

SECOND DIVISION

[G.R. NO. 158031, November 20, 2007]

**TEODORO, GABRIEL, GLORIA, LORENZA, VICENTA, RODOLFO,
NELIA, FERNANDO, AND JOCELYN, ALL SURNAMED CALINISAN,
PETITIONERS, VS. COURT OF APPEALS AND BROWN EAGLE
PROPERTIES, INC., RESPONDENTS.**

DECISION

CARPIO, J.:

The Case

Before the Court is a petition for review^[1] of the Decision dated 5 September 2002^[2] and the Resolution dated 25 April 2003^[3] of the Court of Appeals in CA-G.R. SP No. 68752. The assailed decision dismissed petitioners' application for land registration on the ground of forum shopping. The resolution denied petitioners' motion for reconsideration.

The Facts

On 21 November 1997, respondent Brown Eagle Properties, Inc. filed with the Municipal Circuit Trial Court of Silang-Amadeo, Cavite (MCTC) seven applications for registration of title over nine adjoining lots^[4] with a total area of 93,868 square meters and covered by Cad. 452-D. The seven applications were docketed as LRC Case Nos. 97-112 to 97-116 and 97-120 to 97-121.

On the same date, Blue Balls Properties, Inc. (Blue Balls) also filed with the MCTC three applications for registration of title involving portions of the same property with a total area of 73,436 square meters. The applications were docketed as LRC Case Nos. 97-117 to 97-119.

On 18 May 1999, six of the petitioners, namely, Teodoro, Gabriel, Gloria, Lorenza, Vicenta, and Rodolfo, all surnamed Calinisan, opposed the applications of respondent and Blue Balls. They claimed that they own 442,892 square meters of the land covered by Cad. 452-D, which include the areas applied for by respondent and Blue Balls.

On 9 September 1999, petitioners Teodoro, Gabriel, Gloria, Lorenza, Vicenta, Rodolfo, Nelia, Fernando, and Jocelyn, all surnamed Calinisan, filed with the Regional Trial Court of Tagaytay City (RTC) an application for registration of title over two parcels of land covered by Cad. 452-D with a total area of 435,947 square meters. The application was docketed as LRC Case No. TG-897. Petitioners filed an amended application^[5] for registration of Lot 10033, Cad. 452-D with an area of 404,139 square meters.

On 28 August 2000, respondent moved to dismiss the application of petitioners on the grounds of forum shopping and *litis pendentia*.^[6] Respondent alleged that petitioners asked the MCTC that their opposition be treated as their application for registration of title. Respondent claimed that petitioners, in effect, had two pending applications for registration of title covering the same property.

Meanwhile, the MCTC dismissed respondent's and Blue Balls' applications for registration of title in a Resolution dated 3 January 2000.^[7] The MCTC held that the RTC has jurisdiction over the case because the issues pertained to the title to and possession of the lots in question.^[8] The dispositive portion of the MCTC resolution reads as follows:

WHEREFORE, PREMISES CONSIDERED, the above stated Applications for Registration of title filed by Brown Eagle Properties, Inc. and Blue Balls Properties, Inc. are hereby DISMISSED, WITHOUT PREJUDICE TO THE REFILEING THEREOF WITH THE REGIONAL TRIAL COURT, TAGAYTAY CITY.

SO ORDERED.^[9]

Respondent and Blue Balls elevated the matter to this Court by filing a petition for review on certiorari.

In its Resolution of 2 October 2000, the Court denied the petition for being a wrong mode of appeal.^[10] In a Resolution dated 27 November 2000, the Court resolved to deny with finality the motion for reconsideration filed by respondent and Blue Balls.^[11]

Upon petitioners' manifestation of the finality of the dismissal of respondent's registration application in the MCTC, the RTC denied respondent's motion to dismiss in its Order dated 9 January 2001.^[12]

Respondent filed a motion for reconsideration, which the RTC denied in its Order of 13 December 2001.^[13]

Respondent filed a special civil action for certiorari with the Court of Appeals.

In its Decision of 5 September 2002, the Court of Appeals granted respondent's petition and set aside the Orders of the RTC. The Court of Appeals denied petitioners' motion for reconsideration in its Resolution of 25 April 2003.

Hence, this petition.

The Ruling of the Court of Appeals

The Court of Appeals ruled that petitioners were guilty of forum shopping. The 21 November 1997 applications for registration filed by respondent in the MCTC and the 9 September 1999 application filed by petitioners in the RTC involved the same parties. Petitioners opposed the registration application of respondent while respondent moved to dismiss the registration application of petitioners. Both cases involved the same property, particularly lands in Barangay Kaong, Silang, Cavite covered by Cad. 452-D.