

SECOND DIVISION

[G.R. NO. 157107, November 24, 2006]

**ALPINE LENDING INVESTORS AND/OR ROGELIO L. ONG,
PETITIONERS, VS. ESTRELLA CORPUZ, RESPONDENT.**

D E C I S I O N

SANDOVAL-GUTIERREZ, J.:

For our resolution is the instant petition for review on certiorari assailing the Order dated December 13, 2002 of the Regional Trial Court (RTC), Branch 121, Caloocan City in Civil Case No. C-20124.

This case stemmed from a complaint for replevin filed with the said court by Estrella Corpuz, respondent, against Alpine Lending Investors (Alpine), one of the petitioners herein, and Zenaida Lipata, docketed as Civil Case No. C-20124. The complaint alleges that Zenaida was respondent's former neighbor. Pretending to help respondent in securing a Garage Franchise from the Land Transportation Office (LTO), Zenaida took from her the original registration papers of her vehicle, a Toyota Tamaraw FX with Plate No. UMR 660. Zenaida, using respondent's registration papers in representing herself as the owner of the vehicle, was able to retrieve it from Richmond Auto Center where it was being repaired. Thereafter, Zenaida disappeared with the vehicle. Respondent then reported the incident to the LTO Muntinlupa City Branch. There, she was informed that Zenaida mortgaged her vehicle with petitioner Alpine. The LTO showed respondent the Chattel Mortgage Contract bearing her forged signature.

Forthwith, respondent informed Alpine about the spurious mortgage and demanded the release of her vehicle. Alpine promised to comply with her request on condition that Zenaida should first be charged criminally.

Respondent then caused the filing with the Metropolitan Trial Court of Caloocan City complaints for falsification of private document and estafa against Zenaida. Eventually, a warrant of arrest was issued against her. Respondent informed Alpine about these developments, but the latter still refused to turn over the vehicle to her.

Instead of filing an answer to respondent's complaint, Alpine submitted to the RTC a motion to dismiss on the ground that it is not a juridical person, hence, not a proper party in the case.

In an Order dated September 2, 2002, the RTC denied Alpine's motion to dismiss.

Alpine then filed a motion for reconsideration, but it was denied. The RTC then directed respondent to file her amended complaint within ten (10) days.

However, respondent filed her Amended Complaint with an accompanying Motion to