

## SECOND DIVISION

[ G.R. No. 178611, January 14, 2013 ]

**ESTRELLA ADUAN ORPIANO, PETITIONER, VS. SPOUSES  
ANTONIO C. TOMAS AND MYRNA U. TOMAS, RESPONDENTS.**

### D E C I S I O N

**DEL CASTILLO, J.:**

Considerations of expediency cannot justify a resort to procedural shortcuts. The end does not justify the means; a meritorious case cannot overshadow the condition that the means employed to pursue it must be in keeping with the Rules.

Assailed in this Petition for Review on *Certiorari*<sup>[1]</sup> are the May 7, 2007 Decision<sup>[2]</sup> of the Court of Appeals (CA) which dismissed the petition in CA-G.R. SP No. 97341, and its June 28, 2007 Resolution<sup>[3]</sup> denying petitioner's motion for reconsideration.

#### ***Factual Antecedents***

Petitioner Estrella Aduan Orpiano (Estrella) is the widow of Alejandro Orpiano (Alejandro). Part of their conjugal estate is an 809.5-square meter lot in Quezon City covered by Transfer Certificate of Title (TCT) No. RT-23468 (the lot).

In 1979, a Decision was rendered by the defunct Juvenile and Domestic Relations Court (JDRC) of Quezon City declaring Estrella an absent/absentee spouse and granting Alejandro the authority to sell the lot. The JDRC Decision was annotated on the back of TCT No. RT-23468.

On March 19, 1996, Alejandro sold the lot on installment basis to respondent spouses Antonio and Myrna Tomas (the Tomas spouses) for P12,170,283.00. That very same day, a new title – TCT No. N-152326 – was issued in the name of the Tomas spouses despite the fact that the purchase price has not been paid in full, the spouses having been given until December of that same year to complete their payment.

On October 28, 1996, Alejandro filed Civil Case No. Q-96-29261 (the collection case) in the Regional Trial Court (RTC) of Quezon City, Branch 226 (the collection court), seeking collection of the balance of the price in the amount of P4,314,100.00 supposedly left unpaid by the Tomas spouses, with damages.<sup>[4]</sup>

During the pendency of the collection case, Alejandro passed away. His heirs, Estrella included, were substituted in his stead in the collection case. Estrella moved to amend the Complaint to one for rescission/annulment of sale and cancellation of title, but the court denied her motion. She next moved to be dropped as party plaintiff but was again rebuffed.

On June 11, 2005, Estrella filed Civil Case No. Q-05-56216 (the annulment case) for annulment of the March 1996 sale and cancellation of TCT No. N-152326, with damages, against the Tomas spouses and the Register of Deeds of Quezon City which was impleaded as a nominal party.<sup>[5]</sup> The case was raffled to Branch 97 of the Quezon City RTC (the annulment court). In her Complaint, Estrella claimed that the 1979 declaration of her absence and accompanying authority to sell the lot were obtained by Alejandro through misrepresentation, fraud and deceit, adding that the May 1979 JDRC Decision was not published as required by law and by the domestic relations court. Thus, the declaration of absence and Alejandro's authority to sell the lot are null and void. Correspondingly, the ensuing sale to the Tomas spouses should be voided, and TCT No. N-152326 cancelled.

In their Answer to the annulment Complaint, the Tomas spouses prayed for the dismissal thereof on the ground of forum shopping, arguing that the filing of the annulment case was prompted by the denial of Estrella's motion initiated in the collection case to amend the Complaint to one for annulment of sale. The annulment case is Estrella's attempt at securing a remedy which she could not obtain in the collection case. The Tomas spouses added that the dismissal of the annulment case would preclude the possibility that the two courts might render conflicting decisions.

After pre-trial in the annulment case, the court proceeded to tackle the issue of forum shopping. The parties submitted their respective memoranda touching on the sole issue of whether Estrella is guilty of forum shopping.

