



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **07 September 2020** which reads as follows:*

“G.R. No. 248722 (Lorenza G. Capariño v. Century Limitless Corporation). – After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the December 21, 2018² and July 18, 2019³ Orders of the Regional Trial Court of Parañaque City, Branch 195 (RTC) in Civil Case No. 2016-279 for failure of petitioner Lorenza G. Capariño (petitioner) to sufficiently show that the RTC committed any reversible error in dismissing her counterclaim.

As correctly ruled by the RTC, petitioner’s counterclaim is permissive in nature because: (a) it will not be barred if not set up in the answer to the complaint; (b) it can proceed independently of the main case; and (c) it will not require a re-litigation of the same evidence if allowed to proceed in a separate action. Moreover, the issues of fact and law raised by respondent Century Limitless Corporation’s action for injunction and by petitioner’s counterclaim are not the same, such that conducting separate trials of the respective claims of the parties will not entail substantial duplication of time and effort by the parties and the court. Being permissive, petitioner’s counterclaim is, therefore, in the nature of an initiatory pleading,⁴ which requires the payment of docket fees,⁵ as well as the filing of a certificate of non-forum shopping, pursuant to Sections 7 and 8, Rule 141 and Sections 4 and 5, Rule 7, of the Rules of Court, respectively, in order for the RTC to acquire jurisdiction, the absence of such requirements in this case justified the permissive counterclaim’s dismissal.

¹ Rollo (Vol. I), pp. 37-82.

² Id. at 86-90. Signed by Judge Aida Estrella Macapagal-Fojas.

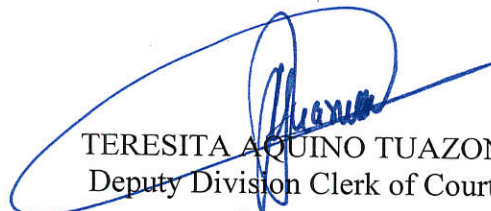
³ Id. at 91.

⁴ See *Cruz-Agana v. Santiago-Lagman*, 495 Phil. 188-194 (2005).

⁵ See *Bungcayao, Sr. v. Fort Ilocandia Property Holdings and Development Corporation*, 632 Phil. 391-401 (2010); and See *Villanueva-Ong v. Enrile*, G.R. No. 212904, November 22, 2017.

SO ORDERED. (Inting, J., on official leave. Baltazar-Padilla, J., on leave.)”

By authority of the Court:


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court
28 SEP 2020

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HON. PRESIDING JUDGE (reg)
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(Civil Case No. 2016-279)

JUDGMENT DIVISION (x)
Supreme Court, Manila

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