

FIRST DIVISION

[G.R. No. 134089, July 14, 2000]

ISABEL A. VDA. DE SALANGA, PABLO A. SALANGA, LUIS A. SALANGA, JUAN A. SALANGA, JOSEFINA S. CASTILLO, BONIFACIO A. SALANGA, CONCEPCION S. BAYLON, CRISTINA SMITH, BIANCA S. PALOMA, ANGEL A. DAQUIGAN, AND BENIGNO M. PUNO, PETITIONERS, VS. HON. ADOLFO P. ALAGAR, PRESIDING JUDGE, BRANCH 30, OF THE REGIONAL TRIAL COURT, WITH STATION AT SAN FERNANDO CITY (LU), AND SHIPSIDE, INC., RESPONDENTS.

D E C I S I O N

YNARES-SANTIAGO, J.:

This special civil action for *certiorari*, prohibition and *mandamus* seeks to compel the dismissal of Civil Case No. 4991^[1] on the ground that the same has been rendered moot and academic by virtue of the final and executory orders of the Municipal Trial Court of San Fernando, La Union, Branch 1, in Civil Case No. 2306, and is barred by *res judicata*, forum shopping, prescription and estoppel on account of the final Resolution of this Court in G.R. No. L-117259.

The present controversy arose as a consequence of the execution pending appeal of the January 8, 1992 judgment in the case of "*Isabel Vda. De Salanga, et al. v. Shipperside, Incorporated*," for ejectment, docketed as Civil Case No. 2306 of the Municipal Trial Court of San Fernando City, Branch 1 (hereinafter referred to as MTC). In that case, the MTC rendered judgment against defendant and in favor of plaintiffs. From that judgment, defendant filed an appeal^[2] to the Regional Trial Court of San Fernando, La Union, Branch 29, (hereinafter referred to as RTC Branch 29), where the said Decision of MTC, Branch 1 of San Fernando City was affirmed *in toto*, and defendant was ordered to vacate the subject properties and to pay plaintiffs the arrearages in rentals.

Undaunted, defendant filed a Petition for Review with the Court of Appeals.^[3] While said petition was awaiting resolution, execution pending appeal was ordered in the RTC Branch 29 to satisfy the monetary award in the January 8, 1992 MTC Decision. Accordingly, the public auction sale of defendant's properties was set for September 8, 1992.

Faced with the impending auction sale, defendant filed with the Court of Appeals, on August 20, 1992, an Urgent Motion to nullify the writ of execution pending appeal and to prevent the scheduled auction sale. On August 31, 1992, the Court of Appeals denied the Urgent Motion and dismissed CA-G.R. SP No. 28365.

The auction sale of some of defendant's properties proceeded on September 8, 1992, where the petitioners emerged as the highest bidders.

No redemption was effected by defendant within the one-year redemption period. Instead, defendant filed with this Court a Petition for *Certiorari*,^[4] questioning the writ of execution as well as the auction sale. This Court denied the petition in a Resolution dated December 7, 1994. Defendant's first Motion for Reconsideration was denied on February 13, 1995, while its second Motion for Reconsideration was noted without action. The judgment became final and was entered on March 8, 1995.

On August 14, 1995, herein private respondent filed a Petition for the Annulment of Public Auction Sale before the Regional Trial Court of San Fernando, La Union, Branch 30, presided by respondent Judge Adolfo F. Alagar.^[5] The petition was based on alleged insufficiency of notice and inadequacy of bid price. As an alternative prayer, private respondent sought to be allowed to redeem the properties sold at public auction in the event such auction could not be declared invalid. Upon its filing, the Regional Trial Court of San Fernando, La Union issued a temporary restraining order, the lifetime of which was extended by subsequent status quo orders. Petitioners filed a Motion to Dismiss which the trial court denied on November 21, 1995.

Due to the court's refusal to dismiss Civil Case No. 4991, petitioner went to the Court of Appeals with a Petition for *Certiorari*, Prohibition and *Mandamus*.^[6]

Meanwhile, on February 23, 1996, following entry of judgment in the ejectment case, the RTC Branch 29 remanded the case to the MTC for proceedings on matters involving execution of its final judgment. On May 22, 1996, finding that private respondent's right of redemption had already expired, the MTC ordered the issuance of an alias writ of execution for the satisfaction of its January 8, 1992 Decision as well as the issuance of Certificates of Final Sale to the purchasers at the public auction together with the issuance of writs of possession in their favor. It also ordered an accounting of the fruits and income of the properties from October 28, 1993 until delivery of the subject properties to petitioners. Private respondent's Motion for Reconsideration and Motion to Inhibit were both denied on July 17, 1996. These Orders later became final and executory.

Still, a Petition for *Certiorari*^[7] assailing the enforcement of the two (2) MTC Orders was filed by private respondent before the Regional Trial Court of San Fernando, La Union where it was raffled to Branch 27, presided by respondent Judge Vicente A. Pacquing. Petitioners filed a Motion to Dismiss, but the Regional Trial Court, Branch 27, issued an Order on July 21, 1997, denying it and holding in abeyance the resolution of the petition until the Motion for Reconsideration in CA-G.R. SP No. 40534 was resolved.^[8]

On August 29, 1996, a resolution was issued by the Court of Appeals in CA-G.R. SP No. 40534, finding that both Civil Case No. 4991 and the petition before it have become moot and academic because of the May 22, 1996 and July 17, 1996 Orders of the MTC -

"It is this Court's opinion that in view of the May 22, 1996 and July 17, 1996 orders of the trial court, after Civil Case No. 4586 was remanded to it, and considering further that the issues both petitioner and private

respondent agreed to submit for resolution have been passed upon by the trial court, indeed Civil Case No. 4991 seeking the annulment of the auction sale of Shipside's properties before Judge Yaranon had become moot and academic and so with the instant petition before this court."

