

SECOND DIVISION

[G.R. No. 124262, October 12, 1999]

**TOMAS CLAUDIO MEMORIAL COLLEGE, INC., PETITIONER VS.
COURT OF APPEALS, HON. ALEJANDRO S. MARQUEZ, CRISANTA
DE CASTRO, ELPIDIA DE CASTRO, EFRINA DE CASTRO, IRENEO
DE CASTRO AND ARTEMIO DE CASTRO ADRIANO,
RESPONDENTS.**

DECISION

QUISUMBING, J.:

This special civil action for *certiorari* seeks to set aside the Decision of the Court Appeals dated August 14, 1995, in CA-G.R. SP No. 36349, and its Resolution dated March 15, 1996, which denied petitioner's motion for reconsideration.

On December 13, 1993, private respondents filed an action for Partition before the Regional Trial Court of Morong, Rizal. They alleged that their predecessor-in-interest, Juan De Castro, died intestate in 1993 and they are his only surviving and legitimate heirs. They also alleged that their father owned a parcel of land designated as Lot No. 3010 located at Barrio San Juan, Morong, Rizal, with an area of two thousand two hundred sixty nine (2,269) square meters more or less. They further claim that in 1979, without their knowledge and consent, said lot was sold by their brother Mariano to petitioner. The sale was made possible when Mariano represented himself as the sole heir to the property. It is the contention of private respondents that the sale made by Mariano affected only his undivided share to the lot in question but not the shares of the other co-owners equivalent to four fifths (4/5) of the property.

Petitioner filed a motion to dismiss contending, as its special defense, lack of jurisdiction and prescription and/or laches. The trial court, after hearing the motion, dismissed the complaint in an Order dated August 18, 1984. On motion for reconsideration, the trial court, in an Order dated October 4, 1994, reconsidered the dismissal of the complaint and set aside its previous order. Petitioner filed its own motion for reconsideration but it was denied in an Order dated January 5, 1995.

Aggrieved, petitioner filed with the Court of Appeals a special civil action for *certiorari* anchored on the following grounds: a) the RTC has no jurisdiction to try and take cognizance of the case as the causes of actions have been decided with finality by the Supreme Court, and b) the RTC acted with grave abuse of discretion and authority in taking cognizance of the case.

After the parties filed their respective pleadings, the Court of Appeals, finding no grave abuse of discretion committed by the lower court, dismissed the petition in a Decision dated August 14, 1995. Petitioner filed a timely motion for reconsideration but it was denied in a Resolution dated March 15, 1996. Hence this petition.

Petitioner submits the following grounds to support the granting of the writ of *certiorari* in the present case:

FIRST GROUND

THE HON. COURT OF APPEALS AND THE REGIONAL TRIAL COURT (BR. 79) HAD NO JURISDICTION TO TRY SUBJECT CASE (SP. PROC. NO. 118-M). THE "CAUSES OF ACTION" HEREIN HAVE BEEN FINALLY DECIDED BY THE HON. COURT OF FIRST INSTANCE OF RIZAL (BR. 31) MAKATI, METRO MANILA, AND SUSTAINED IN A FINAL DECISION BY THE HON. SUPREME COURT.

SECOND GROUND

THE HON. COURT OF APPEALS GRAVELY ABUSED ITS DISCRETION AND AUTHORITY WHEN IT SUSTAINED THE ORDERS OF THE HON. REGIONAL TRIAL COURT (BR. 79) DATED OCTOBER 4, 1994, AND THE ORDER DATED JANUARY 5, 1995, WHEN SAID RTC (BR. 79) INSISTED IN TRYING THIS CASE AGAINST TCMC WHEN IT HAS RULED ALREADY IN A FINAL ORDER THAT PETITIONER IS NOT A "REAL PARTY" IN INTEREST BY THE HON. REGIONAL TRIAL COURT (BR. 79) IN CIVIL CASE NO. 170, ENTITLED ELPIDIA A. DE CASTRO, ET. AL. vs. TOMAS CLAUDIO MEMORIAL COLLEGE, ET. AL., WHICH CASE INVOLVED THE SAME RELIEF, SAME SUBJECT MATTER AND THE SAME PARTIES.

THIRD GROUND

THE HON. COURT OF APPEALS GRAVELY ABUSED ITS DISCRETION AND AUTHORITY WHEN IT CAPRICIOUSLY AND WHIMSICALLY DISREGARDED THE EXISTENCE OF RES JUDICATA IN THIS CASE.

The pivotal issues to be resolved in this case are: whether or not the Regional Trial Court and/or the Court of Appeals had jurisdiction over the case, and if so, whether or not the Court of Appeals committed grave abuse of discretion in affirming the decision of the Regional Trial Court.

In assailing the Orders of the appellate court, petitioner invokes Rule 65 of the Rules of Court as its mode in obtaining a reversal of the assailed Decision and Resolution. Before we dwell on the merits of this petition, it is worth noting, that for a petition for *certiorari* to be granted, it must be shown that the respondent court committed grave abuse of discretion equivalent to lack or excess of jurisdiction and not mere errors of judgment, for *certiorari* is not a remedy for errors of judgment, which are correctible by appeal.^[1] By grave abuse of discretion is meant such capricious and whimsical exercise of judgment as is equivalent to lack of jurisdiction, and mere abuse of discretion is not enough -- it must be grave.^[2]

In the case at hand, there is no showing of grave abuse of discretion committed by the public respondent. As correctly pointed out by the trial court, when it took cognizance of the action for partition filed by the private respondents, it acquired jurisdiction over the subject matter of the case.^[3] Jurisdiction over the subject matter of a case is conferred by law and is determined by the allegations of the complaint irrespective of whether the plaintiff is entitled to all or some of the claims asserted therein.^[4] Acquiring jurisdiction over the subject matter of a case does not