

## THIRD DIVISION

[ G.R. No. 164687, February 12, 2009 ]

**SM PRIME HOLDINGS, INC., PETITIONER, VS. ANGELA V. MADAYAG, RESPONDENT.**

### DECISION

**NACHURA, J.:**

This is a petition for review on *certiorari* of the Decision<sup>[1]</sup> of the Court of Appeals (CA) dated March 19, 2004 and Resolution dated July 15, 2004, which set aside the lower court's order to suspend the proceedings on respondent's application for land registration.

On July 12, 2001, respondent Angela V. Madayag filed with the Regional Trial Court (RTC) of Urdaneta, Pangasinan an application for registration of a parcel of land with an area of 1,492 square meters located in *Barangay* Anonas, Urdaneta City, Pangasinan.<sup>[2]</sup> Attached to the application was a tracing cloth of Survey Plan Psu-01-008438, approved by the Land Management Services (LMS) of the Department of Environment and Natural Resources (DENR), Region 1, San Fernando City.

On August 20, 2001, petitioner SM Prime Holdings, Inc., through counsel, wrote the Chief, Regional Survey Division, DENR, Region I, demanding the cancellation of the respondent's survey plan because the lot encroached on the properties it recently purchased from several lot owners and that, despite being the new owner of the adjoining lots, it was not notified of the survey conducted on June 8, 2001.<sup>[3]</sup>

Petitioner then manifested its opposition to the respondent's application for registration. The Republic of the Philippines, through the Office of the Solicitor General, and the heirs of Romulo Visperas also filed their respective oppositions.

On February 6, 2002, petitioner filed its formal opposition. Petitioner alleged that it had recently bought seven parcels of land in *Barangay* Anonas, Urdaneta, delineated as Lots B, C, D, E, G, H and I in Consolidation-Subdivision Plan No. (LRC) Pcs-21329, approved by the Land Registration Commission on August 26, 1976, and previously covered by Survey Plan No. Psu-236090 approved by the Bureau of Lands on December 29, 1970. These parcels of land are covered by separate certificates of title, some of which are already in the name of the petitioner while the others are still in the name of the previous owners.

On February 20, 2002, the RTC declared a general default, except as to the petitioner, the Republic, and the heirs of Romulo Visperas. Thereafter, respondent commenced the presentation of evidence.

Meanwhile, acting on petitioner's request for the cancellation of the respondent's survey plan, DENR Assistant Regional Executive Director for Legal Services and

Public Affairs, Allan V. Barcena, advised the petitioner to file a petition for cancellation in due form so that the DENR could properly act on the same.<sup>[4]</sup> Accordingly, petitioner formally filed with the DENR a petition<sup>[5]</sup> for cancellation of the survey plan sometime in March 2002, alleging the following grounds:

I.

THERE IS NO SUCH THING AS ALIENABLE OR DISPOSABLE PROPERTY WHICH IS THE SUBJECT LOT IN THIS CASE

II.

NO NOTICE WAS MADE UPON PETITIONER (AS ADJOINING LANDOWNER AND WHO BEARS INTEREST OVER THE SUBJECT LOT) MUCH LESS THE OWNERS OF ADJOINING LANDS.

III.

THE CIRCUMSTANCES EVIDENTLY SHOW THAT BAD FAITH AND/OR MALICE ATTENDED THE APPROVAL OF (PLAN WITH PSU NO. 01-008438).

<sup>[6]</sup>

On July 17, 2002, petitioner filed an Urgent Motion to Suspend Proceedings <sup>[7]</sup> in the land registration case, alleging that the court should await the DENR resolution of the petition for the cancellation of the survey plan "as the administrative case is prejudicial to the determination" of the land registration case.

On October 8, 2002, the RTC issued an Order granting the motion, thus:

WHEREFORE, PREMISES CONSIDERED, the Court hereby GRANTS the instant motion and suspends the proceedings herein. In the meantime, and until receipt by this Court of a copy of the resolution of the petition for cancellation by the DENR, the instant case is hereby ARCHIVED.

