

## EIGHTH DIVISION

[ CA-G.R. SP NO. 93359, August 31, 2006 ]

**HECTOR CASIMIRO LLADOC AND BENJAMIN LLADOC,  
REPRESENTED BY AUREA I. LLADOC, ATTORNEY-IN-FACT,  
PETITIONERS, VS. HON. ANGELES S. VELASQUEZ, PRESIDING  
JUDGE OF THE REGIONAL TRIAL COURT OF LIGAO CITY, BRANCH  
13, AND FLORA S. RELEVANTE, RESPONDENTS.**

### D E C I S I O N

#### **DACUDAO, J.:**

Impugned in this special civil action for certiorari, as tainted with grave abuse of discretion, amounting to lack or excess of jurisdiction, are: (1) the Order<sup>[1]</sup> issued on November 14, 2005 by the public respondent Judge of the Regional Trial Court of Ligao City, Branch 13, the Honorable Angeles S. Velasquez, which dismissed petitioners' Petition in LRC Case No. 157, entitled, "In Re: Petition for Re-Application for Registration of Hector Casimiro Lladoc, and Benjamin Lladoc, Applicants in Land Registration Case No. N-581, LRC No. N-44964 of Lot 2103 of Ligao Cadastre: Hector Casimiro Lladoc and Benjamin Lladoc, represented by Aurea I. Lladoc"; and (2) the Order<sup>[2]</sup> issued on December 12, 2005, by the same public respondent judge denying petitioner's Motion for Reconsideration thereon.

The factual background:

Sometime in August 1973, Hector Casimiro Lladoc and Benjamin Lladoc (now deceased), represented by their attorney-in-fact and sister-in-law Aurea I. Lladoc, filed before the then Court of First Instance of Albay, Tenth Judicial District, at Legaspi City, Land Registration Case No. N-581, an Application for Registration of Title over a parcel of land known as Lot No. 2103 of the Cadastral Survey of Ligao situated at Centro, Ligao, Albay, consisting of more or less One Thousand Seven Hundred Five (1,705) Square Meters, as described in Plan AP-05-000012. No decision was rendered thereon.

Some thirty-two years after, or on March 2, 2005, the petitioner Aurea I. Lladoc filed before the Regional Trial Court at Ligao City, a Petition for Re-application for Registration of Title.<sup>[3]</sup> Now thereat docketed as LRC Case No. 157, it is therein alleged, amongst others, that the petitioner is the attorney-in-fact of the petitioners Hector Casimiro Lladoc and Benjamin Lladoc, who pursuant to a Deed of Partition, filed an application for registration of title of a parcel of land known as Lot No. 2103; that said case was docketed as Land Reg. Case No. N-581, LRC Rec. No. N-44964; that no decree of registration was, or has been issued, covering said lot; that no cadastral decision was moreover rendered in that case; that on January 7, 2000, a certification was issued by the Office of the Clerk of Court, Regional Trial Court, 5th Judicial Region, Legaspi City, stating that the records of said Land Registration Case No. N-581, LRC Reg. No. N-44964 **could not be found in the archives** of the said

Court; that petitioners have been in actual possession of the subject property since 1940; and that the petitioner Aurea I. Lladoc is the successor-in-interest of the lawful owners of the said lot, her ownership thereof being evidenced by a Deed of Absolute Sale executed on November 24, 1994 by Hector Casimiro Lladoc, and by an Extrajudicial Partition and Sale executed on April 10, 2001 by the heirs of Benjamin Lladoc. Therein petitioners thus prayed that, after due notice and hearing, Land Reg. Case No. 581, LRC Rec. Rec. NO. 44694 be revived and that petitioners "be allowed to continue presentation of their evidence after republication and reposting of the required notices."

To this, private respondent Flora Relevante tendered a "Vigorous Opposition and/or Objection,"<sup>[4]</sup> thereunder arguing that the filing of the Petition for Re-application for Registration of Title in LRC Case No. 157, is a violation of the rule on non-forum shopping as she (private respondent) had earlier filed a Petition for Reconveyance of Ownership and Possession, Cancellation of Transfer Certificate of Title and Damages against the petitioner Aurea I. Lladoc and one Gina Quigaman, which petition is **still pending** before the Regional Trial Court, Branch 11, Ligao City, whereat it is docketed as Civil Case No. 2184.

