

## FIRST DIVISION

[ G.R. No. 135899, February 02, 2000 ]

**AYALA LAND, INC., PETITIONER, VS. MARIETTA VALISNO,  
RESPONDENT.**

### D E C I S I O N

**YNARES-SANTIAGO, J.:**

This is a petition for review of the Decision dated May 29, 1998 and Resolution dated October 13, 1998 of the Court of Appeals in CA-G.R. SP No. 47122. The dispositive portion of the assailed Decision reads:

**WHEREFORE**, judgment is hereby rendered finding AYALA guilty of deliberate and willful "forum-shopping" in filing aforementioned five (5) separate Civil Cases before the different RTCs; and, in view thereof, said five (5) cases (Annexes "C" to "G" of the petition) are hereby ordered dismissed with prejudice as against petitioner; and that the lower court's Order of October 27, 1997 and the Order of January 5, 1998, for finding otherwise, are hereby **SET ASIDE** for being plainly contrary to law and issued in grave abuse of discretion amounting to lack or excess of jurisdiction.

SO ORDERED.<sup>[1]</sup>

Petitioner Ayala Land, Inc. alleges that it is the registered owner of several contiguous parcels of land in Las Piñas City. When it began to develop its properties into a residential subdivision, petitioner became aware of adverse claims of ownership over the properties from several persons. Among these claimants is respondent Marietta Valisno, who asserts ownership over 1,082,959 square meters of land registered in her name under Transfer Certificate of Title No. (273301) RT-4 of the Registry of Deeds of Las Piñas, Metro Manila.<sup>[2]</sup> On the premise that portions of respondent's claimed land overlap petitioner's properties covered in fourteen of petitioner's torrens titles, petitioner instituted actions to quiet its titles. Since petitioner's entire property in Las Piñas is allegedly covered by twenty-one separate torrens titles, petitioner contends that it could have brought twenty-one distinct actions to quiet title. Upon advice of counsel, however, petitioner resolved to file only eight cases on a "per lot/per TCT (or sets thereof)" basis. Other considerations dividing or grouping together petitioner's causes of action were the number of claimants, the sizes of the claims, the contiguity of the lots involved, the manageability of litigating its claims and the speed in the adjudication thereof. Among those eight cases, respondent was named respondent in five of them, to wit:

(a) Civil Case No. 93-3685 of the Regional Trial Court of Makati City, Branch 56, filed on October 14, 1993;

(b) Civil Case No. 94-467 originally of the Regional Trial Court of

Makati City and transferred to the Regional Trial Court of Las Piñas City, Branch 275, filed on February 7, 1994;

(c) Civil Case No. 94-468 of the Regional Trial Court of Makati City, Branch 64, filed on February 7, 1994;

(d) Civil Case No. 94-1432 originally of the Regional Trial Court of Makati City and transferred to the Regional Trial Court of Las Piñas City, Branch 275, filed on April 8, 1994; and

(e) Civil Case No. LP-97-0058 of the Regional Trial Court of Las Piñas City , Branch 253, filed on February 21, 1997 .

Respondent, on the other hand, filed with the Regional Trial Court of Las Piñas City, Branch 253, on March 6, 1997 an action against petitioner and several others, docketed as Civil Case No. LP-97-0064, wherein she claimed ownership of the 1,082,959 square meter tract of land covered by her TCT No. (273301) RT-4 and prayed that petitioner's TCT Nos. 41263, 41262, 41325, 41326, 15644, 26878 and 41259, among others, be declared null and void.

Both parties accused each other of forum-shopping. Petitioner moved to cite respondent in contempt of court for filing Civil Case LP-97-0064. This, according to petitioner, constituted forum-shopping inasmuch as respondent's claims therein were in reality compulsory counterclaims which she could have and should have pleaded in the cases initiated by petitioner against her. Respondent, for her part, filed motions to hold petitioner guilty of forum-shopping for filing five distinct cases all on the ground that her lands overlapped those of petitioner.

In the meantime, respondent filed a motion to transfer the venue of Civil Case No. 94-468 from Makati City to Las Piñas City.

