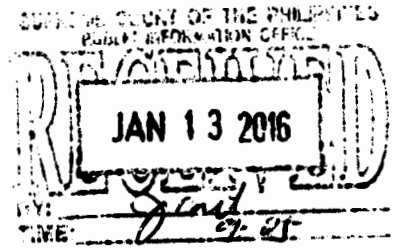




Republic of the Philippines
Supreme Court
 Manila



FIRST DIVISION

ROLANDO S. ABADILLA, JR.,
 Petitioner,

G.R. No. 210855

Present:

- versus -

SERENO, C.J., Chairperson,
 LEONARDO-DE CASTRO,
 BERSAMIN,
 PEREZ, and
 PERLAS-BERNABE, JJ.

SPOUSES BONIFACIO P. OBRERO and BERNABELA N. OBRERO, and JUDITH OBRERO-TIMBRESA,
 Respondents.

Promulgated:

DEC 09 2015

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DECISION

PERLAS-BERNABE, J.:

Assailed in this petition for review on *certiorari*¹ are the Decision² dated August 31, 2012 and the Resolution³ dated January 7, 2014 rendered by the Court of Appeals (CA) in CA-G.R. SP No. 116714, which annulled and set aside the Orders dated March 1, 2010⁴ and August 11, 2010,⁵ respectively, of the Regional Trial Court of Laoag City, Branch 14 (RTC) in Civil Case No. 14371-14, dismissing with prejudice the complaint for injunction and damages with prayer for writ of preliminary injunction filed by respondents-spouses Bonifacio P. Obrero and Bernabela N. Obrero (Sps. Obrero), and Judith Obrero-Timbresa (Judith; collectively, respondents).

¹ *Rollo*, pp. 9-38.

² Id. at 43-57. Penned by Associate Justice Magdangal M. De Leon with Associate Justices Stephen C. Cruz and Myra V. Garcia-Fernandez concurring.

³ Id. at 59-61.

⁴ Id. at 103-105. Penned by Presiding Judge Francisco R.D. Quilala.

⁵ Id. at 111.

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The Facts

The subject matter of the present controversy is a beachfront property with an area of 7,899 square meters, more or less, located in Barangay 37, Calayab, Laoag City (subject property). Respondents, together with Airways Development Corporation (Airways), were declared⁶ as the registered owners thereof and issued Original Certificate of Title (OCT) No. 460-L on September 20, 1999.⁷ In a subsequent action for partition, however, together with other related cases, the subject property was titled in respondents' names under Transfer Certificate of Title (TCT) No. T-38422 where the latter constructed cottages and other structures.⁸

On September 22, 2007, claiming that the subject property was part of a 13-hectare land previously sold to his father, petitioner Rolando S. Abadilla, Jr. (Abadilla, Jr.) forcibly entered the subject property with the assistance of armed men.⁹ Thereafter, Abadilla, Jr.'s men blocked the way to the apartelle erected on the subject property and demolished the other structures found therein.¹⁰ This prompted respondents to file on October 1, 2007 a complaint¹¹ for ejectment (forcible entry) with an application for the issuance of a writ of preliminary injunction against Abadilla, Jr. before the Municipal Trial Court in Cities in Laoag City (MTCC), docketed as Civil Case No. 3329 (*ejectment case*). Unfortunately, respondents' application for the issuance of a writ of preliminary injunction was later on deemed abandoned.¹²

On July 18, 2008, respondents filed the present complaint¹³ for injunction and damages with prayer for the issuance of a writ of preliminary injunction against Abadilla, Jr. before the RTC, docketed as Civil Case No. 14371-14 (*injunction case*), praying that the latter be enjoined from inflicting further damage on their persons and the subject property and that actual, moral, and exemplary damages, as well as attorney's fees and other costs, be awarded to them.¹⁴

In his defense,¹⁵ Abadilla, Jr. claimed, among others, that respondents were guilty of forum-shopping, contending that respondents were seeking the same nature of reliefs from the MTCC and the RTC arising from the

⁶ By virtue of a Decision of the RTC dated December 3, 1998 (not attached to the *rollo*). See *id.* at 103 and 114.

⁷ *Id.* at 44-45.

⁸ See *id.* at 114-115.

⁹ *Id.* at 45.

¹⁰ *Id.*

¹¹ Dated September 28, 2007. *Id.* at 95-100.

¹² See *id.* at 176. See also *id.* at 46 and 104.

¹³ *Id.* at 66-77.

¹⁴ *Id.* at 47.

