespo* was clarified in *Chan v. Formaran III, et al.*:<sup>228</sup>

In subsequent cases, the Court clarified that *Crespo* does not bar the Justice Secretary from reviewing the findings of the investigating prosecutor in the exercise of his power of control over his subordinates. The Justice Secretary is merely advised, as far as practicable, to refrain from entertaining a petition for review of the prosecutor's finding when the Information is already filed in court. In other words, the power or authority of the Justice Secretary to review the prosecutor's findings subsists even after the Information is filed in court. The court, however, is not bound by the Resolution of the Justice Secretary, but must evaluate it before proceeding with the trial. While the ruling of the Justice Secretary is persuasive, it is not binding on courts.<sup>229</sup>

*Chan v. Formaran III, et al.* also discussed that the proper remedy to review the Resolutions of the Secretary of Justice was the filing of a Petition for Certiorari under Rule 65.<sup>230</sup> It was further discussed that:

[a]lbeit the findings of the Justice Secretary are not absolute and are subject to judicial review, this Court generally adheres to the policy of non-interference in the conduct of preliminary investigations, particularly when the said findings are well-supported by the facts as established by the evidence on record. Absent any showing of arbitrariness on the part of the prosecutor or any other officer authorized to conduct preliminary

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<sup>227</sup> Id. at 476.

<sup>228</sup> 572 Phil. 118 (2008) [Per J. Nachura, Third Division].

<sup>229</sup> Id. at 129–130, citing *Ledesma v. Court of Appeals*, 344 Phil. 207 (1997) [Per J. Panganiban, Third Division] and *Roberts, Jr. v. Court of Appeals*, 324 Phil. 568 (1996) [Per J. Davide, Jr., En Banc].

<sup>230</sup> *Chan v. Foreman III, et al.*, 572 Phil. 118, 130–131 (2008) [Per J. Nachura, Third Division].

investigation, courts as a rule must defer to said officer's finding and determination of probable cause, since the determination of the existence of probable cause is the function of the prosecutor. Simply stated, findings of the Secretary of Justice are not subject to review, unless made with grave abuse of discretion.<sup>231</sup>

Thus, the Court of Appeals did not err in dismissing Molina's Petition.

In any case, a review of the records shows that no grave abuse of discretion can be attributed to Secretary Guingona, Jr. when he affirmed the findings of Chief State Prosecutor Zenon L. De Guia (Chief State Prosecutor De Guia).

Chief State Prosecutor De Guia, acting on the Petition for Review filed by Oreta, directed the City Prosecutor in Quezon City "to file an information for falsification of public document against respondent Dolores V. Molina."<sup>232</sup> He discussed the following:

Contrary to your finding, the issue in this case is not whether respondent's reconstituted title may be considered as a falsified document but whether or not respondent used a fictitious and non-existent title, TCT No. 124088, in support of her application for reconstitution of title.

We have gone over the record and we find that the evidence presented by complainant supports a finding that respondent's photocopy of TCT No. 124088 was simulated and given the appearance of authenticity. Several certifications and testimonies from personnel of the Land Registration Authority and the Register of Deeds of Quezon City attest to the fact that the entries in said photocopy of TCT No. 124088 are fictitious and totally inconsistent with the record on file. In fact, in the cases of *Ortigas and Company Limited Partnership vs. Judge Tirso Velasco and Dolores Molina*, G.R. No. 109645; and *Dolores Molina vs. Hon. Presiding Judge of RTC, Quezon City, Branch 108 and Manila Banking Corporation*, G.R. No. 112564, jointly resolved and promulgated on July 25, 1994, the Supreme Court declared null and void the reconstituted title of respondent and expressly found respondent guilty of forum shopping by filing cases one after another in order to obtain a judgment in her favor upholding her claim to the subject lands. These facts support a prima facie finding that respondent presented a falsified transfer certificate of title to support her application for reconstitution of title.<sup>233</sup>

Molina filed a Motion for Reconsideration, which was denied in a Letter-Resolution dated November 29, 1996. Secretary Guingona, Jr. explained:

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<sup>231</sup> Id. at 130.

