

## **THIRD DIVISION**

**[ CA-G.R. SP No. 131372, February 04, 2015 ]**

**ALBERTO T. LOOYUKO, JR., ABRAHAM LOOYUKO, AND  
STEPHANIE LOOYUKO, IN SUBSTITUTION OF DECEASED,  
ALBERTO T. LOOYUKO, PETITIONERS, VS. JIMMY T. GO, AND  
HON. ROLANDO G. MISLANG, IN HIS CAPACITY AS PRESIDING  
JUDGE OF REGIONAL TRIAL COURT, BR. 167, PASIG CITY,  
RESPONDENTS.**

### **D E C I S I O N**

#### **CARANDANG, J.:**

Alleging that public respondent Judge Rolando G. Misleng committed grave abuse of discretion amounting to lack or excess of jurisdiction, petitioners Alberto, Abraham, and Stephanie, all surnamed Looyuko in substitution of their late father Alberto T. Looyuko, filed before this Court a Petition for Certiorari assailing the Orders dated May 22, 2012 and June 6, 2013 issued by the said public respondent. The May 22, 2012 Order granted the Ex-Parte Motion (For Annotation of Lis Pendens) of private respondent Jimmy T. Go, the decretal portion of which reads:

“WHEREFORE, the Registry of Deeds of the Cities of Muntinlupa, Quezon City, San Juan, Manila, Cavite, Mandaluyong, are hereby directed to cause the annotation of the titles of the properties listed in Annex “A” of the subject motion.

On the other hand, the Order dated June 6, 2013 denied the Motion of petitioners for the reconsideration of the May 22, 2012 Order of public respondent.

The late Alberto T. Looyuko (Alberto) and private respondent Jimmy Go (Jimmy) were former business partners. Sometime in the early seventies, they both established Noah's Ark Merchandising. Their business flourished and they ventured into other businesses. It was, however, their agreement that for record purposes the business ventures will be registered in the name of Alberto but they are both entitled to 1/2 or 50% of the business, goodwill, profits, real and personal properties owned by the companies they had established.<sup>[1]</sup>

Alberto and Jimmy's business partnership remained strong for several years. However, in 1997, they had a falling out resulting in their filing of civil as well as criminal cases against each other. One of these cases is Civil Case No. 67921 which Jimmy filed against Alberto on May 23, 2000, for Specific Performance, Accounting, Inventory of Assets and Damages with Prayer for Temporary Restraining Order and/or Preliminary Injunction.<sup>[2]</sup> During the course of the proceeding, Alberto died and was substituted by his children Alberto, Jr., Abraham, and Stephanie. The partnership assets consist of personal and real properties.

On February 16, 2012, Jimmy Go filed an Urgent Ex-parte Motion (For Annotation of Lis Pendens) alleging that the personal and real properties of the partnership they had established are in grave danger of being illegally conveyed. Thus, he asked the trial court that a Notice of lis pendens be annotated in all the titles of the real properties of the partnership to keep them within the power of the court until final judgment to prevent the defeat of the final judgment by successive alienation and to warn any prospective buyers and bind any purchaser of the subject properties to the judgment or decree that the trial court may render.

On May 22, 2012, the trial court issued an Order<sup>[3]</sup> granting the Motion of Jimmy and ordered the Registers of Deeds of several cities to cause the annotation on the titles of the partnership's real properties of the pending litigation. Their Motion for Reconsideration<sup>[4]</sup> having been denied by the trial court, the heirs of Alberto Looyuko are now before this Court via a Petition for Certiorari under Rule 65 on the ground that –

- i. The respondent Honorable Judge committed grave abuse of discretion amounting to lack or excess of jurisdiction in not considering the fact that the complaint filed by private respondent is an action *in personam*.
- ii. The respondent Honorable Judge committed grave abuse of discretion amounting to lack or excess of jurisdiction in ordering that the Registr[ies] of Deeds of the Cities of Muntinlupa, Quezon City, San Juan, Manila, Cavite, and Mandaluyong to cause the annotation on the titles of the properties listed in Annex "A" of the subject order.

In gist, petitioners' argument is that the trial court committed grave abuse of discretion amounting to lack or excess of jurisdiction in issuing the assailed Orders since the causes of actions of private respondent are actions *in personam* which do not involve title to or right of possession of real property. Petitioners assert that annotation of *lis pendens* in the title of a property is not proper when the proceeding instituted is an action *in personam*.

We find the argument of petitioners bereft of merit.

*Lis pendens*, which literally means pending suit, refers to the jurisdiction, power or control which a court acquires over property involved in a suit, pending the continuance of the action, and until final judgment. Founded upon public policy and necessity, *lis pendens* is intended (1) to keep the properties in litigation within the power of the court until the litigation is terminated and to prevent the defeat of the judgment or decree by subsequent alienation; and (2) to announce to the whole world that a particular property is in litigation and serves as a warning that one who acquires an interest over said property does so at his own risk, or that he gambles on the result of the litigation over said property.<sup>[5]</sup>

The registration of a notice of *lis pendens* is governed by Section 14, Rule 13 of the Rules of Court:

"Sec. 14. *Notice of lis pendens*. - In an action affecting the title or the right of possession of real property, the plaintiff and the defendant, when