¹⁵ See Answer (with Compulsory Counterclaims & Opposition to the Application for Writ of Preliminary Injunction) dated August 3, 2008; *id.* at 78- 94.

same set of facts which resulted in their dispossession of the subject property.¹⁶

On the other hand, respondents denied having committed forum-shopping, claiming no identity of subject matter between the *ejectment case* and the *injunction case*. They asseverated that the *ejectment case* was filed to “indicate their prior possession of the subject property,” while the *injunction case* was instituted “to seek the protection of the court and the grant of injunctive relief to prevent [Abadilla, Jr.] from inflicting further damage on their persons and property, as well as damages.”¹⁷

The RTC Ruling

In an Order¹⁸ dated March 1, 2010, the RTC dismissed the *injunction case* with prejudice on the ground of forum-shopping. In so ruling, the RTC found that the complaints in the *ejectment case* and the *injunction case*: (a) involved the same facts and circumstances, raised identical causes of action, subject matter and issues; (b) prayed that a writ of preliminary injunction be issued directing Abadilla, Jr. to cease from committing further acts of dispossession and to vacate the subject property; and (c) prayed for the award of actual, moral, and exemplary damages and attorney’s fees.¹⁹ The RTC concluded that since the MTCC in the *ejectment case* had deemed respondents to have abandoned their prayer for the issuance of a writ of preliminary injunction, the filing of the *injunction case*, which basically prayed for the same relief constituted forum-shopping.²⁰

Respondents moved for reconsideration,²¹ but was denied in an Order²² dated August 11, 2010. Aggrieved, respondents elevated the case to the CA via a petition for *certiorari*²³ instead of filing a notice of appeal.

The CA Ruling

In a Decision²⁴ dated August 31, 2012, the CA granted respondents’ *certiorari* petition, and annulled and set aside the March 1, 2010 and August 11, 2010 RTC Orders dismissing with prejudice the *injunction case*. It held that the cause of action in the *injunction case* stemmed not from Abadilla, Jr.’s occupation or possession of the subject property, but from the demolition of the structures constructed by respondents, as well as the

¹⁶ See *id.* at 86-87. See also *id.* at 48-49 and 103.

¹⁷ *Id.* at 103-104.

¹⁸ *Id.* at 103-105.

¹⁹ *Id.* at 104.

²⁰ *Id.* at 105.

²¹ See motion for reconsideration dated April 5, 2010; *id.* at 106-110.

²² *Id.* at 111.

²³ Filed on November 4, 2010. *Id.* at 112-129.

²⁴ *Id.* at 43-57.

damages brought about by Abadilla, Jr.'s acts of intimidating respondents and destroying their personal properties.²⁵ Contrary to Abadilla, Jr.'s claim, the *injunction case* did not ask for recovery of possession; instead, it prayed that he be enjoined from destroying the structures erected by respondents, and that the latter be compensated for the damages they have sustained.²⁶ As such, the separate case for injunction and damages was proper, and respondents cannot be said to have committed forum-shopping.

Moreover, the CA took cognizance of the *certiorari* petition, notwithstanding that the appropriate remedy to challenge the dismissal of the complaint for injunction and damages with prejudice is an appeal, citing the need to relax the rules to prevent irreparable damage and injury to the respondents, as held in *Francisco Motors Corporation v. CA*.²⁷

Abadilla, Jr.'s motion for reconsideration²⁸ was denied in a Resolution²⁹ dated January 7, 2014; hence, this petition.

The Issue Before the Court

The crucial issue for the Court's resolution is whether or not the CA erred in taking cognizance of the petition for *certiorari*, notwithstanding the wrong mode of appeal taken to assail the order of dismissal of the complaint for injunction and damages filed by respondents.

The Court's Ruling

The petition is meritorious.

An order of dismissal, whether correct or not, is a final order. It is not interlocutory because the proceedings are terminated; it leaves nothing more to be done by the lower court.³⁰ A final order is appealable, in accordance with the final judgment rule enunciated in Section 1,³¹ Rule 41 of the Rules

²⁵ Id. at 55.

²⁶ Id.

²⁷ Id. at 55-56. See G.R. Nos. 117622-23, October 23, 2006, 505 SCRA 8.

²⁸ Not attached to the *rollo*.

²⁹ *Rollo*, pp. 59-61.

³⁰ *Madrigal Transport Inc. v. Lapanday Holdings Corporation*, 479 Phil. 768, 784 (2004).

³¹ Section 1. *Subject of appeal*. – **An appeal may be taken from a judgment or final order that completely disposes of the case**, or of a particular matter therein when declared by these Rules to be appealable.