<sup>232</sup> *Rollo* (G.R. No. 128422), p. 123.

<sup>233</sup> Id. at 122-123.

After an examination of your motion, we find no compelling reason to justify an amendment or reversal of our earlier ruling. Your allegations as to the authenticity and genuineness of TCT No. 124088 have earlier been considered and passed upon by this Office. We reiterate that respondent's documentary evidence can not [sic] be given greater weight than the documentary evidence submitted by complainant which proves that the entries in TCT No. 124088 are spurious. The conflicting evidence submitted by both parties is best left for the court to determine in a full[-]blown trial. Suffice it to say that the evidence warrants a finding that the crime of falsification may have been committed and that respondent is responsible therefor.<sup>234</sup>

Chief State Prosecutor De Guia's Resolution extensively discussed why probable cause existed to file an Information against Molina. He sufficiently explained the reason why he reversed the finding of the City Prosecutor. Clearly, no grave abuse of discretion can be attributed to Secretary Guingona, Jr. when he denied Molina's Motion for Reconsideration.

This court reminds Molina of the discussion in *Punzalan v. Plata*.<sup>235</sup>

[T]he Court considers it a sound judicial policy to refrain from interfering in the conduct of preliminary investigations and to leave the DOJ a wide latitude of discretion in the determination of what constitutes sufficient evidence to establish probable cause for the prosecution of the supposed offenders. The rule is based not only upon the respect for the investigatory and prosecutor powers granted by the Constitution to the executive department but upon practicality as well.<sup>236</sup>

*G.R. No. 128911*

In the Resolution dated September 10, 1997,<sup>237</sup> this court issued a temporary restraining order and made the following pronouncements:

In its Decision dated July 24, 1994 in the consolidated cases of G.R. No. 109645 and G.R. No. 112564 (234 SCRA 455), this Court pertinently ruled that:

“Ordinarily, the relief indicated by the material facts would be the remand of the reconstitution case (LRC No. Q-5404 [instituted by petitioner Molina]) to the Court of origin with instructions that Ortigas' and the Solicitor General's appeals from the judgment rendered therein, which were

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<sup>234</sup> Id. at 131.

<sup>235</sup> G.R. No. 160316, September 2, 2013, 704 SCRA 426 [Per J. Mendoza, Third Division].

<sup>236</sup> Id. at 440.

<sup>237</sup> *Rollo* (G.R. No. 128911), pp. 713-716.

wrongly disallowed, be given due course and the records forthwith transmitted to the appellate tribunal. This, in fact, is a relief alternatively prayed for by petitioner Ortigas. Considering however the fatal infirmities afflicting Molina's theory or cause of action, evident from the records before this Court, such a remand and subsequent appeal proceedings would be pointless and unduly circuitous. Upon the fact, it is not possible for Molina's cause to prosper. To defer adjudication thereon would be unwarranted and unjust.

.....

(T)he titles of Dolores Molina upheld and reconstituted by said decision (in LRC Case No. Q-54040 [sic] and others — namely Transfer Certificates of Title Numbered 124088 and RT-58287 — and those derived therefrom and subsequently issued namely, Transfer Certificates of Title Numbered 83163, 83164, 83165, 832166 [sic] and 83167 — are all declared NULL AND VOID and are hereby CANCELLED; said LRC Case No. Q-5404 of the Regional Trial Court of Quezon City is DISMISSED; and the temporary restraining order of this Court of May 12, 1993 is MADE PERMANENT.

