

FIRST DIVISION

[G.R. No. 210855, December 09, 2015]

**ROLANDO S. ABADILLA, JR., PETITIONER, VS. SPOUSES
BONIFACIO P. OBRERO AND BERNABELA N. OBRERO, AND
JUDITH OBRERO-TIMBRESA, RESPONDENTS.**

D E C I S I O N

PERLAS-BERNABE, J.:

Assailed in this petition for review on *certiorari*^[1] are the Decision^[2] dated August 31, 2012 and the Resolution^[3] dated January 7, 2014 rendered by the Court of Appeals (CA) in CA-G.R. SP No. 116714, which annulled and set aside the Orders dated March 1, 2010^[4] and August 11, 2010,^[5] respectively, of the Regional Trial Court of Laoag City, Branch 14 (RTC) in Civil Case No. 14371-14, dismissing with prejudice the complaint for injunction and damages with prayer for writ of preliminary injunction filed by respondents-spouses Bonifacio P. Obrero and Bernabela N. Obrero (Sps. Obrero), and Judith Obrero-Timbresa (Judith; collectively, respondents).

The Facts

The subject matter of the present controversy is a beachfront property with an area of 7,899 square meters, more or less, located in Barangay 37, Calayab, Laoag City (subject property). Respondents, together with Airways Development Corporation (Airways), were declared^[6] as the registered owners thereof and issued Original Certificate of Title (OCT) No. 460-L on September 20, 1999.^[7] In a subsequent action for partition, however, together with other related cases, the subject property was titled in respondents' names under Transfer Certificate of Title (TCT) No. T-38422 where the latter constructed cottages and other structures.^[8]

On September 22, 2007, claiming that the subject property was part of a 13-hectare land previously sold to his father, petitioner Rolando S. Abadilla, Jr. (Abadilla, Jr.) forcibly entered the subject property with the assistance of armed men.^[9] Thereafter, Abadilla, Jr.'s men blocked the way to the apartelle erected on the subject property and demolished the other structures found therein.^[10] This prompted respondents to file on October 1, 2007 a complaint^[11] for ejectment (forcible entry) with an application for the issuance of a writ of preliminary injunction against Abadilla, Jr. before the Municipal Trial Court in Cities in Laoag City (MTCC), docketed as Civil Case No. 3329 (*ejectment case*). Unfortunately, respondents' application for the issuance of a writ of preliminary injunction was later on deemed abandoned.^[12]

On July 18, 2008, respondents filed the present complaint^[13] for injunction and

damages with prayer for the issuance of a writ of preliminary injunction against Abadilla, Jr. before the RTC, docketed as Civil Case No. 14371-14 (*injunction case*), praying that the latter be enjoined from inflicting further damage on their persons and the subject property and that actual, moral, and exemplary damages, as well as attorney's fees and other costs, be awarded to them.^[14]

In his defense,^[15] Abadilla, Jr. claimed, among others, that respondents were guilty of forum-shopping, contending that respondents were seeking the same nature of reliefs from the MTCC and the RTC arising from the same set of facts which resulted in their dispossession of the subject property.^[16]

On the other hand, respondents denied having committed forum-shopping, claiming no identity of subject matter between the *ejectment case* and the *injunction case*. They asseverated that the *ejectment case* was filed to "indicate their prior possession of the subject property," while the *injunction case* was instituted "to seek the protection of the court and the grant of injunctive relief to prevent [Abadilla, Jr.] from inflicting further damage on their persons and property, as well as damages."^[17]

The RTC Ruling

In an Order^[18] dated March 1, 2010, the RTC dismissed the *injunction case* with prejudice on the ground of forum-shopping. In so ruling, the RTC found that the complaints in the *ejectment case* and the *injunction case*: (a) involved the same facts and circumstances, raised identical causes of action, subject matter and issues; (b) prayed that a writ of preliminary injunction be issued directing Abadilla, Jr. to cease from committing further acts of dispossession and to vacate the subject property; and (c) prayed for the award of actual, moral, and exemplary damages and attorney's fees.^[19] The RTC concluded that since the MTCC in the *ejectment case* had deemed respondents to have abandoned their prayer for the issuance of a writ of preliminary injunction, the filing of the *injunction case*, which basically prayed for the same relief constituted forum-shopping.^[20]

Respondents moved for reconsideration,^[21] but was denied in an Order^[22] dated August 11, 2010. Aggrieved, respondents elevated the case to the CA via a petition for *certiorari*^[23] instead of filing a notice of appeal.

The CA Ruling

In a Decision^[24] dated August 31, 2012, the CA granted respondents' *certiorari* petition, and annulled and set aside the March 1, 2010 and August 11, 2010 RTC Orders dismissing with prejudice the *injunction case*. It held that the cause of action in the *injunction case* stemmed not from Abadilla, Jr.'s occupation or possession of the subject property, but from the demolition of the structures constructed by respondents, as well as the damages brought about by Abadilla, Jr.'s acts of intimidating respondents and destroying their personal properties.^[25] Contrary to Abadilla, Jr.'s claim, the *injunction case* did not ask for recovery of possession; instead, it prayed that he be enjoined from destroying the structures erected by respondents, and that the latter be compensated for the damages they have sustained.^[26] As such, the separate case for injunction and damages was proper,

and respondents cannot be said to have committed forum-shopping.

Moreover, the CA took cognizance of the *certiorari* petition, notwithstanding that the appropriate remedy to challenge the dismissal of the complaint for injunction and damages with prejudice is an appeal, citing the need to relax the rules to prevent irreparable damage and injury to the respondents, as held in *Francisco Motors Corporation v. CA*.^[27]

Abadilla, Jr.'s motion for reconsideration^[28] was denied in a Resolution^[29] dated January 7, 2014; hence, this petition.

The Issue Before the Court

The crucial issue for the Court's resolution is whether or not the CA erred in taking cognizance of the petition for *certiorari*, notwithstanding the wrong mode of appeal taken to assail the order of dismissal of the complaint for injunction and damages filed by respondents.

The Court's Ruling

The petition is meritorious.

An order of dismissal, whether correct or not, is a final order. It is not interlocutory because the proceedings are terminated; it leaves nothing more to be done by the lower court.^[30] A final order is appealable, in accordance with the final judgment rule enunciated in Section 1,^[31] Rule 41 of the Rules of Court (Rules) declaring that "[a]n appeal may be taken from a judgment or final order that completely disposes of the case, or of a particular matter therein when declared by these Rules to be appealable."^[32]

In light of the foregoing rule, respondents' remedy from the March 1, 2010 and August 11, 2010 RTC Orders, which dismissed with prejudice the *injunction case*, was therefore **an ordinary appeal**. To perfect the same, respondents should have filed a notice of appeal within fifteen (15) days from notice of the judgment or final order appealed from.^[33] As the records^[34] in this case reveal that they received a copy of the Order dated August 11, 2010 denying their motion for reconsideration on **August 31, 2010**, they had only until **September 15, 2010** within which to file a notice of appeal.

However, instead of doing so, respondents **erroneously filed a petition for *certiorari*** before the CA on **October 30, 2010**, or way **beyond the reglementary period within which to perfect an ordinary appeal**. Given the improper remedy taken, the order of dismissal rendered by the RTC has, thus, become final and immutable and, therefore, can no longer be altered or modified in any respect. The doctrine of immutability of judgments bars courts from modifying decisions that had already attained finality, even if the purpose of the modification is to correct errors of fact or law.^[35] As the only exceptions to the rule on the immutability of final judgments are (1) the correction of clerical errors, (2) the so-called *nunc pro tunc* entries which cause no prejudice to any party, and (3) void judgments,^[36] none of which are obtaining in this case, and considering further that there lies no