### ***Ruling of the Regional Trial Court***

On September 25, 2006, the trial court issued an Order<sup>[6]</sup> dismissing the annulment case. It sustained the view taken by the Tomas spouses that Estrella filed the annulment case only because the collection court denied her motion to amend the case to one for annulment of the sale, and thus the annulment case was Estrella's attempt at obtaining a remedy which she could not secure in the collection case. It added that because the two cases involve the same subject matter, issues, and parties, there indeed is a possibility that conflicting decisions could be rendered by it and the collection court, the possibility made even greater because the two cases involve antithetical remedies.

Estrella moved for reconsideration but the court was unmoved.

### ***Ruling of the Court of Appeals***

On December 27, 2006, Estrella filed with the CA a Petition for *Certiorari*<sup>[7]</sup> questioning the September 25, 2006 Order of the annulment court. The appellate court, however, could not be persuaded. Finding no grave abuse of discretion in the annulment court's dismissal of the annulment case, the CA found that Estrella was indeed guilty of forum shopping in filing the annulment suit while the collection case was pending. Applying the test articulated in a multitude of decided cases – that where a final judgment in one case will amount to *res judicata* in another – it follows that there is forum shopping. The CA held that a final judgment in the collection case ordering the Tomas spouses to pay the supposed balance of the price will necessarily result in a finding that the sale between Alejandro and the Tomas spouses is a valid sale. This then would prevent a declaration of nullity of the sale in

the annulment case.

Accordingly, the CA dismissed Estrella's Petition for *Certiorari*. Her Motion for Reconsideration was likewise denied, hence the present Petition.

### **Issue**

The sole issue to be resolved in this case is whether there is indeed forum shopping.

### ***Petitioner's Arguments***

Estrella argues that it was Alejandro and not she who initiated the collection case, and that she, their two children, and Alejandro's four illegitimate children were merely substituted in the case as his heirs by operation of law; thus, she should not be bound by the collection case. She claims that in the first place, she was not privy to Alejandro's sale of the lot to the Tomas spouses. Having been unwillingly substituted in the collection case, she forthwith moved to amend the Complaint in order to include, as one of the remedies sought therein, annulment of the sale insofar as her conjugal share in the lot is concerned. But the court denied her motion. Next, she moved to be dropped or stricken out as plaintiff to the collection case, but again, the trial court rebuffed her.

Estrella maintains that on account of these repeated denials, she was left with no other alternative but to institute the annulment case. She claims that since the collection case does not further her interest — which is to seek annulment of the sale and recover her conjugal share — and the collection court would not grant her motions to amend and to be dropped or stricken out as party plaintiff therein, she thus has a right to maintain a suit to have the sale annulled. It is therefore erroneous for the CA to state that she initiated the annulment suit only for the purpose of obtaining a favorable ruling in said court, which she could not achieve in the collection court.

She further adds that there is obviously no identity of parties, cause of action, or reliefs prayed for between the collection and annulment cases; the two involve absolutely opposite reliefs. She stresses the fact that she is seeking annulment of the sale with respect only to her conjugal share, and not those of her co-heirs.

### ***Respondents' Arguments***

The Tomas spouses, apart from echoing the trial court and the CA, emphasize that the rule prohibiting forum shopping precisely seeks to avoid the situation where the two courts — the collection court and the annulment court — might render two separate and contradictory decisions. If the annulment case is allowed to proceed, then it could result in a judgment declaring the sale null and void, just as a decision in the collection case could be issued ordering them to pay the balance of the price, which is tantamount to a declaration that the sale is valid.

They add that Estrella could no longer question the 1979 JDRC Decision, having failed to challenge the same immediately upon obtaining notice thereof; she did not even bother to have her declaration of absence lifted. They claim that after the lapse of 26 years, prescription has finally set in. They likewise argue that if both cases are allowed to remain pending, a ridiculous situation could arise where, after having