In G.R. No. 112564, the Orders of respondent Presiding Judge of Branch 105 of the Regional Trial Court of Quezon City in Case No. Q-93-15920 dated September 17, 1993 and November 25, 1993 are AFFIRMED; and said Judge is DIRECTED to proceed to dispose of said Case No. Q-93-15920 with all deliberate dispatch conformably with this decision”

The case above referred to, No. Q-93-15920, was instituted in the Regional Trial Court of Quezon City by The Manila Banking Corporation (TMBC) against Dolores V. Molina and Gateway Enterprises Company, Inc., essentially praying for annulment of Molina's title (and others derived therefrom) and for damages. The plain import of this Court's directions in said judgment of July 24, 1994 — that “said Judge \*\* proceed to dispose of said Case No. Q-93-15920 with all deliberate dispatch conformably with this decision” — is that the Judge should resolve the issue of damages only; NOT that he should allow re-litigation of, and rehear again and pass upon, Molina's claim of adverse title which conformably with this (Court's) decision, is bereft of any merit whatever. The spuriousness of Molina's claim of ownership having already been adjudged definitively, authoritatively, and finally, that claim should not and could not be legitimate subject of any subsequent action or proceeding in any court, regardless of the guise, manner or form in which it might later be presented.

Now, it appears that Dolores Molina has instituted a new action in the Regional Trial Court of Quezon City, for quieting of title, docketed as Q-97-29856. In this case, she alleged ownership of the land described in Certificates of Title Nos. 83163, 83164, 83165, 832166 [sic] and 83167 — which are the very same titles, already declared fictitious and worthless in this Court's judgment of July 24, 1994; and she has succeeded in consolidating said Case No. Q-97-29856 with Case No. Q-93-15920, pending before Branch 216 of the Quezon City RTC, presided over by Judge Marciano Bacalla. It further appears that Judge Bacalla is disposed to take cognizance of and allow ventilation of the action involving Molina's aforesaid fake titles; this, over the opposition of TMBC which

insists that Case No. Q-97-29856 be summarily dismissed in light of this Court's judgment of July 24, 1994.

Premises considered, therefore, and pending determination of the proceeding at bar, the Court Resolved to ISSUE A TEMPORARY RESTRAINING ORDER upon a bond in the sum of Ten Thousand Pesos (₱10,000.00) to be posted by petitioner, The Manila Banking Corporation (TMBC):

(1) COMMANDING the Presiding Judge of Branch 216 of the Regional Trial Court at Quezon City, Judge Marciano Bacalla, to FORTHWITH CEASE AND DESIST from proceeding with and acting on Civil Case No. Q-97-29856, and to PROCEED to hear and resolve the issue of damages in Civil Case No. Q-93-15920 and such others as arise from the pleadings, absolutely and scrupulously excluding any claim of ownership of Dolores Molina over the property in question which claim has, as aforestated, been finally declared entirely spurious conformably with this Court's Decision of July 24, 1994 and resolution of August 15, 1997; and

(2) PROHIBITING Dolores V. Molina, her children, assigns or successors in interest, or their counsel, from ventilating and litigating in any guise, manner, shape, or form said Molina's claim of title over the lands involved in any of the actions and proceedings at bar, or in any other action or proceeding;

The Court further Resolved to DENY the motion to dismiss incorporated in respondent Molina's comment dated August 4, 1997, and to ORDER:

(1) DOLORES V. MOLINA to SHOW CAUSE, within ten (10) days from notice of this Resolution, why she should not be held in contempt of court for forum shopping and otherwise disregarding and defying the judgment of July 24, 1994 and resolutions of this Court on G.R. Nos. 109645 and 112564 (234 SCRA 455); and JUDGE MARCIANO BACALLA, to EXPLAIN within the same period why he has taken and is taking cognizance of Molina's allegation and claim of ownership despite his attention having been drawn to the aforesaid judgment.

SO ORDERED.<sup>238</sup>

TMBC posted a cash bond amounting to ₱10,000.00 on October 2, 1997.<sup>239</sup>

Molina filed a With Leave of Court Explanation<sup>240</sup> in compliance with the September 10, 1997 Resolution. She explained that the cause of action in the reconstitution case was different from the cause of action in the quieting of title case.<sup>241</sup>

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<sup>238</sup> *Rollo* (G.R. No. 128911), pp. 713-715.

<sup>239</sup> *Rollo* (G.R. No. 109645, Vol. III), pp. 825-828.

<sup>240</sup> *Id.* at 763-766.

<sup>241</sup> *Id.* at 765.

3. The Reconstitution case decided by the Hon. Judge Velasco which was reversed by this Honorable Court merely speaks on the existence of Molina's titles which reconstitution case is a special proceeding and does not touch on the issue of the validity of the respective claim of ownership of Molina and TMBC.<sup>242</sup>

Molina also pleads lack of malice in filing the cases.<sup>243</sup>

In addition, TMBC's claim that it derived its ownership from Ortigas is negated by a certification from the Quezon City Register of Deeds. TCT No. 77652 is under the name of Chua Sick Luan while TCT No. 77653 is under the names of Raselle V. Javier, Rodel V. Javier, Regina V. Javier, and Rubespierre V. Javier.<sup>244</sup>

Judge Bacalla also filed his explanation.<sup>245</sup> According to him, he was aware of this court's ruling in G.R. Nos. 109645 and 112564. In fact, in Civil Case No. Q-93-15920 entitled *Manila Banking Corporation v. Dolores V. Molina*, he granted TMBC's Motion to Strike Sham and Dilatory Pleadings in the Order dated August 12, 1997.<sup>246</sup> Also, Civil Case No. Q-97-29856 was no longer pending since he granted Molina's Motion to Withdraw in the Order dated August 11, 1997.<sup>247</sup>

Molina subsequently filed a "Supplemental Motion to Withdraw Complaint to have the same re-raffled to other sala without necessarily dismissing the complaint (with entry of appearance)," but Judge Bacalla stated that he did not act on the Motion since he considered Civil Case No. Q-97-29856 closed and terminated.<sup>248</sup>

This court holds that Judge Bacalla's explanation is satisfactory, while Molina's explanation is unsatisfactory.

In the July 25, 1994 Decision in G.R. Nos. 109645 and 112564, this court clearly stated that:

WHEREFORE, the petition in G. R. No. 109645 is GRANTED; and that in G. R. No. 112564, DENIED for lack of merit.

In G. R. No. 109645, the Decision dated September 23, 1992 of Respondent Judge Tirso Velasco, Presiding Judge of Branch 88 of the

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<sup>242</sup> Id. at 764.

<sup>243</sup> Id. at 766.

<sup>244</sup> Id. at 764.

<sup>245</sup> Id. at 771-772.

<sup>246</sup> Id. at 772.

<sup>247</sup> Id.

<sup>248</sup> Id.

Regional Trial Court of Quezon City, in LRC Case No. Q-5404, as well as his Orders dated April 3, 1992, October 14, 1992, and February 10, 1993, are NULLIFIED AND SET ASIDE; the titles of Dolores Molina upheld and reconstituted by said decision and orders — namely, Transfer Certificates of Title Numbered 124088 and RT-58287 — and those derived therefrom and subsequently issued — namely, Transfer Certificates of Title Numbered 83163, 83164, 83165, 83166 and 83167 — are all Declared NULL AND VOID and are hereby CANCELLED; said LRC Case No. Q-5404 of the Regional Trial Court of Quezon City is DISMISSED; and the temporary restraining order of this Court of May 12, 1993 is MADE PERMANENT.

In G. R. No. 112564, the Orders of respondent Presiding Judge of Branch 105 of the Regional Trial Court of Quezon City in Case No. Q-93-15920 dated September 17, 1993 and November 25, 1993 are AFFIRMED; and said Judge is DIRECTED to proceed to dispose of said Case No. Q-93-15920 with all deliberate dispatch conformably with this decision.

