

FORMER TWENTIETH DIVISION

[CA G.R. SP NO. 83194, February 06, 2014]

PEDRO HINOLAN, JR., PETITIONER, VS. INTESTATE ESTATE OF THE LATE JUAN CAMINOS, AMADO PARRENO, JR., REGIONAL TRIAL COURT OF NEGROS OCCIDENTAL, BRANCH 58, SAN CARLOS CITY, AND THE MUNICIPAL TRIAL COURT, ESCALANTE CITY, NEGROS OCCIDENTAL, RESPONDENTS.

AMENDED DECISION

DIY, J.:

Before the Court is a Motion for Reconsideration of the Court's Decision dated November 15, 2012, filed by private respondents.

The assailed Decision of this Court reversed the RTC Decision dated December 4, 2002 and dismissed the complaint for ejectment filed by private respondents before the MTC of Escalante City (MTC) for lack of jurisdiction over the case. The dispositive portion of the Decision provides:

WHEREFORE, the instant petition for review is GRANTED and the RTC Decision dated December 04, 2002 is hereby reversed and set aside. The Complaint filed before the MTC is **dismissed for lack of jurisdiction**. Accordingly, petitioner's counterclaim for moral and exemplary damages as well as attorney's fees, being compulsory, is perforce **denied**, in view of the dismissal of the principal action and considering that the MTC had no jurisdiction to rule thereon.

The Court finds that there are substantial antecedents which were inadvertently overlooked when the assailed Decision was rendered.

To recall, nine complaints were instituted by private respondent Intestate Estate of the Late Juan Caminos through its duly appointed administrators, seeking to oust different individuals from properties registered in its name. One of the occupants was Pedro Hinolan, Jr., petitioner herein. Considering that all these cases involve the same plaintiff and the same issues, these cases, docketed as Civil Case Nos. **579, 580, 581, 582, 583, 587, 588, 589, and 590** were consolidated and jointly heard by the MTC. In a Decision dated December 18, 2001, the MTC ruled in favor of private respondents and directed all occupants to vacate the respective portions they were occupying. The cases were appealed to the RTC and were docketed as Civil Case Nos. **RTC-759, 760, 761, 762, 763, 764, 765, 766, and 767**, respectively. In particular, the ejectment case filed against petitioner was docketed as Civil Case No. 587 in the MTC and later became **Civil Case No. 764** in the RTC. The RTC subsequently rendered the December 4, 2002 Decision, affirming the MTC ruling in toto.

Petitioner then filed the instant petition for review before this Court. Like petitioner,

who was not satisfied with the RTC's affirmance of the MTC ruling, other occupants of the subject properties also filed separate petitions for review before this Court. Particularly, Francisco Yap,^[1] Alfonso Yap,^[2] and the Rural Bank of Escalante, Inc.,^[3] whose appeal in the RTC was docketed as Civil Case Nos. RTC-761, RTC-759, and RTC-763, respectively, filed a joint petition for review before this Court.^[4] However, the record does not show that the foregoing petitions had been consolidated before this Court. The different dates of filing of the petitions also can not be determined from the record of the instant case. The joint petition filed by the Yaps and the Rural Bank of Escalante was docketed as CA-G.R. SP No. 82009 and decided by the 18th Division which affirmed the RTC Decision as follows:

WHEREFORE, premises considered, the Decision dated December 4, 2002 of the Regional Trial Court, 6th Judicial Region, Branch 58, San Carlos City, Negros Occidental in Civil Case Nos. RTC-759, 760, 761, 762, 763, 764, 765, 766 and 767 and the Order dated January 7, 2004, are hereby **AFFIRMED**. No pronouncement as to costs.^[5]

Subsequently, the Court's (18th Division) Decision in CA-G.R. SP 82009 was elevated for review before the Supreme Court and was docketed as G.R. No. 170950. On March 13, 2006, the Supreme Court issued a Resolution affirming the Court's Decision in CA-G.R. SP 82009. The Supreme Court's Resolution stated:

G.R. No. 170950 (THE LATE FRANCISCO YAP, REPRESENTED BY HIS HEIRS, NAMELY, EDDA YAP, ET AL. VS. INTESTATE ESTATE OF THE LATE JUAN CAMINOS, REPRESENTED IN THIS INSTANCE BY ITS DULY APPOINTED ADMINISTRATORS, NAMELY, FELOMINO CAMINOS, ET AL.)- Considering the allegations, issues and arguments adduced in the petition for review on certiorari, **the Court Resolved to DENY the petition for lack of sufficient showing that the Court of Appeals had committed any reversible error in the questioned judgment to warrant the exercise by this Court of its discretionary appellate jurisdiction in this case.**^[6]

On June 21, 2006, another Resolution was issued by the Supreme Court, denying with finality the motions for reconsideration filed by petitioners therein (Francisco Yap, et al.), viz:

G.R. No. 170950 (THE LATE FRANCISCO YAP, REPRESENTED BY HIS HEIRS, NAMELY, EDDA YAP, ET AL. VS. INTESTATE ESTATE OF THE LATE JUAN CAMINOS, REPRESENTED IN THIS INSTANCE BY ITS DULY APPOINTED ADMINISTRATORS, NAMELY, FELOMINO CAMINOS, ET AL.)- Acting on the separate motions for reconsideration dated 14 April 2006 and 11 April 2006 filed by collaborating counsel for petitioners, respectively, of the resolution dated 13 March 2006 which denied the petition for review on certiorari for lack of sufficient showing that the Court of Appeals had committed any reversible error in the questioned judgment, the Court resolves to DENY the motions with FINALITY, no substantial argument having been adduced to warrant the reconsideration sought.^[7]

A perusal of the petition in CA-G.R. SP 82009 which was subject of the Supreme Court's Resolution in G.R. No. 170950 reveals that it involves substantially the same