

## SECOND DIVISION

[ G.R. No. 186522, September 02, 2015 ]

**ROWENA C. DE LEON AS SUBSTITUTED BY HER CHILDREN JOHN KEVIN C. DE LEON AND EISENHOWER CALLUMBA, PETITIONERS, VS. LOLITA CHU AND DOMINGO DELOS SANTOS, RESPONDENTS.**

### DECISION

**BRION, J.:**

This is a petition for review on *certiorari* filed from the 17 December 2007 Decision and 3 February 2009 Resolution of the Court of Appeals (CA) in **CA-G.R. CV No. 88241**.<sup>[1]</sup> The assailed Decision and Resolution denied the petitioner's appeal in the consolidated **Civil Case No. 2257** and **LRC Case No. 1322**.

### ANTECEDENTS

On 18 November 1999, petitioner Rowena C. De Leon (*Rowena*) filed a petition before the Regional Trial Court (RTC) in Gapan against respondent Lolita Chu (*Lolita*). Rowena demanded Lolita's surrender of the Transfer Certificate of Title (TCT) No. 228526 covering a 50-square meter parcel of land in San Roque, Cabiao, Nueva Ecija. The case was raffled to Branch 35 and docketed as **LRC Case No. 1322**.

Rowena alleged that before leaving for Saudi Arabia in June 1997, she entrusted the title to Lolita who thereafter refused to return it. Rowena claimed that she bought the property from respondent Domingo Delos Santos (*Domingo*) as evidenced by a Deed of Absolute Sale dated 19 March 1993. However, the same Deed of Absolute Sale also showed that out of the 600-square meter property he then owned, Domingo separately sold the remaining 550 square meters to Lolita.

On 17 May 2000, Lolita and Domingo filed a case against Rowena before the RTC of Gapan for the annulment of the Deed of Sale dated 19 March 1993, and for the cancellation of TCT No. 228526. The case was raffled to Branch 87 and docketed as **Civil Case No. 2257**.

Lolita and Domingo claimed that on 17 December 1990, Domingo sold to Lolita his 600-square meter portion of a parcel of land [Lot G-2-A]. They executed the Deed of Absolute Sale on the same date. Before leaving for Japan on 5 September 1992, Lolita entrusted the document to Rowena. Thereafter, Rowena allegedly forged their signatures in certain documents<sup>[2]</sup> to make it appear that Domingo transferred a 50-square meter portion of the land to Rowena. Rowena used the falsified documents to subdivide the portion as Lot No. G-2-A-1-A and to register it in her name under TCT No. 228526.

On 14 July 2000, Lolita filed her answer in LRC Case No. 1322. She denied the

accusations and alleged that her and Domingo's signatures in the 19 March 1993 Deed of Sale had been forged.

In her answer in Civil Case No. 2257, Rowena admitted that Domingo executed the deed of sale only in favor of Lolita. However, she claimed: (1) that she had already paid Domingo consideration for the 50-square meter portion; and (2) that the three of them had an internal arrangement not to include her (Rowena) in the deed of sale because the Bureau of Lands had not yet approved the subdivision plan for Domingo's property. She further claimed that she executed the allegedly forged documents upon the advice and consent of Lolita.

On 29 January 2001, Lolita filed a Motion to Suspend the Proceedings in LRC Case No. 1322 due to the pendency of Civil Case No. 2257, which results, she claimed, would determine the disposition of the first case (Case No. 1322).

On 8 August 2001, the RTC denied the Motion to Suspend the Proceedings in LRC Case No. 1322 because that case had been filed ahead of Civil Case No. 2257.

Upon motion of both parties to Civil Case No. 2257, this case was nonetheless consolidated with LRC Case No. 1322 per Order dated 8 February 2002. The consolidated case was assigned to Branch 35.

After trial on the merits, the RTC rendered its decision on 28 August 2006, in favor of Lolita and Domingo, after finding that Rowena had falsified their signatures. The RTC ruling reads:

WHEREFORE, premises considered, judgment is hereby rendered in favor of the plaintiffs in Civil Case No. 2257 and against the plaintiff in LRC Case No. 1322, declaring the Deed of Sale dated March 19, 1993, and the Agreement of Subdivision dated April 30, 1993, as null and void and of no force and effect and ordering the Register of Deeds of Nueva Ecija to cancel TCT No. NT-228526 in the name of Rowena Amparo C. de Leon. Accordingly, LRC Case No. 1322 is hereby DISMISSED.

Rowena appealed to the Court of Appeals (CA) and raised a lone assignment of error, to wit:

THE HONORABLE COURT A QUO GRAVELY ERRED IN RENDERING A DECISION NOT IN ACCORD WITH EXISTING LAWS AND APPLICABLE JURISPRUDENCE BY DISMISSING L.R. CASE NO. 1322 AND INSTEAD GIVING DUE COURSE TO CIVIL CASE NO. 2257 DESPITE THE FACT THAT APPELLEES ARE GUILTY OF FORUM SHOPPING.<sup>[3]</sup>

The CA denied the appeal in its Decision promulgated on 17 December 2007. The CA held that the dismissal of Civil Case No. 2257 was not warranted. The submission of a false certificate of non-forum shopping only constitutes indirect contempt and will not cause the immediate dismissal of the case unless a party deliberately committed forum shopping.

The CA further held that Rowena failed to pursue the proper remedies to resolve the alleged submission of a false certificate of non-forum shopping. Moreover, she also filed a motion to consolidate Civil Case No. 2257 with LRC Case No. 1322, effectively absolving Domingo and Lolita from sanctions for the supposed forum shopping.