Petitioners thereafter filed a Motion<sup>[5]</sup> praying that the Cadastral Case Number assigned to the aforementioned petition, LRC No. 157, be recalled and cancelled, and that, in lieu thereof, it be referred to by its previous cadastral case number N-581, LRA Record No. N-44964.

Resolving the motion, Her Honor issued an Order on November 14, 2005, therein finding and disposing:

"In Petitioners' Verification and Certification on Non-Forum Shopping, Aurea I. Lladoc in allegation No. 3 stated the following: 'To the best of our/my knowledge, no other action is pending or filed therein, inasmuch as LRC Case No. 140 filed by a certain Flora S. Relevante had been dismissed by the Regional Trial Court, Fifth Judicial Region, Branch 11, in Ligao City, Philippines on July 26, 2000 and became final and executory on August 27, 2000'. From the said statement, Aurea I. Lladoc was trying to imply that a case previously filed by Flora S. Relevante was dismissed on the merits of the case. **This is not so.** The records of LRC Case No. 140 show that Flora S. Relevante filed the case on September 23, 1997 but the said application was **dismissed without prejudice** by the Court on July 26, 2000, **by agreement of the parties.** A Motion for Revival and Reinstatement of the Case and a second motion for Revival and Reinstatement of the Case was (sic) denied by the Court on December 12, 2001. The Order denying the Motion to Reinstate says, 'not to defeat the purpose of Publication, and to give notice to all, it becomes necessary to refile the case and the application published anew.' The dismissal of the LRC Case No. 140 filed by Flora Salvo Relevante was not on the merits, but simply to deny the Motion for Reinstatement of the case. The Court simply states that Flora Salvo Relevante has to refile the case and the application be published anew.

"Likewise the **claim** of Aurea I. Lladoc that there is not other action pending between the parties is a **contumacious lie** considering the fact that **there is a pending case for recovery of ownership and**

**possession of land by Flora Salvo Relevante, petitioner versus Aurea Iguico Lladoc, Gina S. Quigaman and all persons claiming right over them, denominated as Civil Case No. 2184 and pending before Branch 11 of the Regional Trial Court, Ligao City.** Civil Case No. 2184 was filed by Flora Relevante on December 3, 2001. **The application for land registration in the present case, LRC Case No. 157 was filed only on March 2, 2005.** Such being the case, the LRC Case No. 157 is **definitely forum shopping**, knowing for a fact that there is another pending case between the parties in another court. The resolution of the present case will amount to **res judicata** in the said Civil Case No. 2184. In *Solid Homes Inc. versus CA, 271 SCRA 157*, it is said that the test to determine whether a party violated the rule against FORUM SHOPPING is where the elements of *litis pendentia* are present or where a final judgment in one case will amount to *res judicata* in another.

"In *Golongo versus CA, 283 SCRA 493*, the Supreme Court stated that what is truly important to consider in determining whether forum shopping exists or not, is the vexation caused the courts and parties-litigants by a party who asks different courts to grant the same or substantially the same reliefs, in the process creating possibility of conflicting decisions being rendered by the different courts upon the same issues. The most important of the above jurisprudence which are actually indicia of forum shopping are: when the final judgment in one case will amount to *res judicata* in another, or where the cases filed are substantially founded on the same transactions and the same essential facts and circumstances, or raising substantially the same issues, or more importantly, where there exists the possibility of conflicting decisions being rendered by different for a upon the issues.

"Counsel for the applicant must be aware that forum shopping is an act of malpractice and is proscribed and condemned as trifling with the courts and abusing their processes. It is improper conduct that degrades the administration of justice. The Rule ordains that a violation of the rule shall be a cause for the summary dismissal of both petitions, without prejudice to the taking of appropriate action against the counsel or parties concerned.

"This being the case and on the basis of the circumstances surrounding the filing of this petition, LRC Case No. 157 is therefore ordered DISMISSED.

"SO ORDERED.

"Ligao City, November 14, 2005.

"(Sgd.) ANGELES S. VASQUEZ  
"Judge"

Petitioners filed a Motion for Reconsideration thereon, but this motion<sup>[6]</sup> was denied for lack of merit. Her Honor ruled: