

## SECOND DIVISION

[ G.R. No. 193000, October 16, 2013 ]

**SPOUSES FELIPE AND EVELYN SARMIENTO AND SPOUSES GREG AND FELIZA AMARILLO. PETITIONERS, VS. SPOUSES RODOLFO AND CARMELITA MAGSINO, RESPONDENTS.**

### R E S O L U T I O N

**PEREZ, J.:**

For this Court's resolution is a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court assailing the Decision<sup>[1]</sup> dated 17 March 2010 or the Court of Appeals in CA-G.R. SP No. 106941 setting aside the Orders dated 22 September 2008<sup>[2]</sup> and 8 December 2008<sup>[3]</sup> of the Regional Trial Court of San Pedro, Laguna, Branch 31 (RTC Branch 31), in Civil Case No. SPL-1356-08, respectively, denying herein respondent spouses Rodolfo and Carmelita Magsino's (respondent spouses) (1) Motion to Dismiss the Complaint for Recovery of Possession and Ownership<sup>[4]</sup> (with application for temporary restraining order and preliminary injunction) filed by herein petitioners spouses Felipe and Evelyn Sarmiento and spouses Greg and Feliza Amarillo (collectively, petitioner); and (2) motion to reconsider such denial. In effect, RTC Branch 31 granted petitioners' application for writ of preliminary injunction and, accordingly, issued a writ of preliminary mandatory injunction restoring the latter to the possession of two parcels of land with improvements located at Pacita Complex 1, San Pedro, Laguna, which were originally covered by Transfer Certificate of Title (TCT) Nos. T-25674<sup>[5]</sup> and T-25674<sup>[6]</sup> and later by TCT Nos. T-6702935 and T-6702946 (subject properties), upon the posting of a bond, jointly and severally, in the amount of P400,000.00. Assailed as well is the Court of Appeals Resolution<sup>[7]</sup> dated 29 June 2010 denying respondent spouses' Motion for Reconsideration.

The facts of the case are as follows:

Initially, respondent spouses filed a **Complaint for Specific Performance and Damages (with application for writ of preliminary attachment)**<sup>[8]</sup> against Leopoldo and Elvira Calderon (spouses Calderon) before the RTC of San Pedro, Laguna, **Branch 93** (RTC Branch 93), docketed as **Civil Case No. SPL-0499**. In that Complaint, respondent spouses prayed, among others, that judgment be rendered ordering spouses Calderon to deliver the owner's duplicate copy of TCT Nos. T-256745 and T-256746 covering the subject properties and to execute a Deed of Absolute Sale over the said properties in their favor. In the alternative, respondent spouses prayed that spouses Calderon be ordered to reimburse the amount of P383,013.70 plus 12% interest per annum and the costs of suit should the execution of a Deed of Absolute Sale over the subject properties become legally impossible.<sup>[9]</sup>

**On 17 December 2002, RTC Branch 93 rendered a Decision granting the alternative relief prayed for by respondent spouses, thus, ordering spouses Calderon, among others, to jointly and severally reimburse the sum of P383,013.70 plus 12% interest per annum from the filing of the Complaint until fully paid.<sup>[10]</sup> RTC Branch 93 explained its ruling in this wise:**

x x x Records further reveal that **[spouses Calderon] had in fact sold the [subject properties] to [herein petitioners]** considering that [spouses Calderon are] no longer interested in selling the [subject properties] to [herein respondent spouses].

x x x [spouses Calderon] failed to comply with their obligation giving the option to [respondent spouses] to demand between the fulfillment of the obligation or the rescission of the obligation with payment of damages in either case. In the instant case, **fulfillment of the obligation had become impossible considering that [spouses Calderon] had sold the [subject properties] to third persons.**<sup>[11]</sup>

**The Court therefore grants the alternative relief prayed for by [respondent spouses] x x x.**<sup>[12]</sup> (Emphasis and underscoring supplied).

The aforesaid RTC Branch 93 Decision had become final and executory. Respondent spouses, thus, moved for its execution, which was granted in an Order dated 5 January 2004<sup>[13]</sup> and the corresponding writ of execution<sup>[14]</sup> was thereafter issued on 15 March 2004. In view of this, the Clerk of Court and Ex-Officio Sheriff of San Pedro, Laguna enforced the writ by levying the subject properties, which were still registered in the names of spouses Calderon albeit the same were already sold to petitioners and the latter were in possession thereof. On 27 August 2004, the levied subject properties were sold at public auction to respondent spouses, who were the highest bidder, for the sum of P800,000.00.<sup>[15]</sup>

The redemption period lapsed. Respondent spouses consequently requested for the issuance of a Certificate of Final Deed of Sale in their names.<sup>[16]</sup> On 24 October 2005, the sheriff issued the Deed,<sup>[17]</sup> which was subsequently confirmed by RTC Branch 93 in its Order dated 23 April 2007. RTC Branch 93 also declared lost the owner's duplicate copy of TCT Nos. T-256745 and T-256746 in the possession of petitioners and, accordingly, ordered the Register of Deeds of Calamba, Laguna to issue a new owner's duplicate copy in favor of respondent spouses upon payment of the prescribed legal fees.<sup>[18]</sup> In an Amended Order dated 5 June 2007,<sup>[19]</sup> RTC Branch 93 further declared null and void the owner's duplicate copy held by petitioners. In view thereof, TCT Nos. T-256745 and T-256746 in the names of spouses Calderon and in the possession of petitioners were cancelled and new TCTs were issued in the names of respondent spouses, i.e., TCT Nos. T-670293 and T-670294.

Accordingly, on 22 June 2007, respondent spouses filed a Petition<sup>[20]</sup> for the issuance of a writ of possession directing the sheriff to place them in actual physical possession of the subject properties and ordering spouses Calderon and petitioners

to turn over the possession thereof in their favor. Spouses Calderon did not oppose the same but petitioners filed an opposition thereto.<sup>[21]</sup> In an Order dated 3 July 2008,<sup>[22]</sup> RTC Branch 93 granted respondent spouses' Petition for Writ of Possession and the corresponding Writ of Possession<sup>[23]</sup> was thereafter issued on 28 July 2008. As a result, a Notice to Vacate<sup>[24]</sup> the subject properties was served upon petitioners and they were subsequently evicted therefrom. The subject properties were then turned over to respondent spouses' possession.<sup>[25]</sup>

Petitioners moved to recall the Notice to Vacate and to declare it null and void<sup>[26]</sup> but respondent spouses expectedly opposed the same.

**Nonetheless, prior to RTC Branch 93's resolution of petitioners' motion, the latter had already filed a separate Complaint for Recovery of Possession and Ownership of the Subject Properties (with application for temporary restraining order and preliminary injunction)<sup>[27]</sup> against respondent spouses before the RTC Branch 31, docketed as Civil Case No. SPL-1356-08.** In their Complaint, petitioners prayed, among others: (1) for the issuance of a temporary restraining order (TRO) against respondent spouses to restrain them from occupying the subject properties and to order them vacate the same; (2) for the said TRO to be converted, thereafter, to preliminary injunction to permanently prevent respondent spouses from occupying the subject properties and to order them vacate the same so that possession thereof could be restored to petitioners; and (3) for the cancellation of TCT Nos. T-670293 and T-670294 in the names of respondent spouses.<sup>[28]</sup>

In turn, respondent spouses filed their Opposition to the Application for Writ of Preliminary Injunction (with Answer to the Complaint)<sup>[29]</sup> alleging that the acts sought to be restrained was already *fait accompli*. Stated otherwise, there was nothing else to perform regarding the act sought to be restrained because as of 1 August 2008, the sheriff, upon the order of RTC Branch 93, had already placed respondent spouses in actual possession of the subject properties. Moreover, the Register of Deeds of Calamba City had already issued new TCTs over the subject properties in the names of respondent spouses. Respondent spouses also averred that the finality of the Decision of RTC Branch 93 is binding not only against spouses Calderon but also against petitioners, who are the successors-in-interest of the former.<sup>[30]</sup>

Respondent spouses also filed a Memorandum in Support of the Opposition to the Application for TRO with Motion to Dismiss Complaint<sup>[31]</sup> based on the following grounds: (1) RTC Branch 31 has no jurisdiction over the case; (2) there is another action pending between the same parties for the same cause; (3) the cause of action in the case before RTC Branch 31 is barred by the prior judgment of RTC Branch 93; (4) the case before RTC Branch 31 states no cause of action; (5) the claim or demand in the case before RTC Branch 31 has been abandoned or extinguished; and (6) the condition precedent for filing the claim has not been complied with.<sup>[32]</sup>

In an Order dated 22 September 2008, RTC Branch 31 denied respondent spouses' Motion to Dismiss but granted petitioners' application for writ of preliminary

injunction and issued<sup>[33]</sup> the same to restore the possession of the subject properties to petitioners upon the latter's posting of a bond, jointly and severally, in the amount of P400,000.00. RTC Branch 31 justified its ruling with the following ratiocination:

The motion to dismiss is bereft of merit. While the general rule is that no court has the authority to interfere with the judgment or decrees of another court of equal or concurrent or coordinate jurisdiction, it is not so when a third party claimant is involved. **The general rule is confined to cases where the property belongs to the defendant or one in which he has proprietary interest. But when the sheriff, acting beyond the bounds of his office seizes a stranger's property, the rule does not apply and interference with his custody is not interference with another court's order.** x x x.

x x x x

Prescinding from the foregoing and the present action being separate and distinct from that in which execution has been issued, there being no identity of parties and causes of action as to give rise to *res judicata* or *litis pendentia*, the allegation of forum shopping must perforce fail.

**Anent [herein petitioners'] application for a writ of preliminary injunction, the Court is convinced that there is a *prima facie* evidence of the existence of a right in [petitioners'] favor and that said right had been violated.** The decision in Civil Case No. SPL-[0499] by virtue of which [herein respondent spouses] obtained TCT No[s]. T-670293 and T-670294 expressly took notice that the properties subject of the aforesaid TCTs had already been sold to [petitioners] and for that reason, [respondent spouses] prayer for specific performance against the former owners, spouses Calderon was deemed no longer possible.

It may be argued that the dispossession of the [petitioners] is already a consummated act. However, it is a settled rule that even if the acts complained of have already been committed, but such acts are continuing in nature and were in derogation of [petitioners'] rights at the outset, preliminary mandatory injunction may be availed of to restore the parties to the status *quo*. x x x.

**Furthermore, the restoration of the [petitioners] to the possession of the [subject properties] is not tantamount to the disposition of the main case.** The Court is simply of the impression that based on the parties' presentations of their cases, there appears a probable violation of [petitioners'] rights and the injury [petitioners] have been suffering due to that violation is grave, serious and beyond pecuniary estimation. **Their restoration to possession pending litigation is a mere provisional remedy and is not determinative of the question of validity of the [respondent spouses'] titles which is the main issue in this case.**<sup>[34]</sup> (Emphasis and italics supplied).