

SECOND DIVISION

[G.R. No. 169214, June 19, 2013]

**SPOUSES MANUEL SY AND VICTORIA SY, PETITIONERS, VS.
GENALYN D. YOUNG, RESPONDENT.**

DECISION

BRION, J.:

We resolve the petition for review on *certiorari*^[1] filed by petitioner-spouses Manuel Sy and Victoria Sy to challenge the March 30, 2005 Decision^[2] and the August 8, 2005 Resolution^[3] of the Court of Appeals (CA) in CA-G.R. CV No. 74045.

The Factual Antecedents

The petition originated from a Complaint for Nullification of Second Supplemental Extrajudicial Settlement, Mortgage, Foreclosure Sale and Tax Declaration^[4] filed by respondent Genalyn D. Young with the Regional Trial Court of San Pablo City, Branch 32 (RTC). The complaint was docketed as Civil Case No. SP-5703.

Genalyn alleged that she is the legitimate daughter of spouses George Young and Lilia Dy.^[5] When George died, he left an unregistered parcel of land (*property*) covered by Tax Declaration No. 91-48929^[6] in San Roque, San Pablo City, Laguna. On September 3, 1993, Lilia executed a Second Supplemental to the Deed of Extrajudicial Partition.^[7] The property was adjudicated solely in Lilia's favor in the partition. Lilia represented Genalyn, who was then a minor, in the execution of the document.

Subsequently, Lilia obtained a loan from the spouses Sy with the property as security.^[8] When Lilia defaulted on her loan, the property was foreclosed and sold to the spouses Sy. Thereafter, the spouses Sy registered the certificate of sale^[9] with the Office of the Register of Deeds and obtained a tax declaration^[10] in their name.

In her complaint, Genalyn argued that the partition was unenforceable since she was only a minor at the time of its execution. She also pointed out that the partition was contrary to the Rules of Court because it was without the court's approval. She further asserted that the spouses Sy entered into the contract of mortgage with the knowledge that Lilia was unauthorized to mortgage the property.

On July 20, 2000, Genalyn filed with the RTC a Motion to Admit a Supplemental Complaint with the attached Supplemental Complaint. In the supplemental complaint, she invoked her right to exercise legal redemption as a co-owner of the disputed property. However, the RTC denied the motion in its Order^[11] dated December 28, 2000. **Subsequently, she filed a petition for *certiorari* and**

mandamus under Rule 65 of the Rules of Court docketed as CA-G.R. Sp. No. 65629 with the CA.

The CA denied the petition in its decision dated November 18, 2002. It held that Genalyn's cause of action in the supplemental complaint is entirely different from her original complaint. **Thereafter, she elevated the case with this Court in a petition for *certiorari* under Rule 65 of the Rules of Court docketed as G.R. No. 157955.**^[12]

Trial in the RTC continued while CA-G.R. Sp. No. 65629 was pending in the CA. Consequently, Genalyn moved to suspend the proceedings until the CA has decided on the propriety of the admission of the supplemental complaint. However, the RTC denied the motion.^[13] At the pre-trial conference, Genalyn moved again for the suspension of the proceedings but to no avail. On a trial dated August 29, 2001, Genalyn filed a Motion to Cancel Hearing on the ground that she was indisposed. **As a result, the RTC issued an Order dated August 30, 2001 which dismissed the complaint on the ground of non-suit.** The RTC denied Genalyn's motion for reconsideration in an Order dated January 4, 2002. On January 16, 2002, the RTC issued an Order correcting the January 4, 2002 Order due to a typographical error.^[14]

On January 31, 2002, Genalyn filed an appeal docketed as CA-G.R. SP No. 74045. In the appeal, she questioned the RTC Orders dated August 30, 2001, January 4, 2002, and January 16, 2002. **On May 28, 2002, Genalyn again filed with the CA a petition for *certiorari* under Rule 65 of the Rules of Court to annul the same RTC Orders that comprise the subject matter of the ordinary appeal.** However, the CA denied the said petition. **Tirelessly, Genalyn filed a petition for review under Rule 45 of the Rules of Court before this Court, docketed as G.R. No. 157745 which was consolidated with G.R. No. 157955.**^[15]

With respect to CA-G.R. CV No. 74045, the CA reversed the RTC's ruling and remanded the case for further proceedings.^[16] The CA also denied^[17] the spouses Sy's motion for reconsideration, prompting them to file the present petition.

On September 26, 2006, this Court promulgated a decision on the consolidated cases entitled "*Young v. Spouses Sy.*" We granted the petition in G.R. No. 157955 but denied the petition in G.R. No. 157745 for lack of merit.^[18]

In G.R. No. 157955, we ruled that Genalyn's right to redeem the property is dependent on the nullification of the partition which is the subject of the original complaint. We held that the right of legal redemption as a co-owner is conferred by law and is merely a natural consequence of co-ownership. In effect, Genalyn's cause of action for legal redemption in her supplemental complaint stems directly from her rights as a co-owner of the property subject of the complaint. **We thus ordered the RTC to admit the supplemental complaint.**^[19]

In G.R. No. 157745, we held that Genalyn had engaged in forum shopping in appealing the RTC Orders and in subsequently filing a petition for *certiorari* under Rule 65 with the CA involving the same RTC Orders. We found that the elements of *litis pendentia* are present in the two suits because they are founded on exactly