On January 8, 1998, the Hon. Jose F. Caoibes, Presiding Judge of the Regional Trial Court of Las Piñas City, Branch 253, before whom Civil Cases Nos. LP-97-0058 and LP-97-0064 were both pending, found petitioner guilty of forum-shopping, ordered the dismissal of the complaint in Civil Case No. LP-97-0058, and maintained Civil Case No. LP-97-0064 filed by respondent against petitioner. After petitioner's motion for reconsideration was denied, it appealed the order of dismissal of Civil Case No. LP-97-0058 to the Court of Appeals.<sup>[3]</sup> Insofar as the order absolving respondent of liability for forum-shopping, petitioner brought a special civil action for certiorari also with the Court of Appeals.<sup>[4]</sup>

On the other hand, Judge Alfredo Enriquez of the Regional Trial Court of Las Piñas, Branch 275, before whom Civil Cases Nos. 94-467 and 94-1432 were pending, denied respondent's motion to cite petitioner guilty of forum-shopping and found respondent guilty of forum-shopping in filing Civil Case No. LP-97-0064 in an Order dated June 8, 1998.<sup>[5]</sup>

In Civil Case No. 93-3685 before the Regional Trial Court of Makati City, Branch 56, Judge Nemesio Felix issued an Order on March 4, 1998 dismissing the charges of both parties against each other.

In the precursor to the instant petition, Civil Case No. 94-468, Judge Delia

Panganiban of the Regional Trial Court of Makati City, Branch 64, issued an Order on October 27, 1997 the pertinent portion of which reads:

In both instances, neither Ayala Land, Inc., nor Marietta Valisno is guilty of forum shopping. The Motions to Cite either party in Contempt of Court are DENIED.

WHEREFORE, the Motion praying for the transfer of the records of this case to RTC of Las Piñas is DENIED. Finding that neither party is guilty of forum shopping, the two (2) Motions to Cite in Contempt are both DENIED.<sup>[6]</sup>

Petitioner filed a Motion for Partial Reconsideration<sup>[7]</sup> while respondent filed a Motion for Reconsideration<sup>[8]</sup> of the above Order, both of which were denied by Judge Panganiban in an Order dated January 5, 1998.<sup>[9]</sup>

Respondent thus filed a petition for certiorari with the Court of Appeals, docketed as CA-G.R. SP No. 47122.<sup>[10]</sup> On May 29, 1998, the Court of Appeals rendered the appealed Decision<sup>[11]</sup> finding petitioner guilty of forum-shopping and ordering the dismissal of the five cases filed by petitioner notwithstanding that the subject of the petition for certiorari was a mere incident in Civil Case No. 94-468. The dispositive portion of the Decision states:

**WHEREFORE**, judgment is hereby rendered finding AYALA guilty of deliberate and willful "forum-shopping" in filing aforementioned five (5) separate Civil Cases before the different RTCs; and in view thereof, said five (5) cases (Annexes "C" to "G" of the petition) are hereby ordered dismissed with prejudice as against petitioner; and that the lower court's Order of October 27, 1997 and the Order of January 5, 1998, for finding otherwise, are hereby **SET ASIDE** for being plainly contrary to law and issued in grave abuse of discretion amounting to lack or excess of jurisdiction.

SO ORDERED.<sup>[12]</sup>

Petitioner's Motion for Reconsideration<sup>[13]</sup> was denied by the Court of Appeals in its assailed Resolution<sup>[14]</sup> of October 13, 1998. The dispositive portion reads:

**WHEREFORE**, the Motion for Reconsideration is hereby DENIED. Let a copy hereof be furnished the Fifteenth Division of this Court in CA-G.R. No. 48230 but only for its information, and the Regional Trial Courts, to wit, RTC Makati, Br. 56 (in Civil Case No. 93-3685); RTC Las Piñas, Br. 64 [**should be Br. 275**] (in Civil Case Nos. 94-467 and 94-1432); RTC Makati, Br. 64 (in Civil Case No. 94-468); RTC, Las Piñas, Br. 253 (in Civil Case No. 97-0058), for their **compliance and implementation.**

SO ORDERED.<sup>[15]</sup>

Petitioner, thus, brought the present petition for review relying on the following grounds: