



CERTIFIED TRUE COPY  
*Wilfredo V. Lapan*  
 WILFREDO V. LAPAN  
 Division Clerk of Court  
 Third Division

OCT 12 2018

Republic of the Philippines  
 Supreme Court  
 Manila

THIRD DIVISION

ERNESTINA A. PAGDANGANAN, G.R. No. 202678  
 RODERICK APACIBLE  
 PAGDANGANAN, MARIA  
 ROSARIO LOTA, represented by  
 her Attorney-in-Fact, ERNESTINA  
 A. PAGDANGANAN, ERNEST  
 JEROME PAGDANGANAN, and  
 SANDRA APACIBLE  
 PAGDANGANAN, as the heirs and  
 substitutes of deceased ISAURO J.  
 PAGDANGANAN, ALFONSO  
 ORTIGAS OLONDRIZ, and  
 CITIBANK N.A. HONG KONG  
 Petitioners,

Present:

PERALTA, J., *Chairperson*,  
 LEONEN,  
 REYES A., JR.,\*  
 GESMUNDO, and  
 REYES J., JR., *JJ*.

-versus-

THE COURT OF APPEALS and  
 MA. SUSANA A.S. MADRIGAL,  
 MA. ANA A.S. MADRIGAL, MA.  
 ROSA A.S. MADRIGAL,  
 MATHILDA S. OLONDRIZ,  
 VICENTE A.S. MADRIGAL,  
 ROSEMARIE OPIS-MALASIG,  
 MARIA TERESA S. UBANO,  
 EDUARDO E. DELA CRUZ, and  
 GUILLER B. ASIDO,  
 Respondents.

Promulgated:  
 September 5, 2018

*Wilfredo V. Lapan*

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DECISION

\* Designated Acting member per Special Order No, 2588 dated August 28, 2018.

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**LEONEN, J.:**

A petition for mandamus praying for this Court to compel the Court of Appeals to resolve a case becomes moot if the Court of Appeals resolves the case with finality during the pendency of the petition.

This is a Petition for Mandamus<sup>1</sup> seeking to compel the Court of Appeals to resolve the Petition in CA-G.R. SP No. 104291,<sup>2</sup> alleging that the Court of Appeals committed inordinate delay in violation of the right to speedy disposition of cases of Ernestina A. Pagdanganan, Roderick Apacible Pagdanganan, Maria Rosario Lota, represented by her Attorney-in-Fact, Ernestina A. Pagdanganan, Ernest Jerome Pagdanganan and Sandra Apacible Pagdanganan, as the heirs and substitutes of deceased Isauro J. Pagdanganan (Pagdanganan), Alfonso Ortigas Olondriz (Alfonso), and Citibank N.A. Hongkong (collectively, petitioners).

Solid Guaranty, Inc. (Solid Guaranty) is a domestic corporation engaged in the insurance business.<sup>3</sup>

On November 23, 2007, Solid Guaranty, through Pagdanganan, a minority stockholder, filed a complaint for interpleader<sup>4</sup> before the Regional Trial Court of Manila. The complaint was filed because of the alleged conflicting claims between Ma. Susana A.S. Madrigal, Ma. Ana A.S. Madrigal, and Ma. Rosa A.S. Madrigal (collectively, the Madrigals), and Citibank N.A. Hongkong (Citibank) over the shares of stock previously held by the late Antonio P. Madrigal.<sup>5</sup> The case was docketed as Civil Case No. 07-118329.<sup>6</sup>

While Civil Case No. 07-118329 was pending, the Madrigals called for a Special Stockholders' Meeting to be held on November 26, 2007 at the Mandarin Hotel, Makati City.<sup>7</sup>

On November 26, 2007, the Special Stockholders' Meeting was held at the Mandarin Hotel. New members of the Board of Directors were

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<sup>1</sup> Rollo, pp. 3–54.

<sup>2</sup> Entitled "*The Solid Guaranty, Inc., Heirs of Isauro J. Pagdanganan, Alfonso Ortigas Olondriz, and Citibank N.A. Hong Kong v. Judge Antonio M. Eugenio, Jr., Presiding Judge of Branch 24, Regional Trial Court of Manila, Ma. Susana A.S. Madrigal, Ma. Ana A.S. Madrigal, Ma. Rosa A.S. Madrigal, Mathilda S. Olondriz, Vicente A.S. Madrigal, Rosemarie Opis-Malasisig, Maria Teresa S. Ubano, Eduardo E. Dela Cruz, and Guiller B. Asido.*"

<sup>3</sup> Rollo, p. 1037.

<sup>4</sup> Id. at 59–66.

<sup>5</sup> Id. at 60–61.

<sup>6</sup> Id. at 59.

<sup>7</sup> Id. at 1037.

elected.<sup>8</sup>

On December 17, 2007, Solid Guaranty and Pagdanganan amended their complaint in Civil Case No. 07-118329 to implead as additional defendants the newly elected directors and officers. They also sought to nullify the stockholders' meeting and election of the directors and officers.<sup>9</sup>

On January 18, 2008, newly elected Corporate Secretary Ma. Teresa S. Ubano (Ubano) filed an Urgent Motion for Permission to Take Custody of the Stock Transfer Book and Other Corporate Records of Solid Guaranty before the Regional Trial Court.<sup>10</sup>

In a letter dated May 15, 2008, the Insurance Commission informed newly elected President Vicente A.S. Madrigal (Vicente) of the consequences of Solid Guaranty's failure to comply with the minimum capitalization of ₱150,000,000.00.<sup>11</sup>

On May 16, 2008, Ubano filed another motion for the purpose of registering the transfer of stock from Balek, Inc. to newly elected General Manager Guiller Asido (Asido) and Terri Madrigal.<sup>12</sup>

On June 17, 2008, the Regional Trial Court granted Ubano's second motion, considering that the shares of stock to be transferred were not subject of the interpleader suit.<sup>13</sup>

On June 19, 2008, Ubano called for the holding of a Special Stockholders' Meeting to be held on June 30, 2008. Among the agenda was the approval of the Minutes of the November 26, 2007 Special Stockholders' Meeting and the ratification of the acts of the newly elected Board of Directors.<sup>14</sup> Solid Guaranty and Pagdanganan filed a motion with the Regional Trial Court to prevent the holding of the meeting.<sup>15</sup>

On June 27, 2008, the Regional Trial Court issued a Joint Order<sup>16</sup> authorizing the holding of the meeting. In particular, the Joint Order stated:

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<sup>8</sup> Id.

<sup>9</sup> Id. at 1038.

<sup>10</sup> Id.

<sup>11</sup> Id. at 1038–1039.

<sup>12</sup> Id. at 1039.

<sup>13</sup> Id. at 987–988. The Order was penned by Judge Antonio M. Eugenio, Jr. of Branch 24, Regional Trial Court, Manila.

<sup>14</sup> Id. at 40.

<sup>15</sup> Id. at 1040.

<sup>16</sup> Id. at 57–58. The Joint Order was penned by Judge Antonio M. Eugenio, Jr. of Branch 24, Regional Trial Court, Manila.

[T]o avert any serious damage or prejudice to the operation of the corporation, specially in light of complying with the Insurance Commission's Circular on capital requirements, the Court hereby authorizes the holding of a Stockholder's Meeting pursuant and in accordance with the By-Laws and applicable laws.

All items in the agenda whether provided for in the special as well as in the annual stockholders' meeting as called by opposing parties shall be included and discussed in the said Stockholders' Meeting. The classification of the meeting, whether regular or special, shall be determined by the will of the stockholders present thereat taking into consideration the requirements of the quorum.<sup>17</sup>

On June 30, 2008, the Special Annual Stockholders' Meeting was held and new members of the Board of Directors were elected.<sup>18</sup>

On July 11, 2008, Solid Guaranty, Pagdanganan, another minority stockholder, Alfonso, and Citibank filed a Petition for Certiorari, Prohibition, and Mandamus, with Prayer for a Writ of Preliminary Injunction<sup>19</sup> with the Court of Appeals. They alleged that the Regional Trial Court committed grave abuse of discretion in allowing the holding of the June 30, 2008 stockholders' meeting despite the pendency of the interpleader suit.<sup>20</sup> They impleaded the Madrigals, Asido, Ubano, Mathilda S. Olondriz (Mathilda), Vicente, Rosemarie Opis-Malasig (Malasig), Eduardo E. Dela Cruz (Dela Cruz), and Judge Antonio M. Eugenio, Jr., Presiding Judge of Branch 24, Regional Trial Court of Manila.<sup>21</sup>

On July 28, 2008, Solid Guaranty, Pagdanganan, Alfonso, and Citibank filed a Motion for Leave to File Supplemental Petition.<sup>22</sup> Meanwhile, comments to the Petition were filed by the Madrigals, Vicente, Malasig, Ubano, and Asido on August 5, 2008,<sup>23</sup> and by Mathilda and Dela Cruz on August 12, 2008.<sup>24</sup> Solid Guaranty, Pagdanganan, Alfonso, and Citibank filed a Motion to Admit Second Supplemental Petition<sup>25</sup> dated September 30, 2008, which was received by the Court of Appeals on October 6, 2008.<sup>26</sup>

On October 8, 2008, the Court of Appeals granted the Motion for Leave to File Supplemental Petition.<sup>27</sup> On October 13, 2008, it directed the

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<sup>17</sup> Id.

<sup>18</sup> Id. at 1041.

<sup>19</sup> Id. at 31–54.

<sup>20</sup> Id. at 42.

<sup>21</sup> Id. at 31.

<sup>22</sup> Id. at 206–217.

<sup>23</sup> Id. at 241–263.

<sup>24</sup> Id. at 581–589.

<sup>25</sup> Id. at 681–694.

<sup>26</sup> Id. at 681.

<sup>27</sup> Id. at 714.

submission of comments on the Second Supplemental Petition.<sup>28</sup> All the parties, however, had submitted their respective memoranda by October 17, 2008.<sup>29</sup>

On December 12, 2008, Solid Guaranty, Pagdanganan, Alfonso, and Citibank filed a Motion for Leave to File Third Supplemental Petition.<sup>30</sup>

In its October 22, 2009 Resolution,<sup>31</sup> the Court of Appeals acknowledged that the case could have already been submitted for decision but was deferred because of the subsequent filing of the Second and Third Supplemental Petitions. Nonetheless, it directed the filing of comments on the Third Supplemental Petition.<sup>32</sup> Thus, a Comment<sup>33</sup> dated November 12, 2009 was filed.

On October 6, 2010, the Court of Appeals issued a Resolution<sup>34</sup> expunging from the record the Second and Third Supplemental Petitions. It also deemed the case submitted for decision.<sup>35</sup> In particular, it noted:

This case is already ripe for determination had it not been for the filing of the instant Motions and the consequent filing of pleadings. For in fact, the parties had already submitted their respective Memoranda.<sup>36</sup>

On October 29, 2010, Solid Guaranty, Pagdanganan, Alfonso, and Citibank filed a Motion for Reconsideration of the October 6, 2010 Resolution.<sup>37</sup>

On March 24, 2011, Pagdanganan passed away; thus, counsel moved for the substitution of parties.<sup>38</sup> On October 21, 2011, the Court of Appeals ordered the filing of comment on the Motion for Reconsideration.<sup>39</sup> A

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<sup>28</sup> Id. at 715.

<sup>29</sup> Id. at 604–667.

<sup>30</sup> Id. at 750–763.