Dolores Molina and her counsel, Atty. Eufracio T. Layag, and Dr. Jose Teodorico V. Molina, are ORDERED to SHOW CAUSE, within ten (10) days from notice of this judgment, why they should not be pronounced liable, and correspondingly dealt with, for violation of the rule against forum-shopping.

SO ORDERED.<sup>249</sup>

That Molina actually filed an action for quieting of title, in clear violation of this court's ruling in G.R. Nos. 109645 and 112564, constitutes deliberate forum shopping.

Forum shopping is defined as:

[w]hen a party repetitively avails of several judicial remedies in different courts, simultaneously or successively, all substantially founded on the same transactions and the same essential facts and circumstances, and all raising substantially the same issues either pending in or already resolved adversely by some other court.<sup>250</sup>

Forum shopping consists of the following elements:

- (a) identity of parties, or at least such parties as represent the same interests in both actions;
- (b) identity of rights asserted and relief prayed for, the relief being founded on the same facts; and

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<sup>249</sup> *Ortigas & Company Limited Partnership v. Velasco*, G.R. Nos. 109645 and 112564, July 25, 1994, 234 SCRA 455, 501 [Per C.J. Narvasa, Second Division].

<sup>250</sup> *Heirs of Marcelo Sotto v. Palicte*, G.R. No. 159691, February 17, 2014, 716 SCRA 175, 178 [Per J. Bersamin, First Division], citing *Chua, et al. v. Metropolitan Bank and Trust Company*, 613 Phil. 143, 153 (2009) [Per J. Chico-Nazario, Third Division].

(c) the identity of the two preceding particulars, such that any judgment rendered in the other action will, regardless of which party is successful, amount to res judicata in the action under consideration.<sup>251</sup>

All the elements of forum shopping are present in this case. The parties in G.R. No. 112564 and this case are the same: Molina and TMBC.

For the second element, the test in determining whether the causes of action are the same:

ascertain[s] whether the same evidence will sustain both actions, or whether there is an identity in the facts essential to the maintenance of the two actions. If the same facts or evidence would sustain both, the two actions are considered the same, and a judgment in the first case is a bar to the subsequent action.<sup>252</sup>

In this case, Molina asserts that the reconstitution case she previously filed was a special proceeding and did not touch upon the issue of ownership. On the other hand, Civil Case No. Q-97-29856, an action for quieting of title, involved the issue of ownership.<sup>253</sup>

Molina's arguments do not hold. These two cases involved relitigating her claim of ownership over the properties covered by the nullified TCT No. 124088.

Further, the ruling in G.R. Nos. 109645 and 112564 is res judicata on this case.

The elements of res judicata are:

- (a) the former judgment must be final;
- (b) it must have been rendered by a court having jurisdiction over the subject matter and the parties;
- (c) it must be a judgment on the merits; and
- (d) there must be between the first and the second actions
  - (i) identity of parties,
  - (ii) identity of subject matter, and

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<sup>251</sup> *Goodland Company Inc. v. Asia United Bank*, G.R. Nos. 195546 and 195561, March 14, 2012, 668 SCRA 366, 383–384 [Per J. Villarama, Jr., First Division], citing *Mondragon Leisure and Resorts Corp. v. United Coconut Planters Bank*, 471 Phil. 570, 578–579 (2004) [Per J. Panganiban, First Division].

<sup>252</sup> *Quito v. Stop and Save Corporation*, G.R. No. 186657, June 11, 2014 <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2014/june2014/186657.pdf>> 4 [Per J. Brion, Second Division], citing *Yap v. Chua*, G.R. No. 186730, June 13, 2012, 672 SCRA 419, 430 [Per J. Reyes, Second Division].

<sup>253</sup> *Rollo* (G.R. No. 109645, Vol. III), p. 764.



(iii) identity of cause of action.<sup>254</sup>

These requisites are fulfilled. The former judgment, *Ortigas & Company Limited Partnership v. Velasco*,<sup>255</sup> is final and executory. This court had jurisdiction over the former case, and the judgment was on the merits. Further, although the causes of action may appear to be different, the end result would be the same: to determine the validity of Molina's claim of ownership over the properties covered by the nullified TCT No. 124088.