"We note with apprehension and skepticism another petition by herein private respondent Shipside filed before another branch of the Regional Trial Court seeking a temporary restraining order to be issued ex parte from enforcing supposedly two orders by the trial court. (Rollo, p. 539) Taking into account the history of this case, we caution against any attempt at forum shopping or dilatory trifling with judicial processes to delay further the enforcement of judgment and the termination of this case. Any such attempt to delay will be sternly dealt with. It degrades the administration of justice and is deplorable. The courts are burdened enough with a congestion of cases."^[9]

Petitioners then reiterated their grounds for dismissal in another motion filed before the Regional Trial Court, Branch 30, in view of the aforequoted resolution in CA-G.R. SP No. 40534. Before this could be resolved, however, an Amended Decision was promulgated on January 19, 1998 in CA-G.R. SP No. 40534.^[10] The Amended Decision in effect granted private respondent's Motion to Reconsider which sought to have the above-quoted portion of the Decision deleted on the ground that it is an unnecessary *obiter dictum* and relates to matters which were not properly brought before that court. Reconsidering the Decision earlier promulgated, the Court of Appeals made the following findings:

1. The suit for annulment of auction sale, being one incapable of pecuniary estimation, falls under the Regional Trial Courts, which has jurisdiction to entertain the Petition for the Annulment of the Public Auction Sale before it;
2. Private respondent never agreed to have this issue submitted to the Municipal Trial Court; indeed, its Petition with the Regional Trial Court was filed on August 14, 1995, whereas the remand of Civil Case No. 4586 from the Regional Trial Court Branch 29 to the Municipal Trial Court was only ordered on February 23, 1996;
3. The final and executory Court of Appeals and Supreme Court Decisions in CA-G.R. SP No. 28365 and G.R. No. 117259, respectively, did not touch on the issue of right of redemption or validity of auction sale, since the only issue was possession de facto; hence, *res judicata* does not apply; indeed, cause of action in Civil Case No. 4586 was unlawful detainer while that in Civil Case No. 4991 is annulment of auction sale.

In the light of the foregoing, the Court of Appeals dismissed the petition and deleted the *obiter dictum* in the original Decision. Petitioner's Urgent Motion to Compel Clerk of Court to Execute Final Judgment and Motion for Contempt were also denied. The Court of Appeals likewise denied petitioner's Manifestation (actually Motion for Reconsideration).

Hence, the instant Petition submitting that respondent Judge Alagar of RTC Branch

30 acted without jurisdiction and/or gravely abused his discretion, amounting to lack or excess of jurisdiction, in:

"REFUSING TO DISMISS CIVIL CASE NO. 4991 DESPITE THE SAME HAVING BECOME MOOT AND ACADEMIC AND/OR BARRED BY THE FINAL AND EXECUTORY ORDERS OF THE MTC AND/OR BY THIS TRIBUNAL'S RESOLUTIONS IN G.R. NO. 117259 BY RES JUDICATA AND/OR FORUM SHOPPING, WAIVER, PRESCRIPTION AND STOPPEL (sic).

And/Or

"REFUSING TO PERFORM HIS PLAIN LEGAL DUTY OF DISMISSING THE SAID MOOTED OR BARRED CASE IN WHICH HE IS LEFT WITH NO ALTERNATIVE BUT TO DISMISS THE SAME."^[11]

with the following grounds added in the Supplemental Petition -

"x x x that the Honorable respondent Court of Appeals has acted without or in excess of its jurisdiction:

"IN AMENDING OR REVERSING ITS ORIGINAL DECISION WHICH RENDERED THE RESPONDENT RTC CIVIL CASE NO. 4991 AND ITS OWN CASE IN CA-G.R. SP No. 40534 MOOT AND ACADEMIC BY, AND IN WHICH THE ISSUES WERE ALREADY RESOLVED IN, THE FINAL JUDGMENT OF THE SUPREME COURT IN G.R. No. L-117259 AND, BY THE FINAL ORDERS OF THE MTC WHICH SIMPLY OBEYED THE RULE ON RES JUDICATA ESTABLISHED BY THE SUPREME COURT IN ITS SAID FINAL JUDGMENT IN SAID G.R. No. L-117259 IN ORDER TO ABET SHIPSIDE'S FORUM SHOPPING AND TO RELITIGATE THE SAME ISSUES."^[12]

In fine, petitioners pray for the dismissal of Civil Case No. 4991 on the ground that it has become moot and academic; for a finding of forum shopping against private respondent and its lawyers with the meting out of corresponding penalties therefor; and for administrative sanctions against Judge Adolfo P. Alagar of RTC Branch 30, Judge Vicente A. Pacquing of RTC Branch 27 and Justice Buenaventura Guerrero for alleged gross ignorance of the law, serious misconduct and/or abetting forum shopping.

The petition must be dismissed.

To begin with, contrary to petitioners' passionate insistence, there lies no *res judicata* between Civil Case No. 4991 and the final judgment rendered in the unlawful detainer case it filed against private respondent.

In **Cagayan De Oro Coliseum, Inc. v. Court of Appeals**,^[13] we rejected claims of *res judicata* upon the following disquisition -

"The present petition hinges on the procedural issue of whether petitioner is barred by *res judicata* from assailing the validity of the execution proceedings over the subject property. Private respondent argues that Civil Case No. 89-098, the second action, is barred by the first action,