<sup>31</sup> Id. at 807–808. The Resolution was penned by Associate Justice Sesonando E. Villon and concurred in by Associate Justices Hakim S. Abdulwahid and Stephen C. Cruz of the Special Fourteenth Division of the Court of Appeals, Manila.

<sup>32</sup> Id.

<sup>33</sup> Id. at 810–819.

<sup>34</sup> Id. at 821–824. The Resolution was penned by Associate Justice Sesonando E. Villon (Acting Chair) and concurred in by Associate Justices Mario V. Lopez and Amy C. Lazaro-Javier of the Special Fifth Division of the Court of Appeals.

<sup>35</sup> Id. at 824.

<sup>36</sup> Id. at 823–824.

<sup>37</sup> Id. at 825–831.

<sup>38</sup> Id. at 833–836. Pagdanganan was substituted by his heirs, namely, Ernestina Pagdanganan, Roderick Apacible Pagdanganan, Maria Rosario Lota, Ernest Jerome Pagdanganan, and Sandra Apacible Pagdanganan.

<sup>39</sup> Id. at 1012. The Resolution was penned by Associate Justice Sesonando E. Villon and concurred in by Associate Justices Mario V. Lopez and Amy C. Lazaro-Javier of the Former Special Fifth Division of the Court of Appeals, Manila.



Vigorous Opposition was filed on December 5, 2011.<sup>40</sup>

On January 2, 2012, Solid Guaranty, the Heirs of Pagdanganan, Alfonso, and Citibank filed a Motion for Mediation with the Court of Appeals.<sup>41</sup> On March 1, 2012, they likewise filed a Motion for Resolution.<sup>42</sup>

While the Motions were pending with the Court of Appeals, or on August 2, 2012, the Heirs of Pagdanganan, Alfonso, and Citibank filed this Petition for Mandamus<sup>43</sup> against the Court of Appeals, the Madrigals, Mathilda, Vicente, Malasig, Ubano, Dela Cruz, and Asido before this Court. They allege that the Court of Appeals committed inordinate delay in resolving their Petition filed on July 11, 2008. They claimed that the Court of Appeals' "continued inaction on the case is clearly a neglect of its judicial duties."<sup>44</sup>

In their Comment/Opposition,<sup>45</sup> respondents the Madrigals, Vicente, Malasig, Ubano, and Asido argue that the Court of Appeals did not neglect its duty to resolve the instant case. They attribute the delay in the resolution of this case to the numerous supplemental petitions filed by petitioners for which the Court of Appeals had to afford respondents an opportunity to be heard. If not for the numerous supplemental petitions, the case would have already been resolved.<sup>46</sup>

In its December 14, 2012 Resolution,<sup>47</sup> the Court of Appeals denied the Motion for Mediation as it was unilaterally made. It also denied the Motion for Reconsideration of its October 6, 2010 Resolution. It again deemed the case submitted for decision.<sup>48</sup>

On February 8, 2013, the Court of Appeals rendered a Decision<sup>49</sup> dismissing the petition as the questioned orders of the Regional Trial Court were not rendered in grave abuse of discretion. Thus, respondents the Madrigals, Vicente, Malasig, Ubano, and Asido filed a Manifestation<sup>50</sup> dated February 18, 2013, attaching a copy of the Court of Appeals February 8, 2013 Decision and praying that this Court dismiss this case as the issues

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<sup>40</sup> Id. at 841–852.

<sup>41</sup> Id. at 853–855.

<sup>42</sup> Id. at 856–859.

<sup>43</sup> Id. at 3–30.

<sup>44</sup> Id. at 18.

<sup>45</sup> Id. at 953–964.

<sup>46</sup> Id. at 961–962.

<sup>47</sup> Id. at 1014–1021. The Resolution was penned by Associate Justice Sesonando E. Villon and concurred in by Associate Justices Florito S. Macalino and Manuel M. Barrios of the Seventeenth Division, Court of Appeals, Manila.

<sup>48</sup> Id. at 1015–1017.