No appeal may be taken from:

(a) An order denying a petition for relief or any similar motion seeking relief from judgment;

(b) An interlocutory order;

(c) An order disallowing or dismissing an appeal;

(d) An order denying a motion to set aside a judgment by consent, confession or compromise on the ground of fraud, mistake or duress, or any other ground vitiating consent;

(e) An order of execution;

of Court (Rules) declaring that “[a]n appeal may be taken from a judgment or final order that completely disposes of the case, or of a particular matter therein when declared by these Rules to be appealable.”³²

In light of the foregoing rule, respondents’ remedy from the March 1, 2010 and August 11, 2010 RTC Orders, which dismissed with prejudice the *injunction case*, was therefore **an ordinary appeal**. To perfect the same, respondents should have filed a notice of appeal within fifteen (15) days from notice of the judgment or final order appealed from.³³ As the records³⁴ in this case reveal that they received a copy of the Order dated August 11, 2010 denying their motion for reconsideration on **August 31, 2010**, they had only until **September 15, 2010** within which to file a notice of appeal.

However, instead of doing so, respondents **erroneously filed a petition for certiorari** before the CA on **October 30, 2010**, or way **beyond the reglementary period within which to perfect an ordinary appeal**. Given the improper remedy taken, the order of dismissal rendered by the RTC has, thus, become final and immutable and, therefore, can no longer be altered or modified in any respect. The doctrine of immutability of judgments bars courts from modifying decisions that had already attained finality, even if the purpose of the modification is to correct errors of fact or law.³⁵ As the only exceptions to the rule on the immutability of final judgments are (1) the correction of clerical errors, (2) the so-called *nunc pro tunc* entries which cause no prejudice to any party, and (3) void judgments,³⁶ none of which are obtaining in this case, and considering further that there lies no compelling reason to relax the rules of procedure, the CA erred when it took cognizance of respondents’ *certiorari* petition and rendered judgment thereon.

It should be stressed that procedural rules are not to be disdained as mere technicalities that may be ignored at will to suit the convenience of a party. Adjective law is important in ensuring the effective enforcement of substantive rights through the orderly and speedy administration of justice. These rules are not intended to hamper litigants or complicate litigation but, indeed to provide for a system under which a suitor may be heard in the correct form and manner and at the prescribed time in a peaceful confrontation before a judge whose authority they acknowledge. Procedural

(f) A judgment or final order for or against one or more of several parties or in separate claims, counterclaims, cross-claims and third-party complaints, while the main case is pending, unless the court allows an appeal therefrom; and

(g) An order dismissing an action without prejudice.

In any of the foregoing circumstances, the aggrieved party may file an appropriate special civil action as provided in Rule 65 (As amended by A.M. No. 07-7-12-SC, December 1, 2007.) Emphasis supplied.

³² *Jose v. Javellana*, 680 Phil. 10, 19-20 (2012).

³³ See Section 3, Rule 41, Rules of Court.

³⁴ See *certiorari* petition, *rollo*, p. 113.

³⁵ *Gadrinab v. Salamanca*, G.R. No. 194560, June 11, 2014, 726 SCRA 315, 328-329.


³⁶ *Gonzales v. Solid Cement Corporation*, G.R. No. 198423, October 23, 2012, 684 SCRA 344, 351.

rules have their own wholesome rationale in the orderly administration of justice. Justice has to be administered according to the Rules in order to obviate arbitrariness, caprice, or whimsicality.³⁷

The Court notes that the *ejectment case* before the MTCC has already been elevated to the Court, docketed as G.R. No. 199448,³⁸ which, in a Decision dated November 12, 2014, was resolved by upholding respondents' right of possession over the subject property on the strength of the title in their names. As such, they were justified in committing acts of possession over the said property, to the exclusion of Abadilla, Jr., notwithstanding the dismissal of the *injunction case* on technicality.

WHEREFORE, the petition is **GRANTED**. The Decision dated August 31, 2012 and the Resolution dated January 7, 2014 rendered by the Court of Appeals in CA-G.R. SP No. 116714 are hereby **REVERSED** and **SET ASIDE**. The Orders dated March 1, 2010 and August 11, 2010 of the Regional Trial Court of Laoag City, Branch 14 in Civil Case No. 14371-14, which had long attained finality, are **REINSTATED**.


SO ORDERED.

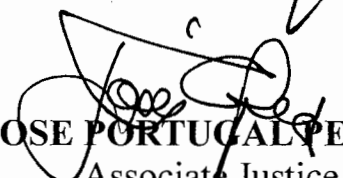

ESTELA M. PERLAS-BERNABE
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice


TERESITA J. LEONARDO-DE CASTRO
Associate Justice


LUCAS P. BERSAMIN
Associate Justice


JOSE PORTUGAL PEREZ
Associate Justice

³⁷ *Bank of the Philippine Islands v. CA*, 646 Phil. 617, 627 (2010), citing *Tible & Tible Company, Inc. v. Royal Savings and Loan Association*, 574 Phil. 20, 38 (2008).

³⁸ Entitled "*Rolando S. Abadilla, Jr. v. Spouses Bonifacio P. Obrero and Bernabela N. Obrero.*"

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARIA LOURDES P. A. SERENO

Chief Justice