

## THIRD DIVISION

[ G.R. NO. 137187, August 03, 2006 ]

**CARMELITA V. LIM AND VICARVILLE REALTY AND DEVELOPMENT CORPORATION, PETITIONERS, VS. HON. BENJAMIN T. VIANZON IN HIS CAPACITY AS THE PRESIDING JUDGE OF BRANCH 1 OF THE REGIONAL TRIAL COURT OF BATAAN AND VALENTIN GARCIA AND CONCEPCION GARCIA, RESPONDENTS.**

### DECISION

**TINGA, J.:**

Before us is a Petition<sup>[1]</sup> for Certiorari under Rule 65 of the 1997 Rules of Civil Procedure filed by Carmelita V. Lim (Lim) and Vicarville Realty and Development Corporation (Vicarville), assailing the Orders<sup>[2]</sup> dated 3 September; 1998 and 13 November 1998 issued by public respondent Benjamin T. Vianzon of Regional Trial Court (RTC) of Balanga, Bataan, Branch 1 in Civil Case No. 6779, entitled *Valentin and Concepcion Garcia v. Carmelita V. Lim and Vicarville Realty and Development Corporation*.<sup>1/2</sup> The assailed orders allegedly denied perfunctorily petitioners' Motion to Dismiss dated 23 June 1998 and Motion for Reconsideration dated 25 September 1998, respectively.

The antecedents follow.

On 21 November 1997, petitioner Lim filed a Complaint Affidavit<sup>[3]</sup> before the Office of the Provincial Prosecutor of Balanga, Bataan, docketed as I.S. No. 97-984, against Valentin Garcia (Garcia) for Falsification and Perjury. Lim alleged that Garcia willfully and deliberately asserted a falsehood in an affidavit he had submitted to the Register of Deeds of Balanga, Bataan. In said affidavit, Garcia allegedly stated falsely that he had lost his owner's duplicate copy of Transfer Certificate of Title (TCT) No. 107535 after entrusting the same to his agent for purposes of selling the property covered by the title.<sup>[4]</sup>

On 2 February 1998, Garcia filed before the Office of the Provincial Prosecutor a separate Affidavit/Complaint and Counter-Affidavit<sup>[5]</sup> against petitioner Lim, Villamon Fernandez and Corazon Rueda for Falsification of Public Document and Use of Falsified Document, docketed as I.S. No. 98-095.<sup>[6]</sup>

On 20 February 1998, the Office of the Provincial Prosecutor of Bataan consolidated the complaints in I.S. No. 97-984 and I.S. No. 98-095.<sup>[7]</sup> And on 17 March 1998, the Provincial Prosecutor issued a Joint Resolution<sup>[8]</sup> recommending the filing of criminal charges against Garcia and dismissing the charges filed by the latter against petitioner Lim, Fernandez and Rueda.<sup>[9]</sup> The dispositive portion of the Joint Resolution reads as follows:

WHEREFORE, premises considered, it is recommended that an information for Violation of Article 183 of the Revised Penal Code be filed against Valentin Garcia, and the dismissal of the charge of Falsification also against Valentin Garcia. And accordingly, the counter charges of Valentin Garcia against Carmelita Lim, Corazon Rueda, and Villamon Fernandez are hereby dismissed.

SO RESOLVED.<sup>[10]</sup>

On 29 April 1998, Garcia and his wife Concepcion Garcia (private respondents) filed a Complaint<sup>[11]</sup> before RTC of Balanga, Bataan, Branch 1 for Delivery of The Owner's Duplicate Certificate of Title and Damages involving the same TCT subject of the criminal case. Private respondents principally prayed for the annulment of the alleged Deed of Sale which petitioners claim to be the basis for their custody of the TCT.<sup>[12]</sup> The case was docketed as Civil Case No. 6779.<sup>[13]</sup>

Attached to private respondents' Complaint is a Certification and Verification<sup>[14]</sup> Garcia had executed which reads in part:

x x x x

That he is one of the plaintiffs in the foregoing Complaint;

That he has caused the preparation of the said Complaint the allegations of which he has read and found to be true and correct;

That except for the criminal actions which are pending before the Office of the Provincial Prosecutor of Bataan, he has not heretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency and, to the best of his knowledge, no such other action or claim is pending therein;

That if he should thereafter learn that the same or similar action or claim has been filed or is pending, he shall report that fact within five (5) days therefrom to this Honorable Court x x x x<sup>[15]</sup>

Thereafter, Garcia filed before the Office of the Provincial Prosecutor a Petition for Suspension of Criminal Action Based Upon The Pendency of A Prejudicial Question.<sup>[16]</sup> Garcia prayed that the criminal action before said office be suspended pending the resolution of Civil Case No. 6779. This petition was later denied by the Office of the Provincial Prosecutor on 13 October 1998.<sup>[17]</sup>

On 24 June 1998, the petitioners filed before the RTC of Balanga, Bataan, Branch 1 a Motion to Dismiss raising the following grounds: a) private respondents violated the rule against forum-shopping in that they failed to state in the Verification and Certification attached to the Complaint that there is an earlier case filed by petitioners (sic) against them (sic) not only involving the same issues but also the same set of facts; and b) the claim set forth in private respondents' Complaint had been extinguished by the previous sale of the property to the petitioners.<sup>[18]</sup>

Public respondent then issued the assailed Order<sup>[19]</sup> dated 3 September 1998 denying the petitioners' Motion to Dismiss in this wise:

Finding the Motion to Dismiss filed by the defendants and the grounds relied upon to be unmeritorious, the same is DENIED.

WHEREFORE, the Motion to Dismiss is hereby DENIED for the lack of merit.

SO ORDERED.<sup>[20]</sup>

Petitioners filed their Motion for Reconsideration on 25 September 1998 which public respondent likewise denied in an Order<sup>[21]</sup> dated 13 November 1998. A portion of said Order reads as follows:

x x x x

That the court's order dated September 3, 1998 is a mere interlocutory order and not a final judgment or decision where there is a need for the court to state clearly the facts and the law relied upon by it;

That as correctly pointed out by the plaintiffs' counsel, for forum shopping to be present, both actions must raise identical causes of action, subject matter and issues and there can be no forum-shopping in the instant civil case because as a civil action, it has a different cause of action from a criminal action instituted by the defendants;<sup>[22]</sup>

Meanwhile, on 13 October 1998, an Information was filed by the Provincial Prosecutor against Garcia before the Municipal Trial Court of Balanga, Bataan, Branch 1 for Violation of Article 183 of the Revised Penal Code. The case is entitled *People of the Philippines v. Valentin Garcia*, docketed as Criminal Case No. 7266.<sup>[23]</sup>

In their Memorandum<sup>[24]</sup> dated 29 June 2002, petitioners allege that public respondent gravely abused his discretion when he denied the motion to dismiss per his Order dated 3 September 1998, without stating therein clearly and distinctly the reasons therefor. Petitioners also assert that the private respondents violated the rule against forum-shopping for failing to state that they had previously filed a case involving the same facts, issues and parties and that there is an earlier criminal case filed by petitioner Lim against respondent Garcia also involving the same issues and facts. Petitioners likewise state that the claim set forth in private respondents' Complaint has been extinguished by the previous sale of the property to them.<sup>[25]</sup>

In their Memorandum<sup>[26]</sup> dated 30 November 2001, private respondents point out that petitioners failed to attach the pleadings and documents required by Section 1, Rule 65 of the 1997 Rules of Civil Procedure. They enumerated the pleadings or documents, copies of which petitioners failed to attach or incorporate, to wit: (a) Motion to Dismiss dated 23 June 1998; (b) Opposition to the Motion to Dismiss dated 13 July 1998; (c) Reply dated 27 July 1998; (d) Rejoinder dated 31 August 1998; (e) Motion for Reconsideration dated 25 September 1998; and (f) Opposition dated 26 October 1998.<sup>[27]</sup> Citing *Santiago, Jr. v. Bautista*,<sup>[28]</sup> private respondents

maintain that such failure is fatal to petitioners' cause.<sup>[29]</sup>

Moreover, private respondents maintain that they are not guilty of forum-shopping because the cause of action of the civil action they instituted is different from that of a criminal action.<sup>[30]</sup>

We dismiss the petition.

On the procedural aspect, we find that petitioners disregarded the doctrine of judicial hierarchy which we enjoin litigants and lawyers to strictly observe. The Court's original jurisdiction to issue writs of certiorari, as in the case at bar, prohibition, mandamus, quo warranto, habeas corpus and injunction is shared by this Court with the Regional Trial Courts and the Court of Appeals. A direct invocation of the Supreme Court's original jurisdiction to issue these writs should be allowed only when there are special and important reasons therefor, clearly and specifically set out in the petition. This is an established policy necessary to avoid inordinate demands upon the Court's time and attention which are better devoted to those matters within its exclusive jurisdiction, and to preclude the further clogging of the Court's docket.<sup>[31]</sup>

In the instant petition, petitioners failed to show any compelling reason why they filed it before us instead of the Court of Appeals. For this reason, among others, the petition must fail. We recall our ruling in *Vergara, Sr. v. Suelto*,<sup>[32]</sup> thus:

The Supreme Court is a court of last resort, and must so remain if it is to satisfactorily perform the functions assigned to it by the fundamental charter and immemorial tradition. It cannot and should not be burdened with the task of dealing with causes in the first instance. Its original jurisdiction to issue the so-called extraordinary writs should be exercised only where absolutely necessary or where serious and important reasons exist therefor. Hence, that jurisdiction should generally be exercised relative to actions or proceedings before the Court of Appeals, or before constitutional or other tribunals, bodies or agencies whose acts for some reason or another, are not controllable by the Court of Appeals. Where the issuance of an extraordinary writ is also within the competence of the Court of Appeals or a Regional Trial Court, it is in either of these courts that the specific action for the writ's procurement must be presented. This is and should continue to be the policy in this regard, a policy that courts and lawyers must strictly observe.<sup>[33]</sup>

Moreover, the instant petition is procedurally flawed as it is not accompanied by copies of relevant pleadings mandated by the second paragraph of Section 1, Rule 65 of the 1997 Rules of Civil Procedure. Said provision reads as follows:

SECTION 1. *Petition for certiorari.* When any tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and there is no appeal, nor any plain, speedy, and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered annulling or modifying the proceedings of such tribunal, board or officer,