<sup>49</sup> Id. at 1036–1052. The Decision was penned by Associate Justice Sesonando E. Villon and concurred in by Associate Justices Florito S. Macalino and Eduardo B. Peralta, Jr. of the Seventeenth Division, Court of Appeals, Manila.

<sup>50</sup> Id. at 1032–1034.

raised have already become moot and academic.

This Court noted their Manifestation and directed the parties to file their respective memoranda.<sup>51</sup>

In their Memorandum, petitioners claim that the Court of Appeals “did not comply with its constitutional and statutory mandate to decide the incidents and the merits of [the case] within the prescribed period, and had violated the rights of the petitioners to a speedy disposition of their case.”<sup>52</sup> In particular, they point out that their 2008 petition was resolved by the Court of Appeals only in 2013, or more than the required 12-month period, in violation of their rights.<sup>53</sup>

Respondents, on the other hand, contend that any delay in the resolution of the case was due to petitioners’ numerous motions. They point out that due to these motions, the Court of Appeals was constrained to first resolve pending incidents before repeatedly submitting the case for decision. They likewise argue that the prayer for the issuance of a writ of mandamus has since become moot due to the promulgation of the Court of Appeals February 8, 2013 Decision.<sup>54</sup>

Petitioners counter, however, that the February 8, 2013 Decision did not render the case moot since it had not yet become final. The Court of Appeals had yet to resolve their Motion for Reconsideration.<sup>55</sup>

From the arguments of the parties, the issue for resolution before this Court is whether or not the Court of Appeals committed inordinate delay in resolving the petition in CA-G.R. SP No. 104291. Before this issue can be addressed, however, this Court must first pass upon the issue of whether or not the petition has already become moot in view of the Court of Appeals February 8, 2013 Decision.

## I

The Petition is dismissed for being moot and academic.

A petition for mandamus may be filed against any tribunal, corporation, board, officer, or person who is alleged to have unlawfully neglected the performance of a duty arising from that office, trust, or

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<sup>51</sup> Id. at 1075-A-1075-C.

<sup>52</sup> Id. at 1089.

<sup>53</sup> Id. at 1089–1090.

<sup>54</sup> Id. at 1125–1126.

<sup>55</sup> Id. at 1093–1094.

station.<sup>56</sup> In this case, petitioners pray for the issuance of a writ of mandamus to compel the Court of Appeals to resolve their Petition in CA-G.R. SP No. 104291.

However, the Court of Appeals has already rendered its Decision on February 8, 2013. It issued a Resolution<sup>57</sup> dated March 10, 2014 on petitioners' Motion for Reconsideration. CA-G.R. SP No. 104291 has already been fully resolved by the Court of Appeals. In *Baldo v. Commission on Elections*:<sup>58</sup>

A case becomes moot when there is no more actual controversy between the parties or no useful purpose can be served in passing upon the merits. Courts will not determine a moot question in a case in which no practical relief can be granted. It is unnecessary to indulge in academic discussion of a case presenting a moot question, as a judgment thereon cannot have any practical legal effect or, in the nature of things, cannot be enforced.<sup>59</sup>

In *Philippine Charity Sweepstakes Employees Association v. Court of Industrial Relations*,<sup>60</sup> a petition for mandamus was filed to compel the Court of Industrial Relations to resolve an urgent petition for the issuance of preliminary mandatory injunction. While the petition for mandamus was pending before this Court, the Court of Industrial Relations issued a Resolution denying the application for the issuance of the writ of preliminary mandatory injunction. This Court was, thus, constrained to dismiss the petition for mandamus as it had already become moot and academic.

In *Apao v. Tizon*,<sup>61</sup> several persons were charged with double murder. These persons subsequently filed a motion for bail before the Court of First Instance of Zamboanga del Sur. The motion for bail, however, was denied for being prematurely filed as the information had not yet been filed. Thus, they filed a petition for mandamus before this Court, seeking to compel the Assistant Provincial Fiscal to file the information so that the Court of First Instance could act on their urgent motion for bail. While the petition for mandamus was pending before this Court, the Assistant Provincial Fiscal filed the information for double murder. The Court of First Instance

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<sup>56</sup> See RULES OF COURT, Rule 65, sec. 3.

<sup>57</sup> *Solid Guaranty, et al. v. Judge Eugenio, et al.*, CA-G.R. SP. No. 104291, March 10, 2014. The Resolution may be viewed at <<http://services.ca.judiciary.gov.ph/casestatusinquiry-war/faces/jsp/view/ViewResult.jsp>>.

<sup>58</sup> 607 Phil. 281 (2009) [Per J. Chico-Nazario, En Banc].

<sup>59</sup> Id. at 286, citing *Villarico v. Court of Appeals*, 424 Phil. 26, 33–34 (2002) [Per J. Quisumbing, Second Division]; *Pepsi-Cola Products Philippines, Inc. v. Secretary of Labor*, 371 Phil. 30, 43 (1999) [Per J. Purisima, Third Division]; and *Lanuza, Jr. v. Yuchengco*, 494 Phil. 125 (2005) [Per J. Chico-Nazario, Second Division].

<sup>60</sup> 150-B Phil. 694 (1972) [Per J. Fernando, First Division].

<sup>61</sup> 135 Phil. 171 (1968) [Per J. Dizon, En Banc].



likewise conducted a hearing on the motion for bail. The petition for mandamus, therefore, was dismissed for being moot and academic.

In this Petition, petitioners prayed for the issuance of a writ of mandamus to compel the Court of Appeals to resolve CA-G.R. SP No. 104291.<sup>62</sup> However, the Court of Appeals already rendered a Decision in CA-G.R. SP No. 104291 on February 8, 2013. It also resolved petitioners' Motion for Reconsideration on March 10, 2014. Despite the occurrence of these subsequent events, petitioners, in their Memorandum, reiterated their prayer for this Court to compel the Court of Appeals to resolve CA-G.R. SP No. 104291.<sup>63</sup>

Any issuance of a writ of mandamus in this case, however, becomes an exercise in futility. The Court of Appeals cannot be compelled to resolve a case it has already fully resolved. This Petition must be dismissed for being moot.

## II

Even assuming that this Court could still pass upon the substantive issue in this case, the Petition would still be denied for lack of merit. The Court of Appeals did not delay in resolving CA-G.R. SP No. 104291.

All persons have the constitutional right to speedy disposition of cases.<sup>64</sup> To this end, the Constitution specifies specific time periods when courts may resolve cases:

Section 15. (1) All cases or matters filed after the effectivity of this Constitution must be decided or resolved within twenty-four months from date of submission for the Supreme Court, and, unless reduced by the Supreme Court, twelve months for all lower collegiate courts, and three months for all other lower courts.<sup>65</sup>

Under this provision, the Court of Appeals is given a 12-month period to resolve any case that has already been submitted for decision. Any case still pending 12 months after submission for decision may be considered as delay. The parties may file the necessary action, such as a petition for mandamus, to protect their constitutional right to speedy disposition of cases.<sup>66</sup>

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<sup>62</sup> *Rollo*, p. 24.

<sup>63</sup> *Id.* at 1101.

<sup>64</sup> CONST., art. III, sec. 16.

<sup>65</sup> CONST., art. VIII, sec. 15(1).

<sup>66</sup> *See Cagang v. Sandiganbayan*, G.R. No. 206438, July 31, 2018 <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2018/july2018/206438.pdf>> [Per J. Leonen, En Banc].

In this case, however, petitioners' invocation of the right to speedy disposition of cases is misplaced since the Court of Appeals has resolved the petition in a timely manner within the period provided by law.

Petitioners filed their Petition for Certiorari, Prohibition, and Mandamus before the Court of Appeals on July 11, 2008.<sup>67</sup> On July 15, 2008, the Court of Appeals required respondents to submit their comment on this Petition.<sup>68</sup> On July 28, 2008, however, petitioners filed a Motion for Leave to File Supplemental Petition.<sup>69</sup>

Meanwhile, respondents filed their Comment on August 5, 2008,<sup>70</sup> while petitioners filed their Reply on August 15, 2008.<sup>71</sup> On September 17, 2008, the Court of Appeals directed the parties to submit their respective memoranda.<sup>72</sup> On September 30, 2008, however, petitioners filed a Motion to Admit Second Supplemental Petition.<sup>73</sup> Thus, on October 13, 2008, the Court of Appeals directed the submission of comments on the Second Supplemental Petition.<sup>74</sup> Nonetheless, all the parties had already submitted their respective memoranda by October 17, 2008.<sup>75</sup>

On December 12, 2008, petitioners again filed a Motion for Leave to File a Third Supplemental Petition.<sup>76</sup> In its frustration, the Court of Appeals issued a Resolution<sup>77</sup> dated October 22, 2009, stating:

From the records, it appears that the herein parties have already submitted their respective memoranda, thus this Court could have very well considered this case submitted for decision.<sup>78</sup>

Owing to the requirements of due process, the Court of Appeals, however, directed respondents to file their comments on the Third Supplemental Petition, after which, the case would be deemed submitted for

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<sup>67</sup> *Rollo*, p. 31.

<sup>68</sup> *Id.* at 205. The Resolution was penned by Associate Justice Sesonando E. Villon and concurred in by Associate Justices Andres B. Reyes, Jr. (Chair, now an Associate Justice of this Court) and Jose Catral Mendoza (now a retired Associate Justice of this Court) of the Fourth Division, Court of Appeals, Manila.

<sup>69</sup> *Id.* at 206–217.

<sup>70</sup> *Id.* at 262.

<sup>71</sup> *Id.* at 410.

<sup>72</sup> *Id.* at 603.

<sup>73</sup> *Id.* at 681–694.

<sup>74</sup> *Id.* at 715.

<sup>75</sup> *Id.* at 604–667.

<sup>76</sup> *Id.* at 750–763.

<sup>77</sup> *Id.* at 807–808. The Resolution was penned by Associate Justice Sesonando E. Villon and concurred in by Associate Justices Hakim S. Abdulwahid and Stephen C. Cruz of the Special Fourteenth Division, Court of Appeals, Manila.

<sup>78</sup> *Id.* at 807.

decision.<sup>79</sup> Thus, respondents submitted a Comment dated November 12, 2009.<sup>80</sup>

After assessing the merits of the Second and Third Supplemental Petitions, the Court of Appeals expunged them both and deemed the case submitted for decision<sup>81</sup> in its October 6, 2010 Resolution.<sup>82</sup> The Court of Appeals reiterated:

This case is already ripe for determination had it not been for the filing of the instant Motions and the consequent filing of pleadings. For in fact, the parties had already submitted their respective Memoranda.<sup>83</sup>

Despite this pronouncement, petitioners proceeded to file on October 29, 2010 a Motion for Reconsideration of the October 6, 2010 Resolution.<sup>84</sup> However, petitioner Pagdanganan died on March 24, 2011 and had to be substituted as party.<sup>85</sup> It was only after the substitution of his heirs that the Court of Appeals directed the filing of comment on the Motion for Reconsideration on October 21, 2011. Petitioners' Vigorous Opposition<sup>86</sup> was filed on December 5, 2011.<sup>87</sup>

Seemingly undeterred by the number of pleadings in this case now pending before the Court of Appeals, petitioners filed a Motion for Mediation<sup>88</sup> on January 3, 2012.

On December 14, 2012, the Court of Appeals issued a Resolution<sup>89</sup> denying the Motion for Reconsideration<sup>90</sup> and the Motion for Mediation.<sup>91</sup> The dispositive portion of the Resolution read:

WHEREFORE, in view of the foregoing, petitioners' Motion for Mediation is DENIED. The parties having filed their respective

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<sup>79</sup> Id. at 808.

<sup>80</sup> Id. at 810–818.

<sup>81</sup> Id. at 824.

<sup>82</sup> Id. at 821–824. The Resolution was penned by Associate Justice Sesonando E. Villon and concurred in by Associate Justices Mario V. Lopez and Amy C. Lazaro-Javier of the Special Fifth Division, Court of Appeals, Manila.

<sup>83</sup> Id. at 823–824.

<sup>84</sup> Id. at 825–831.

<sup>85</sup> Id. at 833–836.

<sup>86</sup> Id. at 1012. The Resolution was penned by Associate Justice Sesonando E. Villon and concurred in by Associate Justices Mario V. Lopez and Amy C. Lazaro-Javier of the Former Special Fifth Division, Court of Appeals, Manila.

<sup>87</sup> Id. at 841–852.

<sup>88</sup> Id. at 853–855.

<sup>89</sup> Id. at 1014–1021. The Resolution was penned by Associate Justice Sesonando E. Villon and concurred in by Associate Justices Florito S. Macalino and Manuel M. Barrios of the Seventeenth Division, Court of Appeals, Manila.

<sup>90</sup> Id. at 1015–1016.

<sup>91</sup> Id. at 1014–1015.

memoranda, we reiterate our earlier pronouncement considering the instant petition as SUBMITTED FOR DECISION.

SO ORDERED.<sup>92</sup>

It was only on December 14, 2012 that the Court of Appeals declared with finality that CA-G.R. SP No. 104291 was deemed submitted for decision.

The Court of Appeals finally resolved the Petition in its February 8, 2013 Decision,<sup>93</sup> or less than two (2) months from its final pronouncement submitting the case for decision.

It was, thus, inaccurate for petitioners to accuse the Court of Appeals of delay in resolving their petition filed in 2008 without taking into account the numerous pleadings they had filed while the petition was pending.

The Court of Appeals repeatedly explained to petitioners that their case could have been resolved sooner had they not filed their numerous motions. Vigilance should not be a license for parties to incessantly badger courts into action. Inundating courts with countless interlocutory motions for the sole purpose of moving the case along can only be counterproductive. Instead of resolving the main petition, courts will have to devote their time and resources in resolving these pleadings.

Petitioners are reminded that litigation is not won by the party who files the most pleadings. Had they exercised even the slightest bit of patience, they would have realized that the Court of Appeals exerted efforts to resolve their case with due and deliberate dispatch.

**WHEREFORE**, the Petition is **DISMISSED** for being moot and academic.

**SO ORDERED.**

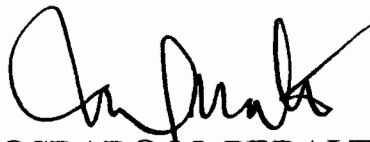
  
MARVIC M.V.F. LEONEN  
Associate Justice

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<sup>92</sup> Id. at 1017.

<sup>93</sup> Id. at 1036–1050.

WE CONCUR:



**DIOSDADO M. PERALTA**  
Associate Justice  
Chairperson


*Reyes*  
**ANDRES B. REYES, JR.**  
Associate Justice

*Alexander G. Gesmundo*  
**ALEXANDER G. GESMUNDO**  
Associate Justice

*Jose C. Reyes, Jr.*  
**JOSE C. REYES, JR.**  
Associate Justice

**ATTESTATION**

I attest 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.



**DIOSDADO M. PERALTA**  
Associate Justice  
Chairperson, Third Division

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, 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.

*Teresito Leonardo de Castro*  
**TERESITA J. LEONARDO-DE CASTRO**  
Chief Justice

**CERTIFIED TRUE COPY**  
*Wilfredo V. Labitan*  
**WILFREDO V. LABITAN**  
Division Clerk of Court  
Third Division

OCT 12 2018