This court also takes notice that Molina was previously found guilty of contempt of court and was fined ₱1,000.00.<sup>256</sup>

This court held that:

[w]hat has been stated also suffices to dispose of Molina's theory that her second motion for reconsideration, filed on February 27, 1995, was not covered by the Resolution of March 1, 1995 — in which this Court reiterated the denial with finality of her motions for reconsideration and, in addition, ordered that “*no further pleadings, motions or papers shall be filed x x x* except only as regards the issues directly involved in the ‘Motion for Reconsideration’ (Re: Dismissal of Respondent Judge)”; and since Manilabank had manifested that it was no longer filing an opposition thereto, said second motion for reconsideration remains pending and unopposed. To repeat, the second motion for reconsideration, having been filed without express leave, was nothing but a scrap of paper, mere surplusage, incapable of producing any legal effects whatsoever.

....

Apart from the original directive in its Resolution of March 1, 1995, the Court *twice* reiterated the admonition that *no further pleadings, motions or papers should be filed* in these cases, except only as regards issues directly involved in the ‘Motion for Reconsideration’ (Re: Dismissal of Respondent Judge). This it did in its Resolutions dated July 24 and October 25, 1995, respectively.

Evidently, an order of this character is directed to parties who obstinately refuse to accept the Court's final verdict and who, despite such verdict and in defiance of established procedural rules, mulishly persist in still arguing the merits of their cause. They continue to take up the time of the Court needlessly, by filing unauthorized, forbidden, even worthless pleadings, motions and papers, serving no real purpose other than to delay termination of the case.

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<sup>254</sup> *Encinas v. Agustin, Jr.*, G.R. No. 187317, April 11, 2013, 696 SCRA 240, 260 [Per C.J. Sereno, En Banc].

<sup>255</sup> *Ortigas & Company Limited Partnership v. Velasco*, G.R. Nos. 109645 and 112564, July 25, 1994, 234 SCRA 455 [Per C.J. Narvasa, Second Division].

<sup>256</sup> *Ortigas & Company Limited Partnership v. Judge Velasco and Dolores V. Molina v. Hon. Presiding Judge, RTC, Quezon City, Br. 105, and Manila Banking Corporation*, 324 Phil. 483, 497 (1996) [Per C.J. Narvasa, Third Division].

Evidently, too, the directive against the filing of any further pleadings, motions or papers is one that exacts observance by all parties concerned, such that wil[ly]ful and unjustifiable disregard or disobedience thereof constitutes constructive contempt under Section 3 (b), Rule 71 of the Rules of Court. The record shows just such wilful disobedience or resistance which is not satisfactorily explained in Molina's "Comment/Answer" dated October 11, 1995, submitted on requirement by the Court.

. . . .

Molina has had more than her day in court. She was accorded more than ample opportunity to present the merits of her case. Her every argument was heard and considered. The Court cannot countenance defiance of its authority on repetitious assertions of the meritoriousness of a party's cause, no matter how sincerely or genuinely entertained. There has been a final determination of the issues in these cases and petitioner has been *repeatedly* directed to abide thereby. Her deliberate violation of the orders of the Court are unjustified and inexcusable. The refusal of petitioner Molina to concede defeat, manifested by her unceasing attempts to prolong the final disposition of these cases, obstructs the administration of justice and, therefore, constitutes contempt of Court.

**WHEREFORE**, Dolores V. Molina is found GUILTY of contempt of court for willful disregard and disobedience of the Resolutions of the Court, and a FINE OF ONE THOUSAND PESOS (₱1,000.00) is hereby imposed on her, payable within five (5) days from receipt of this Resolution, with the warning that any subsequent disregard and disobedience of this Court's orders will be dealt with more severely.

Let this Resolution be published in the authorized Court reports for the information and guidance of the bench and the bar respecting the nature and effect of denials of motions for reconsideration of judgments and final orders, the propriety of second motions for reconsideration, and the prohibition against the filing of further pleadings, motions or other papers.

**IT IS SO ORDERED.**<sup>257</sup> (Emphasis in the original)

Regarding TMBC and Reyes' prayer that Atty. Cesar Turiano also be held in contempt, this court notes that he was not included in the Show Cause Order in the Resolution dated September 10, 1997.<sup>258</sup> Further, it appears that he withdrew his appearance as counsel prior to the issuance of the Show Cause Order. Thus, this court shall refrain from making any pronouncements with regard to Atty. Cesar Turiano.

**WHEREFORE**, premises considered, the Petition for Review on Certiorari, docketed as G.R. No. 128422, is **DENIED** for lack of merit.

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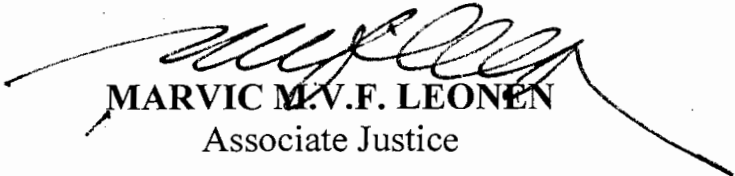
<sup>257</sup> Id. at 494-498.

<sup>258</sup> *Rollo* (G.R. No. 128911), p. 715.

In G.R. No. 128911, this court resolves to:

- (1) **DECLARE** Dolores V. Molina **GUILTY** of contempt of court due to her willful and deliberate violation of the rule against forum shopping, and for willful and deliberate disobedience of the lawful orders of this court, and impose a fine of ₱10,000.00, payable within five (5) days from receipt of this Decision;
- (2) The temporary restraining order dated September 10, 1997 is made **PERMANENT**; and
- (3) Treble costs<sup>259</sup> are imposed against Dolores V. Molina.

**SO ORDERED.**




**MARVIC M.V.F. LEONEN**  
Associate Justice

WE CONCUR:



**PRESBITERO J. VELASCO, JR.**  
Associate Justice



**MARIANO C. DEL CASTILLO**  
Associate Justice  
Acting Chairperson




**MARTIN S. VILLARAMA, JR.**  
Associate Justice

<sup>259</sup> In *Maglana Rice and Corn Mill, Inc. v. Tan*, G.R. No. 159051, September 21, 2011, 658 SCRA 58, 68–69 [Per J. Bersamin, First Division], this court stated that treble costs have been imposed in the following instances: “(a) to stress its dislike for ‘any scheme to prolong litigation’ or for ‘an unwarranted effort to avoid the implementation of a judgment painstakingly arrived at’; (b) to sanction an appeal that was obviously interposed ‘for the sole purpose of delay’; (c) to disapprove of the party’s ‘lack of good and honest intentions, as well as the evasive manner by which it was able to frustrate (the adverse party’s) claim for a decade’; (d) to stifle a party’s deplorable propensity to ‘go to extreme lengths to evade complying with [his or her] duties under the law and the orders of this Court’ and thereby to cause the case to drag ‘for far too long with practically no end in sight’; (e) to condemn the counsel’s frantic search for ‘any ground to resuscitate his [or her] client’s lost cause’; and (f) to reiterate that a litigant, although his or her right to initiate an action in court is fully respected, is not permitted to initiate similar suits once his or her case has been adjudicated by a competent court in a valid final judgment, in the hope of securing a favorable ruling ‘for this will result [in] endless litigations detrimental to the administration of justice.’” (Citations omitted)

  
**JOSE CATRAL MENDOZA**  
Associate Justice


**ATTESTATION**

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

  
**MARIANO C. DEL CASTILLO**  
Associate Justice  
Acting Chairperson, Second Division

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting Chairperson's Attestation, I certify that the conclusions in the above Decision 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