SO ORDERED.<sup>[8]</sup>

Emphasizing that a survey plan is one of the mandatory requirements in land registration proceedings, the RTC agreed with the petitioner that the cancellation of the survey plan would be prejudicial to the petition for land registration.<sup>[9]</sup>

On February 13, 2003, the RTC denied the respondent's motion for reconsideration of its order.<sup>[10]</sup> Respondent thereafter filed a petition for *certiorari* with the CA assailing the order suspending the proceedings.

On March 19, 2004, finding that the RTC committed grave abuse of discretion in suspending the proceedings, the CA granted the petition for *certiorari*, thus:

WHEREFORE, premises considered, the instant petition is hereby GRANTED. The challenged Orders dated October 8, 2002 and February 13, 2003 of the respondent Court are declared NULL and VOID.

The Court *a quo* is directed to continue the proceedings until its final

determination. No pronouncement as to costs.

SO ORDERED.<sup>[11]</sup>

The CA ratiocinated that the survey plan which was duly approved by the DENR should be accorded the presumption of regularity, and that the RTC has the power to hear and determine all questions arising from an application for registration.<sup>[12]</sup>

On July 15, 2004, the CA issued a Resolution<sup>[13]</sup> denying the petitioner's motion for reconsideration. Petitioner was, thus, compelled to file this petition for review, ascribing the following errors to the CA:

- I. THE COURT OF APPEALS COMMITTED MANIFEST ERROR IN NOT FINDING THAT THE SUSPENSION OF THE PROCEEDINGS IN THE LAND REGISTRATION CASE IS LEGAL AND PROPER PENDING THE DETERMINATION AND RESOLUTION OF THE ADMINISTRATIVE CASE BEFORE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES-REGION 1.
- II. THE COURT OF APPEALS COMMITTED MANIFEST ERROR IN FAILING TO FIND THAT THE ASSAILED ORDERS OF THE LOWER COURT HAVE PROPER AND SUFFICIENT BASES IN FACT AND IN LAW.
- III. THE COURT OF APPEALS COMMITTED MANIFEST ERROR IN HOLDING THAT THE LOWER COURT HAS ACTED WITH GRAVE ABUSE OF DISCRETION IN SUSPENDING THE PROCEEDINGS AND ARCHIVING THE CASE.
- IV. THE COURT OF APPEALS COMMITTED MANIFEST ERROR IN FAILING TO FIND THAT THE FILING OF THE PETITION FOR CERTIORARI, UNDER RULE 65 OF THE REVISED RULES OF CIVIL PROCEDURE, IS NOT THE ONLY PLAIN, SPEEDY AND ADEQUATE REMEDY IN THE ORDINARY COURSE OF LAW ON THE PART OF HEREIN RESPONDENT.<sup>[14]</sup>

The petition has no merit.

Petitioner contends that, since the respondent's cause of action in the land registration case depends heavily on the survey plan, it was only prudent for the RTC to suspend the proceedings therein pending the resolution of the petition for cancellation of the survey plan by the DENR.<sup>[15]</sup> It, therefore, insists that recourse to a petition for *certiorari* was not proper considering that respondent was not arbitrarily deprived of her right to prosecute her application for registration.<sup>[16]</sup>

Undeniably, the power to stay proceedings is an incident to the power inherent in every court to control the disposition of the cases in its dockets, with economy of time and effort for the court, counsel and litigants. But courts should be mindful of the right of every party to a speedy disposition of his case and, thus, should not be too eager to suspend proceedings of the cases before them. Hence, every order suspending proceedings must be guided by the following precepts: it shall be done in order to avoid multiplicity of suits and prevent vexatious litigations, conflicting judgments, confusion between litigants and courts,<sup>[17]</sup> or when the rights of parties to the second action cannot be properly determined until the questions raised in the